

TITLE XV: LAND USAGE

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CHAPTER 150: BUILDING REGULATIONS

Section

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§ 150.01 ADOPTION OF KENTUCKY BUILDING CODE; STANDARDS OF SAFETY.

The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; and the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances.  
Penalty, see § 150.99

§ 150.02 ADMINISTRATION.

The Building Inspector shall handle the duties of building inspection for the city.  
(Am. Ord. 91-13, passed 5-8-91)

§ 150.03 BUILDING PERMIT FEES.

Building permit fees for the city shall be as follows:

<u>VALUE OF CONSTRUCTION</u>	<u>PERMIT FEE</u>
\$ 50 to \$ 250	\$ 5
251 to 500	5
501 to 1,200	10
1,201 to 3,000	15
3,001 to 15,000	15 for first \$3000, plus 2.50 per \$1000 over \$3000
15,001 to 100,000	45 for first \$15,000, plus 2 per \$1000 over \$15,000
100,001 to 500,000	215 for first \$100,000, plus 1 per \$1000 over \$100,000
500,001 to 1,000,000	615 for first \$500,000, plus .15 per \$1000 over \$500,000

Any person who suffers loss due to fire, casualty, or act of God, and who seeks to repair or replace the existing structure without enlarging or improving same shall not be required to pay a fee for obtaining a building permit pursuant to this section.

<u>OTHER ACTIVITY</u>	<u>PERMIT FEE</u>
Moving building	\$10
Zoning amendment	25
Special exception	5 (i.e., conditional use permit)
Variance	5
Razing residential or commercial building (Am. Ord. 07-35, passed 9-24-07)	No fee required but a permit must still be obtained

§ 150.04 CULVERT CONSTRUCTION.

For all new culvert construction proposed within the city limits, the Carrollton Street Department shall be notified so that property owners and builders can be made aware of the city's specifications with regards to such construction. The property owner or builder shall purchase the materials necessary for such construction, and the city Street Department shall provide the labor for the installation of the culverts. Any necessary paving shall also be done by the city to make sure that the same conforms to city specifications.  
(Res. 96-13, passed 6-12-96)

§ 150.05 ELECTRICAL INSPECTION FEES.

(A) Electrical inspection fees for the city shall be as follows:

General inspection fees	\$60
Re-inspection after failed inspection	\$30
Multiple Inspections at or near the	\$60 for the initial inspection and \$30 or less for each additional inspection (based on number of additional inspections)
Large construction project fees	Based on state recommended percentage rates. Contact electrical inspector for rates.

(B) Some inspections may be performed at reduced or no fees. This is on a case by case basis for elderly, disabled, fixed income, low income, charity events, and the like.  
(Ord. 2015-03, passed 3-9-15)

§ 150.99 PENALTY.

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

(A) Violators of the Uniform State Building Code or the Uniform State Residential Code shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1,000 for each offense. (KRS 198B.990(1))

(B) Violators of the State Standards of Safety shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$1000, imprisonment for not more than 60 days, or both, for each offense. (KRS 227.990(1))

(C) Violators of the State Plumbing Code shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$100, imprisonment for not more than 90 days, or both, for each offense. (KRS 318.990)



Section

151.01 Designation of planning unit

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Cross-reference:

Planning Commission, see §§ 35.070 - 35.075

§ 151.01 DESIGNATION OF PLANNING UNIT.

The city shall engage in planning operations as an independent planning unit under the authority of KRS Chapter 100 and with all the powers, duties, and jurisdiction as provided in the chapter.  
(`78 Code, § 10-16) (Ord., passed 2-7-68)





Section

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Administration

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Cross-reference:

Floodplain District regulations, see § 156.026

GENERAL PROVISIONS

§ 152.01 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its more reasonable application.

"A ZONE." Portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall,

snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.

"ACCESSORY STRUCTURE (APPURTENANT STRUCTURE)." A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. 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. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, 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 of a structure in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"A1-30 AND AE ZONES." Special Flood Hazard Areas inundated by the 1% annual chance of flood (100-year flood). Base flood elevations (BFE) 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 shown.

"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 shown.

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

"AR/A1 -A30, AR/AE, AR/AH, AR/A0, 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.

"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.

"AREA OF SHALLOW FLOODING." A designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths 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. Said flooding is characterized by ponding or sheet flow.

"B and X ZONES (SHADED)." Areas of the 0.2% annual chance (500-year) flood, 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 the levees from the base flood.

"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." That portion of a building having its floor subgrade (below ground level) on all four sides.

"BUILDING." A walled and roofed structure that is principally above ground, including a manufactured home, gas or liquid storage tank, or other man-made facility or infrastructure. See definitions for structure.

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

"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 floodwaters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

"CRITICAL FACILITY." 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. 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 man-made 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 permanent storage of materials or equipment.

"ELEVATED STRUCTURE." A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls. (See freeboard requirements for residential and non-residential structures.)

"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 Base Flood Elevation (BFE) 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, permanent 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 Carrollton based on specific technical base flood elevation data which established the area of special flood hazards.

"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).

"FIVE HUNDRED 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 to low risk of flooding.

"FLOOD" or "FLOODING."

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows). See Mudslides.

(2) The condition resulting from flood-related erosion.

"FLOOD HAZARD BOUNDARY MAP (FHBM)." A map on which the boundaries of the flood, mudslide (i.e. 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) or Federal Insurance Administration (FIA).

"FLOOD INSURANCE RATE MAP (FIRM)." A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.

"FLOOD INSURANCE STUDY." The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the Flood Insurance Rate Map (FIRM) and/or the Flood Boundary Floodway Map 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 a NFIP participating 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 reserving 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 other 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, on a FEMA-approved 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." That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

"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 flood proofing level, but also to the level of protection provided to all components of the structure, such as building utilities HVAC components, etc.

"FRAUD AND VICTIMIZATION." As related in § 152.37, Appeals and Variance Procedures, of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Carrollton 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. 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. 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 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. This term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"GOVERNING BODY." The local governing unit, i.e. 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 misoperation 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).

"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:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of 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)."

(1) Increased cost of compliance coverage provides for the payment of a claim for the cost to comply with state or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a Standard Flood Insurance Policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, ICC will help pay up to \$30,000 for the cost to elevate, flood proof, demolish, or remove the building.

(2) 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.



"KENTUCKY REVISED STATUTE 151.250 - PLANS FOR DAMS, LEVEES, ETC. TO BE APPROVED AND PERMIT ISSUED BY CABINET" (Environmental and Public Protection Cabinet)

(1) Notwithstanding any other provision of law, no person and no city, county, or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the Department of Highways) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet by regulation may exempt those dams, embankments or other obstructions, which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply.

(2) No person, city, county or other political subdivision of the state shall commence the filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in subsection (1) above.

(3) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction reconstruction improvement enlargement maintenance or operation of any drainage district, ditch, or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Department for Natural Resources through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

"KENTUCKY REVISED STATUTE 151.320 - OFFICERS REQUIRED TO ENFORCE LAW."

(1) The mayor or chief executive officer of each city and the county judge/executive of each county, shall have the concurrent duty of enforcing with the cabinet within their respective cities and counties the provisions of KRS 151.250, 151.280 and 151.310 and rules and regulations issued there under.

(2) When a violation of KRS 151.250, 151.280 or 151.310 within his jurisdiction is brought to the attention of a mayor or chief executive officer of a city or a county judge/executive he shall immediately notify the cabinet of the location and details of such violation.

"LETTER OF MAP CHANGE (LOMC)." Is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's include the following categories:

(1) Letter of Map Amendment (LOMA). A revision based on technical data showing that a property was incorrectly 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 manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

(3) Letter of Map Revision. 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 man-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.

For a levee system to be recognized, the following criteria must be met:

(1) All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised).

(2) All operations must be under the jurisdiction of a federal or state agency, an agency created by federal or state law, or an agency of a community participating in the NFIP.

"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." The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure's foundation system.

"LOWEST FLOOR." The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, or structure access or storage, in an area other than a basement area, is not considered a building'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 for use with or without a permanent foundation when connected or attached to the required utilities. For floodplain management purposes, the term "MANUFACTURED HOME" also includes park trailers, travel trailers, and similar transportable structures placed on a site for greater than 180 consecutive days or longer and intended to be improved property. The term "MANUFACTURED HOME" does not include a "recreational vehicle". (See "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 structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. "MARKET VALUE." can be established by independent certified appraisal, replacement cost depreciated by age of structure (actual cash value) or adjusted assessed values.

"MEAN SEA LEVEL." The average height of the sea for all stages of the tide. For purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 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 (I.E. 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 (i.e. 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 (I.E. MUDFLOW) AREA MANAGEMENT." The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

"MUDSLIDE (I.E. 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, is a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older firms. 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 Carrollton's floodplain management regulations 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 the Carrollton's adopted floodplain management ordinances.

"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 FIRM's and Digitally Referenced FIRM's (FIRM's). (Refer to FIRM or FIRM legend panel 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.

"ONE-HUNDRED YEAR FLOOD (100-Year Flood) (see Base 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 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.

"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." Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

"POST-FIRM CONSTRUCTION." Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

"PROBATION." A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy to a \$50 surcharge.

"PROGRAM DEFICIENCY." A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.

"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 which is:

- (1) Built on a single chassis;
- (2) 400 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 temporarily 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 elevations determined in a 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 Base Flood.

"REMEDY A VIOLATION." 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. Reduced impact may include protecting the structure or other affected development from flood damages implementing the enforcement provisions of the ordinance 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 or more separate occasions during a ten-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more flood losses of \$1,000 or more over the life of the structure, or, three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

"RIVERINE." Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"SECTION 1316." That section of the National Flood Insurance Act of 1968, 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.

"SHEET FLOW AREA." See "Area of shallow flooding".

"SPECIAL FLOOD HAZARD AREA (SFHA)." That 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, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. 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; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or nor part of the main structure. 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 that is principally above ground, including manufactured homes, a gas or liquid storage tank, or other man-made facilities or infrastructures. See "Building".

"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." An 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." Means any damage to a building for which the cost of repairs equals or exceeds 50% of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss.

(1) For the purposes of this definition. "Repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor or other structural part of the building commences.

(2) The term does not apply to:

(a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or



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

"SUBSTANTIAL IMPROVEMENT." Any combination of reconstruction, alteration, or improvements to a building, taking place during a five-year period, in which the cumulative cost equals or exceeds 50% of the market value of the building. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Officer and which are solely necessary to assure safe living conditions, or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, or any building that has been damaged from any source or it categorized as repetitive loss.

"SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS." Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities, and pads equals or exceeds 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. New or renewal flood insurance policies are no longer available in suspended communities.

"UTILITIES." Includes electrical, heating, ventilation, plumbing, and air conditioning equipment.

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

"VIOLATION." Failure of a structure or other development to fully comply with this chapter. 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 ZONE." The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2%.

"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., passed 6-12-85; Am. Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

#### § 152.02 FINDINGS OF FACT, PURPOSE, AND OBJECTIVES.

##### (A) Findings of fact.

(1) The flood hazard areas of Carrollton are subject to periodic inundation which results 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 of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damages.

(B) 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 losses due to flooding by provisions designed to:

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

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

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

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

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

(C) Objectives. The objectives of this chapter are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

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

(4) To minimize prolonged business interruptions;

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

(6) To help maintain a stable tax base by providing 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;

(7) To insure that potential home buyers are on notice that property is in a Special Flood Hazard Area; and

(8) To insure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

(Ord., passed 6-12-85; Am. Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.03 LANDS TO WHICH REGULATIONS APPLY.

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 City Council of City of Carrollton from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City Council of the City of Carrollton which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Carrollton.

(Ord., passed 6-12-85; Am. Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.04 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL HAZARD. 2, 1989,

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Carroll County, dated July 17, 2007 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 by the City of Carrollton, and for those land areas acquired by the City of Carrollton through annexation. 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 City Council by the Floodplain Administrator and are enacted by City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of the City of Carrollton and are on file and available for review by the public during regular business hours at Carrollton City Hall, Office of Building Inspector/Code Official located at 750 Clay Street, Carrollton, Kentucky.

(Ord., passed 6-12-85; Am. Ord. 89-02, passed 1-13-89; Am. Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.05 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord., passed 6-12-85; Am. Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.06 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 conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord., passed 6-12-85; Am. Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.07 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and, deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord., passed 6-12-85; Am. Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.08 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 man-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 damages. This chapter shall not create liability on the part of the City of Carrollton or by any officer or employee thereof, the Commonwealth of Kentucky, the Federal Insurance Administration, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord., passed 6-12-85; Am. Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.09 STATUTORY AUTHORIZATION.

The Legislature of the State of Kentucky has in KRS Ch. 100 designated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city does ordain this chapter.

(Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.10 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). See § 152.36 for instructions and explanation.

(B) Application for a development permit shall be made on forms furnished by the Floodplain Administrator.  
(Ord. 07-01, passed 3-12-07)

## FLOOD HAZARD REDUCTION

§ 152.20 GENERAL STANDARDS REGARDING ANCHORING, CONSTRUCTION, UTILITIES, AND THE LIKE.

In all areas of special flood hazard, the following provisions are required:

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

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

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

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

(E) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering into or accumulating within the components during conditions of flooding.

(F) Within Zones AH or AO, so that there are adequate drain paths around structures on slopes to guide flood waters around and away from proposed structures.

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

(H) 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.

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

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

(K) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this chapter, shall be undertaken only if the nonconformity is not furthered, extended, or replaced.

(Ord., passed 6-12-85; Am. Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07) Penalty, see § 152.99

#### § 152.21 ELEVATION STANDARDS AND CERTIFICATION.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in § 152.04 or § 152.35(B)(9), the following provisions are required.

(A) Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of division (C)(1) below.

(1) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding 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, elevated one foot/feet above the base flood elevation, as determined by this community. 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, use of historical data, best supportable and reasonable judgment in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, § 5(5)a, states as a part of the technical requirements for a State Floodplain Permit: 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 (0.5) foot. 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, elevated one foot/feet above the base flood elevation. 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) Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home used for non-residential purposes) shall be elevated to conform with § 152.21(A) or together with attendant utility and sanitary facilities.

(1) Be flood proofed below an elevation one foot/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;

(3) Have the lowest floor, including basement, mechanical equipment, and ductwork, elevated no lower than one foot/feet above the level of the base flood elevation; or

(4) A registered professional engineer or architect shall certify that the standards of this division are satisfied. Such certification shall be provided to the official as set forth in § 152.36 (A).

(5) Manufactured homes shall meet the standards in § 152.21(D).

(6) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding 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 below an elevation one foot/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 floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:

(a) Be certified by a registered professional engineer or architect; or

(b) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(C) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundations and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(1) Designs 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 grade; and,

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

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

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

(D) Standards for manufactured homes and recreational vehicles.

(1) All new or 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;
- or
- (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 manufactured homes must be:

- (a) Elevated on a permanent foundation;
- (b) Have its lowest floor elevated no lower than one foot/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) Excepting 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 the manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:

- (a) The lowest floor of the manufactured home is elevated no lower than one foot/feet above the level of the base flood elevation; or

(b) 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) 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:

(a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use; or

(c) Meet the permit requirements for new construction of this chapter, including anchoring and elevation requirements for "manufactured homes".

(5) A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky 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. Located within areas of special flood hazards established in § 152.04 are areas designated as floodways. 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:

(1) 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 flood levels during occurrence of base flood discharge;

(2) If division (D)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this subchapter.

(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 floodwaters.

(2) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (Ord. 89-01, passed 11-13-89; Am. Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07) Penalty, see § 152.99

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

Located within the areas of special flood hazard established in § 152.04, where streams exist but where no base flood data has been provided or where base flood elevation data has been provided without floodways, the following provisions apply:

(A) No encroachments, including fill material or structures, shall be located within areas of special flood hazard, 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 or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 152.35(B)(9). (Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.23 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All preliminary 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; and

(D) In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), 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. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.24 STANDARDS FOR AREAS OF SHALLOW FLOODING.

Located within the areas of special flood hazard established in § 152.04 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the 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 above the highest adjacent grade, at least as high as the depth number specified in feet on the city's FIRM. If no depth number is specified, the lowest floor, including basement, shall be elevated at least 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 above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or

(2) Together with attendant utilities and sanitary facilities be completely flood-proofed to or above that level 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.

(Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.25 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) Structure must be non-habitable;

(B) Must be anchored to resist floatation forces;

(C) Will require flood openings/vents no more than one foot above grade total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;

(D) Built of flood resistant materials below a level one foot/feet above the base flood elevation;

(E) Must elevate utilities above the base flood elevation;

(F) Can only be used for storage or parking; and

(G) Cannot be modified for a different use after permitting.  
(Ord. 07-01, passed 3-12-07)

#### § 152.26 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 level of the base flood elevation at the site. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. 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. 07-01, passed 3-12-07)

#### ADMINISTRATION

#### § 152.35 BUILDING INSPECTOR.

(A) The Building Inspector/Code Official is hereby appointed 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.

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

(1) Permit review: 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. Advise permittee that additional federal or state permits may be required and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;

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

(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 § 52.04, 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 §§ 152.20 through 152.26. Any such information shall be submitted to the City Council for adoption.

(3) Notification of other agencies:

(a) Notify adjacent communities, the Kentucky 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, and

(b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA); and

(c) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(4) Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

(a) Certification required by § 152.21(A) (lowest floor elevations) as shown on a completed and certified Elevation Certificate. Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 152.36(B);

(b) Certification required by § 152.21(B) (elevation or flood proofing of nonresidential structures) as shown on a completed and certified floodproofing certificate. Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved structures have been flood-proofed, in accordance with § 152.36(B);

(c) Certification required by § 152.21(C) (elevated structures);

(d) Certification of elevation required by § 152.23 (subdivision standards);

(e) Certification required by § 152.21(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 not diminished;

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

(h) Remedial action. Take action to remedy violations of this chapter as specified in § 152.99.

(5) Map determinations. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, 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 § 152.37(C);

(b) When base flood elevation data or floodway data have not been provided in accordance with § 152.04, then the Floodplain Administrator shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of §§ 152.20 through 152.26;

(c) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with § 152.21(B) a flood proofing 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.

(a) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the 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 administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the administrator by this chapter.

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

(c) If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

(d) When the 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 Administrator for the purpose of inspection and examination pursuant to this chapter.

(7) Stop work orders. Upon notice from the 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, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(8) Revocation of permits.

(a) The 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.

(b) The Administrator may revoke a permit upon determination by the administrator 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 duties, shall not thereby render himself 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 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 construction permit, and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within 180 calendar days from the date of its issuance by the Floodplain Administrator.

(Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

#### § 152.36 PERMIT PROCEDURES.

A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in § 152.04. 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, drainage facilities; and the location of the foregoing. Endorsement of local administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

(A) Application stage.

(1) 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; or

(2) Proposed elevation in relation to Mean Sea Level to which any nonresidential structure will be flood-proofed;

(a) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in §§ 152.21(B) and 152.24;

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

(B) Construction stage.

(1) Upon placement of the lowest floor, and before construction continues, or flood proofing 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 flood proofed 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.

(2) When flood proofing is utilized for a particular structure. The 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 flood proofing 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. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.37 VARIANCE PROCEDURES.

(A) Nature of variances.

(1) The variance criteria set forth in this section of the 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.

(2) It is the duty of the City Council 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 the flood ordinance 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.

(B) Designation of Variance and Appeal Board. The Board of Adjustments as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.

(C) Duties of Variance and Appeals Board.

(1) The Appeal Board (Board of Adjustments) 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.

(2) Any person aggrieved by the decision of the Appeal Board (Board of Adjustments) or any taxpayer may appeal such decision to the Carroll County District Court, as provided in Kentucky Revised Statutes.

(D) Appeals/variance procedures. In passing upon such applications, the Appeal Board (Board of Adjustments) shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and the:

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

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

(3) 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;

(4) Importance to the community of the services provided by the proposed facility;

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

(6) Availability of alternative locations which are not subject to floodplain erosion damage;

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

(8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) Safe property in times of flood for ordinary and emergency vehicles;

(10) 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

(11) 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, and bridges.

(E) Conditions for variances. Upon consideration of the factors listed above and the purposes of this chapter, the Appeal Board (Board of Adjustments) may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(1) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of divisions (D) and (C) of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

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

(3) 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. For example, in the case of variances to an elevation requirement, this means the Board of Adjustments 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 Board of Adjustments believes will both provide relief and preserve the integrity of the local ordinance.

(4) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. In the instance of an historical structure, a determination shall be made that the variance is the minimum necessary to afford relief and not destroy the historic character and design of the structure.

(5) Variances shall only be issued upon:

(a) A showing and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this chapter); and

(c) 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 "public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.

(6) 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 reduced lowest floor elevation.

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

(8) 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 this section 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.

(F) Variance notification. 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;

(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 City Carroll County Clerk Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land; and

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

(G) Historic structures. Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) 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.

(H) No impact certification within the floodway. Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result. (Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)

§ 152.99 PENALTY.

(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 construction 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 construction 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 chapter 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. See below.

(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 construction 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.

(D) Penalties. 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 \$100 or imprisoned for not more than 10 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., passed 6-12-85; Am. Ord. 92-15, passed 5-13-92; Am. Ord. 07-01, passed 3-12-07)



CHAPTER 153: HISTORIC DISTRICT

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§ 153.01 PURPOSE.

The intent of this chapter is to provide for exterior building renovation and design standards and sign standards for buildings in the Carrollton Commercial District (CCD). The District is described as the commercial area located within the designated Historic District recorded on the National Register of Historic Places. The District is further described as the area in downtown Carrollton bounded on the north by the Ohio River, on the west by the Kentucky River, on the east by the west side of Seventh Street, and on the south by the north side of Sycamore Street. The intent of this chapter is to apply to the renovation of existing commercial and vacant buildings, the infill, and other new construction in the area. The Building Code as set forth in Chapter 150, and the Carrollton Building Book, are made a part of this chapter as guidance for projects falling within the scope of this chapter.

(Ord., passed 10-9-85; Am. Ord. 2021-19, passed 11-8-21)

§ 153.02 DEFINITIONS.

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

"ALTERNATE STANDARDS." Rehabilitation or repair by using material that will be substituted for the original material but will not conflict with the architectural characteristics of the structure.

"COMMERCIAL BUILDING." Any building in the Historic District which is not wholly used as a residence by its owner.

(1) This includes, but is not limited to:

- (a) Commercial trade buildings.
- (b) Service trade buildings.
- (c) Office buildings.
- (d) Apartment buildings.
- (e) Rental housing buildings.
- (f) Fraternal or nonprofit group buildings
- (g) Religious purpose buildings.
- (h) Vacant buildings.

(2) Specifically excluded are:

- (a) Government buildings.
- (b) Residential buildings owned and 100% occupied by owner.
- (c) Temporary structures with a site duration of less than 15 days.

"COMPATIBLE MASONRY." Brick or stone that will be compatible with existing masonry material in the structure, walls, sidewalks, or the like.

"DESIGN REVIEW BOARD." The Board which advises applicants of proper techniques and alternatives in rehabilitation.

"EASILY VISIBLE." As seen by a pedestrian walking and viewing the structure from the sidewalk in front of or sidewalk at the side of the structure or as seen from a public way.

"IDEAL STANDARDS." Restoring a structure to the original design when the building was constructed - preserving all the architectural characteristics and using the same materials.

"REHABILITATION/RENOVATION." Bring back to a condition which conforms to the architectural style, design, and decoration of a period which the building was constructed.

"REPAIR/MAINTENANCE." The mending, fixing, or putting together that part of a building which has been damaged, torn, or broken, which does not require replacing the whole part.

"RESTORATION." Bring back, or to put into the exact or original architectural style, design, or decoration using the original building parts and materials or those of similar kind and quality.

"SANDBLASTING WHEN PRACTICAL." When tests prove that the bricks or architectural characteristics of the structure will not crumble or deteriorate under the pressure used in the sandblasting process. (Ord., passed 10-9-85; Am. Ord. 2021-19, passed 11-8-21)

#### § 153.03 APPLICATION OF STANDARDS.

The design standards contained in this chapter and in the Building Code and Carrollton Building Book shall be applicable to any treatment of new or existing buildings, structures, yard space, paving, and the like, that may be proposed by the owner and an occupant of any property in the Carrollton Commercial District (CCD), as described in § 153.01. The standards are as follows:

(A) All buildings with deteriorated, peeling, and blistered or dirty and faded painted surfaces or in nonappropriate colors shall be painted in appropriate colors. All buildings, with painted iron work or iron trim, shall be affected by these standards for purposes of painting. All buildings having unpainted brick or stone surfaces that are covered with soot or dirt shall be cleaned by proper cleaning methods.

(B) All buildings shall be painted as required by the Building Inspector. (Ord., passed 10-9-85; Am. Ord. 2021-19, passed 11-8-21) Penalty, see § 153.99

#### § 153.04 FACADE REHABILITATION AND DESIGN STANDARDS.

(A) The following standards shall be used when a property owner or occupant decides to do exterior work on his property:

(1) When a building is totally renovated, the ideal standards are recommended and encouraged but not mandatory.

(2) When a building is rehabilitated, any of the alternate standards are acceptable.

(3) When a building is remodeled, any of the alternate standards are acceptable.

(4) When a building is repaired in the course of periodic care and maintenance the alternate standards are acceptable.

(B) All structural and decorative elements of building fronts and other portions easily visible from a street which are in a state of deterioration or disrepair shall be repaired if practical or replaced in a workmanlike manner to match as closely as possible the original material and construction techniques.

(C) All building fronts and portions easily visible from a street which have had added surfacing materials attached shall have these surfaces removed to expose the original brick, stone, and wood unless the cost of removal exceeds 8% of the "fair market value" of the building. The original brick or other material exposed shall be cleaned, if appropriate, or painted a single color to complement different colors of trim.

(D) Windows on the fronts of buildings or easily visible from the sidewalk shall not be boarded up except during construction or during a period of repair or periodic maintenance. If it is necessary to close an opening with brick in complying with these design standards, the brick used for closing must match as closely as possible the existing brick, unless the building is to be painted.

(E) All antennas, brackets, conduits, and other mechanical equipment (except primary electrical entrance service, provided no other point of entrance is available), easily visible from the street at the front of a building and not a part of the original design and construction of the building shall be removed from the front or street side of the building.

(F) Fabric awnings on the front of buildings are encouraged. Aluminum awnings which are in a state of good repair and condition shall be painted appropriate colors to match and complement the trim of the building. Any type of awnings in a state of disrepair or bad condition shall be removed and any replacement or new installation shall be with fabric awnings of appropriate colors.

(Ord., passed 10-9-85; Am. Ord. 2021-19, passed 11-8-21) Penalty, see § 153.99

#### § 153.05 DESIGN REVIEW BOARD MEMBERS.

Members of the Design Review Board shall be appointed by the Mayor with the advice and consent of City Council, except as noted below, to review applications for their conformance with this chapter. The Design Review Board shall consist of five members, all with equal votes, comprised of the following: five at-large members who shall either be a merchant or property owner within the Downtown Redevelopment District or a citizen of the City of Carrollton. The five at-large members shall serve two-year terms but such terms shall be staggered such that beginning in 2012, two members shall only serve one-year terms and two-year terms thereafter. There shall also be two ex-officio members: one being a member of City Council appointed by the Mayor and the other being the Carrollton Main Street Program Director.

The ex-officio members shall only be members of the board for so long as they occupy their other positions as Council members or Main Street Director, or are otherwise removed by the Mayor. The two ex-officio members shall have a voice but not a vote.

(Ord., passed 10-9-85; Am. Ord. 2012-02, passed 2-27-12; Am. Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)

#### § 153.06 DESIGN REVIEW.

All proposals and plans for improvements, modifications, repairs, or rehabilitation concerning the exterior of existing commercial buildings or those vacant but designed for commercial use shall be submitted to the Design Review Board for review and approval prior to commencing proposed work. A conformance letter will be issued by the Design Review Board to the applicant to be displayed along with the building permit during construction.

(Ord., passed 10-9-85; Am. Ord. 2021-19, passed 11-8-21)

#### § 153.07 DESIGN REVIEW POLICIES.

(A) One meeting per month will be scheduled by the Design Review Board. All business will come before the Board at these regularly scheduled meetings. However, a specifically called meeting is possible provided twenty-four hour notice is given the Board.

(B) If no business has been proposed for the regular meeting the Board will not meet.

(C) The Board may at its discretion delegate approval of various proposed work elements to the Building Inspector (for example: paint colors, small alterations, and the like).

(D) The Board shall notify the applicant of its decision as soon as possible; however, all decisions concerning the application shall be made and conveyed to the applicant within 15 days of the date of the meeting at which the application was made.

(Ord., passed 10-9-85; Am. Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)

#### § 153.08 APPEAL PROCEDURE.

Appeal of any decision or recommendation of the Design Review Board may be made directly to the City Council.

(Ord., passed 10-9-85; Am. Ord. 2021-19, passed 11-8-21)

#### § 153.09 INDEMNIFICATION OF BOARD MEMBERS.

The City Council shall indemnify each member of the Design Review Board to the same extent as any other Board of the City of Carrollton. (Ord., passed 10-9-85; Am. Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)

§ 153.10 SEVERABILITY.

Each provision of this chapter shall be deemed as independent of all other provisions herein and if any provision is declared invalid, it shall not affect other provisions which shall remain in force and effect.

(Ord., passed 10-9-85; Am. Ord. 2021-19, passed 11-8-21)

## ENTERPRISE INCENTIVE PROGRAM

§ 153.20 INTRODUCTION TO ENTERPRISE INCENTIVE PROGRAM.

The city wishes to spur regeneration and redevelopment in the Downtown Redevelopment Business District, as defined herein. To achieve the desired result, the city has assembled a package of incentives to be offered to approved developers seeking to develop qualified uses in the Downtown Redevelopment Business District, while maintaining the original historical integrity and character of the buildings therein. (Ord. 95-12, passed 7-11-95, Am. Ord. 2011-23, passed 7-25-11; Am. Ord. 2021-19, passed 11-8-21)

§ 153.21 DEFINITIONS.

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

"APPROVED DEVELOPER." Any person, organization, corporation or other business entity duly authorized to do business in the Commonwealth of Kentucky, and that is developing, commencing, or otherwise operating a business in the Downtown Redevelopment District.

"BUILDING CODE." The present version of the Kentucky Building Code.

"BUILDING INSPECTOR." The City of Carrollton's Code Enforcement Officer/Building Inspector.

"DESIGN REVIEW BOARD" or "DRB." The Carrollton Design Review Board.

"DOWNTOWN REDEVELOPMENT DISTRICT." That area in downtown Carrollton bounded on the north by the Ohio River, on the west by the Kentucky River, on the east by the west side of Seventh Street, and on the south by the north side of Sycamore Street.

"FACADE" or "PUBLIC FACADE." The face or side of a building directly facing a public street or the Ohio or Kentucky River. This term includes awnings, paint, shutters, and other decorative items that

improve the outward appearance of the building. "FACADE" does not include the basic structural elements of the building, nor does it include signs.

"MAIN STREET DIRECTOR." The Executive Director of the Carrollton Main Street Program.

(Ord. 2011-23, passed 7-25-11; Am. Ord. 2021-19, passed 11-8-21)

§ 153.22 INCENTIVES.

Approved developers may apply to the city for the following incentives to develop qualified uses in the Downtown Redevelopment District.

(A) Signage improvements. The city may cost share on a 50/50 matching basis with each approved developer for signage, in an amount not to exceed \$1,000, city share per ten fiscal years per building.

(B) Facade improvements. The city may cost share on a 50/50 matching basis with approved developers for facade improvements in an amount not to exceed \$4,000, city share.

(C) Rent Assistance Program. Approved developers may apply for the Rent Assistance Program in accordance with the criteria and rules set out in § 153.25 - § 153.31.

(Ord. 2011-23, passed 7-25-11; Am. Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)

§ 153.23 INCENTIVE PROGRAM APPLICATION PROCESS.

To be eligible for any of the incentives set forth in § 153.22, a developer must make application to the city for funding by complying with the following process:

(A) An applicant must submit a written application to the Building Inspector. The application must contain the following:

(1) Description of intended uses and a detailed scope of work proposed;

(2) Preliminary drawings, specifications, and finishes, which shall include:

(a) Plan of signage or improvements to building;

(b) Elevation of exterior walls to be effected;

(c) List of type of material to be used;

- (d) Color schedule of finishes; and
- (e) Time schedule for construction;

(3) Preliminary costs of development with labor and material cost separate (a minimum of two quotes will be submitted based upon the scope of work);

(B) The application must be reviewed by the Building Inspector and Main Street Director. Either the Building Inspector or the Main Street Program Director may meet with the applicant to discuss the application, and the applicant must comply with any such request for a meeting. The Building Inspector and Main Street Director shall each make recommendations as to the application and proposed project, and provide the applicant with the recommendations. The applicant may revise its application upon receiving the recommendations and resubmit the application to the Building Inspector and Main Street Director.

(C) If the applicant does not desire revision, the application and written recommendations of the Building Inspector and Main Street Director shall be submitted to the Design Review Board (DRB). The DRB shall review the application and make written recommendations only as to whether the proposed application would comply with this Historic District chapter. The applicant may revise its application upon receiving said recommendations and resubmit the application to the DRB for further consideration.

(D) If the applicant does not desire revision, the application, along with the written recommendations of the Building Inspector, Main Street Director and the DRB, shall be submitted to the City Clerk/Treasurer to be placed on the agenda for the next regular City Council meeting.

(E) At a City Council meeting the Council may proceed with one of the following steps:

- (1) Approve the application;
- (2) Refer it back to the applicant for amendments;
- (3) Refer it back to the applicant for additional information; and
- (4) Disallow incentive participation.

(F) The City Council's decision shall be final and there is no appeal of the Council's decision.

(Ord. 2011-23, passed 7-25-11; Am. Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)



§ 153.24 INCENTIVE PROGRAM GUIDELINES AND STIPULATIONS.

Any applicant and/or approved developer must comply with the following requirements.

(A) Incentives are available to all approved developers within the redevelopment business district. Incentives are not available for residential development.

(B) Developers may apply for rent assistance and only one other incentive per fiscal year for any one project (building). Developers may only apply to replace the same sign once every ten years.

(C) Developers owning multiple buildings can apply for 50/50 matching funds for one or more buildings within a fiscal year, with each building being a separate application. This is specifically limited to one application per fiscal year per building.

(D) All proposed work, renovation and/or construction must comply with all applicable building codes and this Historic District chapter.

(E) Improvements, renovations and/or construction must be commenced within six months of approval by City Council and completed within two years of approval of the application by City Council, unless a written extension is granted by City Council. Upon completion of the work, the owner should notify the city's Building Inspector and request an on-site property inspection to ensure that the improvements proposed in the application have been completed. Failure to comply with this requirement will result in a forfeiture of the approved incentive. Applicants may not complete the work prior to applying for or being granted an incentive herein.

(F) A business must be commenced and in operation and each project must be inspected by the Building Inspector and approval obtained for the entire scope of work as agreed on by the city and the developer before any city funds are paid to an approved developer.

(G) All ordinances germane to the project area will be adhered to. All structures with existing non-conforming or out-of-compliance situations are grandfathered within the scope of this section. If, however, any facade change is made to any existing structure in the zone after July 1, 1995, it must strictly conform to existing ordinances.

(H) Where applicable, the approved developer shall adhere to standards of historic preservation as prescribed by The Kentucky Heritage Council.

(I) Any approved developer who is approved for cost sharing on any facade improvements must own the building being improved, or the property owner must agree to and sign application with the approved developer. The approved developer and/or property owner shall maintain a business in operation in the improved building for at least five years, and shall be prohibited from selling the property for a period of five years. If either of those two events occur, the approved developer and/or the land owner shall be jointly liable to reimburse the city for the facade improvement incentive funding on a dollar for dollar basis with no depreciation. The property owner shall grant to the city a mortgage lien on the property being improved, which may be subordinated to any other mortgages on the property, to secure this obligation.

(J) Any approved developer who is approved for cost sharing on any signage improvements need not own the building or property upon which the sign is located. Any sign must be reasonably calculated to have an expected lifespan of at least ten years.

(Ord. 2011-23, passed 7-25-11; Am. Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)

#### RENT ASSISTANCE PROGRAM

##### § 153.35 PURPOSE.

The Rent Support Program may provide needed funds to assist small business development in the City of Carrollton (referred to as City hereinafter), Downtown Redevelopment District (referred to as District hereinafter). Rent Support Program funds will be used to provide rent subsidies to new businesses that meet the following criteria:

(A) Promote the redevelopment of District;

(B) Meet a leakage need in the District;

(C) Is a new business venture; and

(D) Demonstrates ability to startup and maintain a long-term business.

(Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)

##### § 153.36 CRITERIA.

To be eligible for the Rent Support Program, a proposed business must:

(A) Promote the redevelopment of downtown Carrollton by meeting all of the following criteria:

- (1) The business must utilize an existing building;
- (2) The building owner must be willing to improve and maintain the building so that it is a viable building for long term success;
- (3) The business owner must have permitted the City Building Inspector to inspect the building and the City Building Inspector must have certified to the Council in writing that the structure is sufficient for the type of business requested; and
- (4) The business owner must allow the City Building Inspector to inspect the building at any point in time for safe, decent and sanitary conditions before or after any funds are expended.

(B) Meet a need in the Downtown Redevelopment District. The City Council shall approve the type of business to ensure it actually meets this criteria. The city shall maintain a list of business types which the Downtown Redevelopment District needs. The city's decision of whether this criteria is met may also be based partly on whether the business fills a habitually vacant area, duplicates existing businesses, and how the proposed business contributes to the growth of the District.

(C) The proposed business must be a new business venture and the business owner(s) may not operate an existing business in the Downtown Redevelopment District. Repeat requests for rent assistance by an owner may be rejected. The Business must fill out an application for assistance which shall contain the following information:

- (1) All owners of the proposed business;
- (2) The previous business experience of each owner; and
- (3) Whether an owner has previously requested rent assistance from the City of Carrollton.

(D) The business owners must demonstrate the ability to startup and maintain a long-term business by providing the following information with each application for assistance:

- (1) Realistic and workable business plan; and
  - (2) Evidence of sufficient funds to purchase inventory, and cover startup costs.
- (Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)

§ 153.37 LEVEL OF FUNDING.

(A) A business may be eligible for the following levels of funding:

(1) If the business establishes a business/service that is listed as a Leakage Area - 100% of rent up to \$500 per month.

(2) If the business establishes a business/service that is not listed as a Leakage Area but currently does not exist in the Downtown Redevelopment District - 80% of rent up to \$400 per month.

(3) If the business establishes a business/service that competes with existing business on a limited basis (less than 50% of products or services match) - 50% of rent up to \$250 per month.

(B) Funds will be used to pay rent and will be made payable to the building owner. Funds may be used to pay a mortgage if, and only if, the business and building owner are the same. Funds will only be disbursed to pay a mortgage after proof has been presented to the city that the prior months mortgage payment has been paid.

(Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)

§ 153.38 SELECTION COMMITTEE.

All applications for assistance shall be reviewed by the Selection Committee consisting of four representatives, with one representative each from: the City of Carrollton (or someone designated by the Mayor to represent city's interest); Chamber of Commerce; Carrollton Main Street Program; and a representative from a local bank or financial institution, to be appointed by the Mayor. The Committee reserves the right to reject any request. The Selection Committee will submit recommendations to the DRB who shall review and submit to City Council with a recommendation to City Council for approval by the Council in accordance with § 153.23.

(Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)

§ 153.39 FUNDING CRITERIA.

(A) All rent and mortgage subsidy payments will be paid monthly directly to the property owner, or jointly to business owner and bank holding mortgage, only if the building and business owner are the same. Payment will be disbursed only after the business has received its building use permit from the city.

(B) The term of the rent assistance shall be twelve months maximum. There shall be no minimum.

(C) The rent assistance shall be subject to immediate termination if store closes for any reason during the twelve-month term.

(D) Each business must submit quarterly statements on earnings and year end projections to the Selection Committee.

(E) All owners must attend business development counseling with a Business Mentor, as provided in § 153.31.

(F) Repayment of one month's rent is required if business fails to open or does not stay open for the entire month rent is paid.  
(Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)

#### § 153.40 BUSINESS MENTOR.

Each applicant must complete the following requirements prior to approval of an application and before any funds will be distributed the building owner:

(A) Arrange a meeting with a member of the Carrollton Main Street Economic Vitality Committee who will assist the applicant throughout the application process.

(B) Arrange a meeting with the Small Business Development Center (SBDC).

(C) Arrange a meeting with a professional/business mentor, selected by the Carrollton Main Street Economic Vitality Committee, within the first three months of operation of the business to review performance of the business. Rent assistance payments will not be made after the first three months until this requirement is completed.  
(Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)

#### § 153.41 DUTIES OF BUSINESS MENTOR.

(A) The Mentor shall observe the business in regard to the business plan that was submitted with the application. The business owner and mentor may discuss changes to the business plan as the year progress, if needed. Said changes must be reported back to Carrollton Main Street Economic Vitality Subcommittee to pass along to the Mayor and Carrollton Main Street Board.

(B) The Mentor should provide suggestions to the business owner regarding the successful operation of the business.

(C) The Mentor shall not be paid a fee by the business owner but should provide assistance free of charge or recommend other sources of expertise or assistance.  
(Ord. 2018-07, passed 5-29-18; Am. Ord. 2021-19, passed 11-8-21)

§ 153.99 PENALTY.

All elements of the Design Standards Ordinance shall comply with the general provisions Chapter 10 of the City of Carrollton Code as amended.

(Ord., passed 10-9-85; Am. Ord. 2021-19, passed 11-8-21)

CHAPTER 154: HOUSING CODE

Section

- 154.01 Adoption
- 154.02 Standards
- 154.03 Revisions
- 154.04 Savings clause

§ 154.01 ADOPTION.

The city hereby adopts and incorporats by reference as if produced herein the International Property Maintenance Code, 2015 edition, as published by International Code Council, Inc. (ICC), and all amendments thereto and regulations promulgated thereby, except as set out hereinbelow. A copy of the code is filed in the Office of City Clerk. Any conflicts between the provisions of the International Property Maintenance Code and the provisions of the city's Code of Ordinances shall be resolved in favor of the provisions of the city's Code of Ordinances. Violations of any of the provisions of the International Property Maintenance Code, and of any of the provisions of the Code amended by the city hereinbelow shall be deemed a nuisance enforceable by any and all provisions of this chapter.

(Ord. 2017-24, passed 1-8-18)

§ 154.02 STANDARDS.

This chapter shall govern and control the conditions and maintenance of all property, buildings and structures in the city by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and that premises are clean and sanitary. This chapter shall also govern and control the condemnation of buildings and structures found to be unfit for human occupancy and use, and establish procedures for the demolition of such structures. This chapter shall also establish what constitutes a nuisance on public and private properties, prohibit such nuisances, fix the responsibilities of owners, operators and occupants of property and provide for administration, enforcement and civil penalties. The provisions of this chapter shall not be construed to prevent the enforcement of other ordinances or regulations.

(Ord. 2017-24, passed 1-8-18)

§ 154.03 REVISIONS.

(A) Appeals. In that a Code Enforcement Board has been established for the city, the appropriate sections of the International Property Maintenance Code dealing with means of appeal is deleted in its entirety and that section shall henceforth read as follows:

Appeals. All appeals of a citation issued by the Code Official shall be made pursuant to the requirements set forth in §§ 35.140-35.153 Code Enforcement Board Ordinances.

(B) Unsafe/problem structures. In that there is a need to establish a period of time an unsafe/problem structure may remain standing, the International Property Maintenance Code § 108 dealing with unsafe structures and equipment is amended to add the following:

(1) An unsafe/problem structure is defined as a building or other structure that poses a nuisance or danger to the public, Police Department or Fire Department and includes, but is not limited to, the definition in the International Property Maintenance Code, as well as the following:

(a) A building damaged by fire, wind, seismic or other causes so as to cause the building to become dangerous to life, limb or property of the occupants or to the public;

(b) A building that has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease or injury to health, safety or general welfare of those living therein;

(c) A building having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;

(d) A building having inadequate facilities for egress in case of fire or other events, or having insufficient stairways, fire escapes or other means of travel;

(e) A building characterized by disconnected utilities, extensive broken glass, peeling or flaking paint on the exterior walls, loose or rotting materials on the roof or the exterior walls; or



(f) Any vacant building or structure not secured from entry or the elements.

(2) When an unsafe/problem structure, not in danger of structural collapse, has been closed and secured from entry and the elements by the property owner and the structure continues to remain closed and secured from entry and the elements by approved methods, it may remain standing in a safe condition for a period not to exceed 60 days from the date of the condemnation, fire or damage from other means, or the date of the release of the property from a governmental, criminal, fire or explosives investigation, at which time an application must have been made for a building permit to repair or for a demolition permit. If a building permit is requested and approved, repair or renovation work to bring the property into compliance must be completed within 60 days of the date of the issuance of the permit. If a demolition permit is requested and approved, demolition must be initiated within five days and must be completed within 30 days of the date of the issuance of the demolition permit.

(3) Failure of the property owner to obtain the required permit(s) in the specified time and/or to keep the structure closed and secured from entry shall constitute permission to an official, employee or other authorized agent of the city to enter upon the property to remedy the situation and to abate the nuisance by demolition and removal of the unsafe/problem structure.

(C) Application of other codes. Section 102.3 of the International Property Maintenance Code is replaced as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with procedures and provisions of the Kentucky Building Code, Kentucky Residential Code, Kentucky Plumbing Code, Kentucky Mechanical Code, Kentucky Standards of Safety, National Fire Code, the National Electric Code and any other codes adopted by the Commonwealth of Kentucky or the City of Carrollton now and in the future. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the city's Zoning Ordinances.

(D) Violation of stop work order. Section 112.4 of the International Property Maintenance Code is replaced as follows:

Any person who shall continue any work after having been served with a stop work order except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable for a fine as set forth in the penalties section herein.

(E) Insertions. The following sections of the International Property Maintenance Code are hereby revised as set forth herein:

(1) Section 101.1. Insert: City of Carrollton, Kentucky.

(2) Section 103.5. Insert: All applicable fees as promulgated, as amended from time to time, by the City of Carrollton, Kentucky.

(3) Section 302.4. Insert: eight inches.

(4) Section 304.14. Insert: May 1, October 31.

(5) Section 602.3. Insert: September 1, May 30.

(6) Section 602.4. Insert: September 1, May 30.

(F) Abatement and enforcement. The International Property Maintenance Code is hereby amended to add the provisions related to abatement and enforcement as set forth in §§ 35.140-35.153 Code Enforcement Board Ordinances. Sections 106.2, 107.1, 107.2 and 107.3 of the International Property Maintenance Code are hereby replaced by the notice and service procedures set forth in §§ 35.140-35.153 Code Enforcement Board Ordinances. Any conflicts between the provisions of the International Property Maintenance Code and the provisions of the Code Enforcement Board Ordinances shall be resolved in favor of the provisions of the Code Enforcement Board Ordinances.

(G) Penalties. The International Property Maintenance Code is hereby amended to add the following provisions regarding penalties for violations.

(1) Criminal offenses. Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 30 days, or both.

(2) Civil penalty. Any violation of this chapter is hereby classified as a civil offense, pursuant to KRS 65.8808, to be enforced by the Code Enforcement Board in accordance with the procedures set forth in Code Enforcement Board Ordinances §§ 35.140-35.153. Any person, business, business entity, firm, corporation, partnership or other entity which violates any provision of this chapter shall be subject to a civil penalty as set forth below. Each day of violation shall constitute a separate offense. If the offender does not pay the penalty within 30 days after being cited for the offense, then the civil penalty shall be recovered by the city in a civil action in the nature of a debt.

(a) If a citation for a violation of an ordinance is not contested by the person, business, business entity, firm, corporation, partnership or other entity charged with the violation, the penalty shall be \$25; however, the Code Enforcement Board may waive all or any portion of a penalty for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with the ordinance in issue.

(b) If the citation is contested and a hearing before the Board is required, the maximum penalty which may be imposed at the discretion of the Board is \$50.

(Ord. 2017-24, passed 1-8-18)

§ 154.04 SAVINGS CLAUSE.

(A) Nothing in this chapter or in the Property Maintenance Code herein adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby replaced as cited hereinabove; nor shall any just legal right or remedy or any character be lost, impaired or affected by this section.

(B) This chapter may be waived, altered, or suspended only by a change of ordinance.

(Ord. 2017-24, passed 1-8-18)

[Text continues on page 39]



CHAPTER 155: SUBDIVISIONS

Section

General Provisions

- 155.01 Purpose
- 155.02 Authority and jurisdiction
- 155.03 Definitions

General Requirements and Minimum Design Standards

- 155.15 Compliance required
- 155.16 Streets
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- 155.18 Lots
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- 155.35 Advisory meeting with Planning Commission
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- 155.50 Improvements required prior to final plat approval
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Administration and Enforcement

- 155.65 Variances
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GENERAL PROVISIONS

§ 155.01 PURPOSE.

(A) Once land has been divided into streets, blocks, lots, and open spaces, a pattern has been developed which may determine how the community needs for residence, business, and industry are to be met. It will also determine how the city can handle its traffic problems, its need for home sites, and how economically it



can provide the many services demanded of it. The guidance of this development in harmony with community objectives is therefore a matter of serious public concern.

(B) The Major Street Plan, of which certified copies are filed in the office of the County Clerk, and the regulations set forth in this chapter are designed to provide for the proper arrangement of streets, for adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air, for the avoidance of congestion of population, including minimum width and area of lots, and for adequate provisions of water, drainage, sewer, and other sanitary facilities.

(`78 Code, App. A, Art. I A.) (Ord., passed 1-2-70)

#### § 155.02 AUTHORITY AND JURISDICTION.

(A) These subdivision regulations are adopted under the authority granted by KRS Chapter 100.

(B) These regulations shall govern all subdivision of land within the corporate limits of the city, as now or hereafter established, and within the unincorporated area for which a Major Street Plan has been adopted; providing the jurisdiction of the Planning Commission shall not extend more than one mile beyond the corporate limits of the city. Any owner of land within this area wishing to subdivide land shall submit to the Planning Commission a plat of the subdivision according to requirements outlined in these regulations.

(`78 Code, App. A, Art. I B.) (Ord., passed 1-2-70)

#### § 155.03 DEFINITIONS.

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

"STREET." A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thoroughway, road, avenue, boulevard, lane, place, or otherwise designated.

(1) "ALLEYS." Minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

(2) "ARTERIAL STREETS AND HIGHWAYS." Used primarily for high vehicular speeds or heavy volumes of traffic.

(3) "COLLECTOR STREETS." Carry intermediate volumes of traffic from minor streets to arterial streets.

(4) "MARGINAL ACCESS STREETS." Minor streets which are parallel to and adjacent to arterial streets and highways, and which reduce the number of access points to the arterial street for the purpose of increased traffic safety.

(5) "MINOR STREETS." Used primarily for access to the abutting properties and which will carry limited volumes of traffic.

"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 use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. Any division or redivision of land into parcels of less than one acre occurring within 12 months following a division of the same land shall be deemed a "SUBDIVISION" within the meaning of this section. (KRS 100.111(22))

(`78 Code, App. A, Art. I C.) (Ord., passed 1-2-70)

GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS

§ 155.15 COMPLIANCE REQUIRED.

The subdivider shall comply with the principles of design set forth in this subchapter in the layout of the subdivision.

(`78 Code, App. A, Art. III) (Ord., passed 1-2-70)

Penalty, see § 155.99

§ 155.16 STREETS.

(A) Conformity to the major street plan. The location of all streets in a proposed subdivision shall conform in general alignment to the major street plan.

(B) Street extensions.

(1) The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Planning Commission deems the extension undesirable for specific reasons of topography or design.

(2) Where it is desirable in the opinion of the Planning Commission to provide street access to adjoining property, proposed streets shall be extended by dedication to the boundary of the property.

(C) Dedication of right-of-way (new streets). The dedication of right-of-way, measured from lot line to lot line, for new streets shall be shown on the major street plan, or if not shown thereon, shall meet the following standards:

<u>Street Type</u>	<u>Minimum Dedicated Right-of-Way Width</u>
Arterial	80 feet*
Collector	60 feet
Minor	50 feet



Marginal access                    50 feet  
Alley                                20 feet

\*The major street plan may indicate greater right-of-way widths

for certain arterial streets, but in no case shall the subdivider be required to dedicate more than 80 feet for any one street.

(D) Dedication of right-of-way (existing streets). Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum width requirements as specified in division (C) above.

(1) The entire minimum right-of-way shall be dedicated where the subdivision is on both sides of the street.

(2) When the subdivision is located on only one side of an existing street, one-half of the required right-of-way measured from the center line of the existing roadway shall be dedicated.

(E) Intersections.

(1) Streets shall intersect as nearly as possible at right angles.

(2) Street curb intersections shall be rounded by radii of at least 20 feet. When the smallest angle of intersection is less than 60 degrees, the above minimum radii shall be increased.

(F) Curves in streets (horizontal and vertical).

(1) A tangent of at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.

(2) Where a deflection angle is more than ten degrees in the alignment of a street, a curve with a radius adequate to insure adequate sight distance shall be made. The minimum radius of curves shall be:

Minimum Curve	
<u>Street Type</u>	<u>Radius</u>
Arterial and collector	300 feet
Minor	100 feet

(3) All changes in grade for arterial and collector streets shall be connected by a vertical curve of a minimum length equal to 20 times the algebraic difference in the rates of grade; the length of curve for all other streets shall be ten times the algebraic difference in the rates of grade.

(G) Street grades.

(1) Street grades shall not exceed the following:

<u>Street Type</u>	<u>Percent Grade</u>
Arterial	5

Collector	7
Minor	12

(2) For adequate drainage, the minimum street grade shall be not less than 0.5%.

(H) Marginal access streets. Where a subdivision adjoins or contains an existing or proposed arterial highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Planning Commission may require marginal access streets.

(I) Street jogs. Street jogs with center line offsets of less than 125 feet shall not be made.

(J) Dead-end streets. Dead-end streets, designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turnaround having a radius at the outside of the pavement of at least 40 feet, and a radius at the outside of the right-of-way of at least 50 feet.

(K) Street names. When streets are not in alignment, no names shall be used which will duplicate or be confused with the names of existing streets. Proposed streets in alignment with existing streets shall bear the names of these streets.

(L) Private streets and reverse strips.

(1) There shall be no private streets platted within a subdivision.

(2) There shall be no reserve strips except where their control is definitely placed in the city or county under conditions approved by the Planning Commission.

('78 Code, App. A, Art. III A.) (Ord., passed 1-2-70)  
Penalty, see § 155.99

#### § 155.17 BLOCKS.

(A) Length. Block lengths shall not exceed 1200 feet, or be less than 400 feet.

(B) Width. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth.

('78 Code, App. A, Art. III B.) (Ord., passed 1-2-70)  
Penalty, see § 155.99

#### § 155.18 LOTS.

(A) Relation to streets. All lots shall front upon a public street or road.

(B) Arrangement. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

(C) Dimensions.



(1) For subdivisions within the limits of the city, lot dimensions shall conform to the requirements of the zoning chapter.

(2) Where no zoning is in effect, residential lots served by public sewer shall be at least 60 feet wide and 7,500 square feet in area. Residential lots not served by public sewer shall be at least 75 feet wide and 10,000 square feet in area.

(3) A greater area than specified above may be required for residential lots if, in the opinion of the City (or County) Health Officer, there are factors of drainage, soil condition, or other conditions to cause potential health problems.

(D) Building setback line. Within city limits, zoning regulations apply. When no zoning exists, the minimum setback line from the right-of-way shall be at least one-half of the total width of the street right-of-way on which the building fronts.

(E) Corner lots. Corner lots for residential use shall have sufficient extra width to meet the minimum building setback line established on each street.

(F) Flood hazard. As set forth in Chapter 152 Flood Damage Prevention.

('78 Code, App. A, Art. III C.) (Ord., passed 1-2-70)  
Penalty, see § 155.99

#### § 155.19 OFF-STREET LOADING AND PARKING FACILITIES.

In commercial and industrial subdivisions space for adequate off-street loading and parking to meet the needs of the proposed use shall be reserved and shall not be used for building purposes. Where deemed necessary by the Planning Commission, alleys shall be provided for service access.

('78 Code, App. A, Art. III D.) (Ord., passed 1-2-70)  
Penalty, see § 155.99

#### § 155.20 EASEMENTS.

(A) Easements across lots or centered on rear or side lot lines shall be provided where necessary for utilities and shall be 12 feet wide. Aboveground utilities shall be located within the easements where possible.

(B) A stormwater easement or drainage right-of-way may be required by the Planning Commission where necessary for proper drainage within or through a subdivision.

('78 Code, App. A, Art. III E.) (Ord., passed 1-2-70)  
Penalty, see § 155.99

#### § 155.21 PUBLIC STIES AND OPEN SPACES.

Where a proposed park, playground, school, or other public use

shown in the master plan is located in whole or in part in a

subdivision, the Planning Commission may require the reservation of the area as may be deemed reasonable.

('78 Code, App. A, Art. III F.) (Ord., passed 1-2-70)

Penalty, see § 155.99

#### PRELIMINARY PLAT PROCEDURES

##### § 155.35 ADVISORY MEETING WITH PLANNING COMMISSION.

(A) Previous to the filing of an application for conditional approval of the preliminary plat, the subdivider shall meet with the Planning Commission for the purpose of ascertaining the location of proposed major streets, parks, playgrounds, school sites, and other planned projects which may affect the property being considered for subdivision.

(B) The subdivider shall review with the Planning Commission the minimum standards of design for the subdivision as specified in §§ 155.15 through 155.21. Such informal review should prevent unnecessary and costly revisions.

(C) This step does not require formal application, or filing of a plat with the Planning Commission.

('78 Code, App. A, Art. II) (Ord., passed 1-2-70)

##### § 155.36 PRELIMINARY PLAT; INFORMATION REQUIRED.

(A) After meeting informally with the Planning Commission as recommended in § 155.35, the subdivider shall cause to be prepared a preliminary plat prior to the making of any street improvements or installation of any utilities.

(B) The preliminary plat shall meet the standards of design as set forth in §§ 155.15 through 155.21 and shall give the following information insofar as possible:

(1) Scale of 200 feet to one inch or larger.

(2) Name of subdivision, names and addresses of the owners, the engineer or surveyor, and owners of adjacent property.

(3) Date, approximate north point, and graphic scale.

(4) Acreage of land to be subdivided.

(5) Contours at an interval of not greater than five feet or a lesser interval if deemed necessary by the Planning Commission.

(6) Boundary lines of area to be subdivided and their bearings and distances.

(7) Existing and proposed easements and their location, width, and distances.





(8) Streets on and adjacent to the tract and their names, widths, approximate grades, and other dimensions as may be required.

(9) Utilities on and adjacent to the tract showing proposed connections to existing utility systems.

(10) Lot lines and lot numbers.

(11) Sites, and their acreages, if any, to be reserved or dedicated for parks, playgrounds, or other public uses. Sites, if any, for semi-public, commercial or multi-family uses.

(12) Minimum building setback lines.

(13) Copies of the proposed deed restrictions, if any, shall be attached to the preliminary plat.

('78 Code, App. A, Art. IV A.) (Ord., passed 1-2-70)

§ 155.37 APPLICATION FOR CONDITIONAL APPROVAL.

Six copies of the preliminary plat and supplementary material specified shall be submitted to the Enforcement Officer with a written application for conditional approval at least ten days prior to the hearing at which it is to be considered.

('78 Code, App. A, Art. IV B.1.) (Ord., passed 1-2-70; Am. Ord. 87-02, passed 3-26-87)

§ 155.38 NOTICE OF HEARING; PLAT COPIES TO BE FORWARDED TO CERTAIN OFFICIALS.

(A) The Enforcement Officer shall notify the subdivider by certified mail of the time and place of the hearing not less than 12 days before the date fixed for the hearing. Similar notice shall be mailed by the subdivider to the owners of land immediately adjoining the area proposed to be platted as shown on the proposed subdivision not less than five days prior to the hearing. The subdivider shall provide proof of such certified mailing as required herein to the Enforcement Officer 24 hours before the proposed hearing date.

(B) Copies of the preliminary plat shall be forwarded by the Enforcement Officer prior to the hearing to the following persons:

(1) City (or County) Engineer.

(2) City (or County) Health Officer.

(3) Such other municipal, county, or state officials as directed by the Planning Commission.

('78 Code, App. A, Art. IV B. 2. and 3.) (Ord., passed 1-2-70; Am. Ord. 87-02, passed 3-26-87)

§ 155.39 APPROVAL OR DISAPPROVAL.

(A) Within 30 days after the hearing on the preliminary plat,

the Planning Commission shall approve, disapprove, or approve subject to modifications the plat. Failure of the Planning Commission to act on this preliminary plat within 45 days shall be deemed approval of the plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved, subject to modifications, the nature of the required modifications shall be indicated.

(B) The action of the Planning Commission shall be noted on two copies of the preliminary plat with any notations made at the time of approval or disapproval of the specific changes required. One copy shall be returned to the subdivider and the other retained by the Planning Commission.

(C) Approval of the preliminary plat shall not constitute acceptance of the final plat.

(D) The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval. An extension of time may be applied for and granted by the Planning Commission.

(`78 Code, App. A, Art. IV B. 4. - 7.) (Ord., passed 1-2-70)

#### FINAL PLAT PROCEDURES

#### § 155.50 IMPROVEMENTS REQUIRED PRIOR TO FINAL PLAT APPROVAL.

The following improvements are required, as specified, before final approval may be granted by the Planning Commission. The subdivider shall grade, provide a base for streets and alleys, install curbs, gutters, and sidewalks, monuments, sewers, storm drainage, and water mains in accordance with any additional specifications of the City (or County) Engineer, City (or County) Health Officer, or other city (or county) official having jurisdiction. When such specifications have not been adopted by local authorities, the Planning Commission shall accept specifications equal to those of the FHA Land Planning Bulletin No. 3.

(A) Monuments.

(1) Two concrete monuments at least 36 inches in length and four inches square with a suitable center point shall be set at each street intersection on the street right-of-way line. Such monuments should be described in relation to the located section corners of the coordinate system of the State of Kentucky.

(2) Iron pin monuments 3/4 inches in diameter and 24 inches long shall be placed at all points on boundary lines where there is a change of direction and at all lot corners.

(B) Streets.

(1) Minimum pavement widths. Width shall be measured between curbs and shall be as follows:

- (a) Arterial streets, separated pavements each 22 feet\*.

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- (b) Collector streets, 36 feet.
- (c) Minor streets, 26 feet.
- (d) Marginal access streets, 18 feet.
- (e) Alleys, 18 feet.

\*The subdivider will not be required to grade or provide a pavement base or surface in excess of that required for collector streets since such additional construction is required for the benefit of the general public. The Planning Commission will recommend that the city (or county) bear the extra expense of constructing the street to meet arterial street standards.

(2) Curb and gutters. The Planning Commission may waive the requirements of curb and gutters, if they are not deemed necessary for the proper drainage of storm water and where all lots have a width of 80 feet or more.

(3) Sidewalks. Sidewalks requirements for subdivisions will be the same as those defined in §§ 91.06, 91.07, 91.08 and 91.09. However, sidewalks are required for local streets in new subdivisions.

(C) Utilities.

(1) Water supply system. Where public water supply, in the opinion of the Planning Commission, is reasonably accessible, the subdivider shall construct a complete water distribution system including a tee connection for each lot and appropriately spaced fire hydrants, or with an alternate supply approved by the City (or County) Health Officer where public water supply is not within a reasonable distance.

(2) Sanitary sewers. Where the public sanitary sewer system, in the opinion of the Planning Commission, is reasonably accessible, sanitary sewers shall be installed to adequately serve all lots with connections to the public system. Where lots cannot be served by the extension of an existing public sanitary sewer, the subdivider shall obtain approval of lot sizes from the City (or County) Health Officer for individual septic tanks and disposal fields, or approval of a neighborhood disposal system.

(3) Storm drainage. The Planning Commission shall not recommend for approval any subdivision which does not make adequate provision for storm water or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed in accordance with the statutes of the commonwealth, including any regulation promulgated thereunder, and a copy of the design computation shall be submitted along with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the





gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowances shall be made for a flow beyond that point and holding basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

(4) Nature of storm water facilities.

(a) Location. The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible or in perpetual unobstructed width, and shall be constructed in accordance with the construction standards and specifications.

(b) Accessibility to public storm sewers.

1. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities. If no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Building Inspector. However, in commercial and industrial subdivisions, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outfall. Inspection of facilities shall be conducted by the Building Inspector.

2. If a connection to a public storm sewer is planned, as determined by the Building Inspector and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval.

(D) Street name signs. The Planning Commission may require the installation of street signs at all intersections.

('78 Code, App. A, Art. V A. - D.) (Ord., passed 1-2-70; Am. Ord. 89-21, passed 7-12-89; Am. Ord. 94-13A, passed 10-12-94) Penalty, see § 155.99





§ 155.51 IMPROVEMENTS TO BE CONSTRUCTED AND APPROVED PRIOR TO FINAL PLAT APPROVAL.

(A) Approval of improvements. No final plat shall be approved by the Planning Commission or accepted for record by the County Clerk until the improvements listed are constructed and approved by the appropriate city (or county) officials having jurisdiction.

(B) Security bond or certified check. In lieu of the prior construction the Planning Commission may accept a security bond or certified check running to the city (or county) sufficient to cover the estimated cost of the required improvements. The bond or check shall be subject to the condition that the improvements will be completed within one year after approval of the final plat.

(`78 Code, App. A, Art. V E.) (Ord., passed 1-2-70)

Penalty, see § 155.99

§ 155.52 FINAL PLAT TO CONFORM TO PRELIMINARY PLAT.

The final plat shall conform substantially to the preliminary plat as approved, and it may constitute only a portion of the preliminary plat which the subdivider proposed to record and develop.

(`78 Code, App. A, Art. VI) (Ord., passed 1-2-70)

Penalty, see § 155.99

§ 155.53 FINAL PLAT DATA.

(A) The final plat shall be at a scale of 100 feet to one inch or larger.

(B) Date, title, name, and location of the subdivision, graphic scale, and true north line.

(C) All dimensions, angles, bearings, and similar data on the plat shall be tied to primary control points as approved by the City (or County) Engineer. Location and description of the control points shall be given.

(D) Tract boundary lines, right-of-way lines of streets, easements, other rights-of-way, property lines of residential lots and other sites with accurate dimensions to the nearest 1/100 of a foot; bearings or deflection angles, radii, arcs, and central angles of all curves with dimensions to the nearest minute.

(E) Name and right-of-way width of each street, easement, or other right-of-way.

(F) Lot numbers.

(G) Purpose for which sites, other than residential lots, are dedicated or reserved.

(H) Minimum building setback lines.

(I) Location and description of monuments.

(J) Names and locations of adjoining subdivisions and streets, and the location and names of owners of adjoining unplatted property.

(K) Certification on plat of title showing that applicant is the owner and a statement by such owner dedicating streets, rights-of-way, and any other sites for public use.

(L) Certification on plat by surveyor or engineer as to the accuracy of survey and plat.

(M) Certification by the City (or County) Health Officer when individual sewage disposal or water systems are to be installed.

(N) Certification by City (or County) Engineer that the subdivider has complied with one of the following alternatives:

(1) All the improvements have been installed in accordance with the requirements of these regulations, or

(2) A security bond or certified check has been posted with the city (or county) legislative body in sufficient amount to assure such completion of all required improvements.

(O) Cross-sections and profiles of streets showing grades, and drawn to city (or county) standard scales and elevations, shall be attached to the final plat.

(P) Protective covenants shall either be placed directly on the final plat or attached thereto in form for recording.

(Q) Certification on plat by the Chairman of the Planning Commission that the plat has been approved for recording in the office of the County Clerk.

('78 Code, App. A, Art. VI A.) (Ord., passed 1-2-70)  
Penalty, see § 155.99

§ 155.54 SUBMISSION OF PLAT.

(A) The original tracing in black drawing ink and six copies (black and white prints), together with any street profiles or other plans that may be required shall be submitted to the Enforcement Officer by the subdivider at least ten days prior to the meeting at which it is to be reviewed.

(B) One copy of the final plat shall be transmitted to the City (or County) Engineer, who will check the plat as to computations, certification, monuments, and the like; and that all the required improvements have been completed to the satisfaction of the city (or county) officials having jurisdiction, or, in case a security bond or certified check has been posted in lieu of completing the

improvements, that amount posted is sufficient to cover the cost of the required improvements. If found satisfactory, he will return the copy of the final plat to the Planning Commission with his approval certified thereon.

(C) One copy shall be transmitted to the City (or County) Health Officer when individual sewage disposal or water supply systems are to be installed. If the plat meets the approval of the Health Officer, he shall return the copy with his approval certified.

('78 Code, App. A, Art. B 1. - 3.) (Ord., passed 1-2-70; Am. Ord. 87-02, passed 3-26-87)

Penalty, see § 155.99

#### § 155.55 APPROVAL OR DISAPPROVAL OF FINAL PLAT.

(A) Within 45 days after the review of the final plat, the Planning Commission shall approve or disapprove the plat. Failure of the Planning Commission to act on this final plat within 45 days shall be deemed approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission.

(B) Approval of the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground.

(C) When the final plat has been approved by the Planning Commission, one copy shall be returned to the subdivider, with the approval of the Planning Commission certified thereon for filing with the County Clerk as an official plat of record; the original tracing with the certification of the Planning Commission shall also be returned to the subdivider; another copy certified by the Planning Commission will be transmitted to the city (or county) legislative body for necessary action on any proposed dedication.

('78 Code, App. A, Art. VI B. 4. - 6.) (Ord., passed 1-2-70)

#### ADMINISTRATION AND ENFORCEMENT

#### § 155.65 VARIANCES.

(A) Exceptional conditions. The Planning Commission may grant a variance to these regulations where by reason of the exceptional shape of a specific piece of property, or where by reason of exceptional topographic conditions, the strict application of these regulations would result in extreme practical difficulties and undue hardship upon the owner of such property; provided, however, that relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of these regulations. In granting the variances or modifications, the Planning Commission may require such conditions as will substantially secure the objectives of the standards or requirements varied or modified. Financial disadvantage to the property owner is no proof of hardship within the purpose of these regulations.

(B) Group housing developments. A comprehensive group housing

development, including the large scale construction of housing units together with necessary drives and ways of access may be approved by the Planning Commission although the design of the project does not include standard street, lot, and subdivision arrangements; provided departure from the standards of these regulations can be made without destroying their intent.

(C) Procedural variance. Where a proposed subdivision would contain five or less parcels or plots of land and no new streets, the procedure of preparing a preliminary plat may be waived. ('78 Code, App. A, Art. VII) (Ord., passed 1-2-70)

§ 155.66 COMPLIANCE WITH STATUTORY PROVISIONS REQUIRED.

(A) No plat or plan of a subdivision of land located within the jurisdiction of the Planning Commission shall be admitted to the record of Carroll County or received or recorded by the County Clerk until the plat has received final approval in writing by the Planning Commission as provided in KRS 100.283.

(B) No board, public officer, or authority shall accept, lay out, improve, or authorize utilities to be laid in any street within the territory for which the Planning Commission has adopted a major street plan unless the street has received a legal status of a public street prior to the adoption of the major street plan; or unless a street corresponds with a street shown on the major street plan; or a street on a subdivision plat or a street plat has been approved by the Planning Commission as provided in KRS 100.277.

(C) After adoption of the major street plan by the Planning Commission, no building shall be erected or building permit issued within the territory unless the requirements as provided in KRS 100.273 et seq. have been fulfilled. If any building is erected in violation of these regulations, the Planning Commission may cause such construction to be restrained as set forth in KRS 100.291. ('78 Code, App. A, Art. VIII A.) (Ord., passed 1-2-70) Penalty, see § 155.99

§ 155.99 PENALTY.

(A) Whoever violates any provisions of this chapter for which no other penalty is provided shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$500 or imprisoned for not more than 30 days, or both, for each offense. Each day of violation shall constitute a separate offense. (KRS 100.991(1))

(B) Any person, owner, or agent who violates this chapter shall be guilty of a violation and shall, upon conviction, be fined not less than \$100 nor more than \$500 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer. (KRS 100.991(2))





(C) The Planning Commission may appoint enforcement officers who shall have authority to issue citations for violations of this chapter which the officer has observed, but shall not have the powers of peace officers to make arrests or carry deadly weapons. The defendant shall appear within a designated time pursuant to the citation.

(D) The procedure for citations issued by an enforcement officer shall be as provided in KRS 431.015.

(KRS 100.991(4), (5))

('78 Code, App. A, Art. VIII B.) (Ord., passed 1-2-70)



CHAPTER 156: ZONING CODE

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GENERAL PROVISIONS

§ 156.001 AUTHORITY.

The City Council as authorized by KRS 100.201 hereby enacts the zoning regulations contained in this chapter. ('78 Code, App. B, Art. I 1.1) (Ord., passed 4-1-70)

§ 156.002 TITLE.

(A) This chapter may also be known and cited as the city zoning code. The zoning map referred to herein is hereby made a part of this chapter by reference.

(B) Certified copies of this chapter are on file with the Planning Commission, with the Carrollton County Clerk, and with the City Clerk/Treasurer. ('78 Code, App. B, Art. I 1.2) (Ord., passed 4-1-70; Am. Ord. 91-07, passed 5-8-91; Am. Ord. 2021-14, passed 7-26-21)

§ 156.003 PURPOSE.

The purpose of this chapter is to promote the general welfare by establishing and regulating zoning districts throughout the city for the specific purposes detailed in KRS 100.201. In establishing the zoning districts, this chapter seeks the general welfare by designating sufficient space for all necessary uses of the land, by protecting the permitted uses in each district from the undesirable effects of conflicting uses, and by ensuring the stable value of all permitted development. This chapter further seeks the general welfare by protecting the efficiency and encouraging the improvement of traffic



circulation and access to the land in all districts in order that daily travel and commerce may increase in safety and may be carried forth with a minimum of delay for the benefit of all activities and persons in the city.

(`78 Code, App. B, Art. I 1.3) (Ord., passed 4-1-70)

§ 156.004 DEFINITIONS.

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

"ACCESSORY STRUCTURE OR USE." Any structure or use, other than the principal structure or use, directly incidental to or required for the enjoyment of the permitted use of any premises; also as specifically designated under the zoning district regulations of this chapter.

"ADVERTISING SIGN." Any word, lettering, parts of letters, figures, numbers, phrases, sentences, emblems, devices (including loudspeakers), designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate an individual, a firm or association, a corporation, a progression, a business, a service, a commodity, or a product, which are visible from any public street or right-of-way and designed to attract attention. The term "sign" shall not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

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

"BILLBOARD." Any advertising device, sign, display, or other device intended to attract the attention of operators of motor vehicles on public roadways, and shall include a structure erected or used in connection with the display of any device and all lighting or other attachments used in connection therewith, but does not include the following:

- (1) Directional and official signs and notices;
- (2) Signs advertising the sale or lease of property upon which they are located; or
- (3) Signs advertising activities conducted on the property on which they are located.

"BUILDING." Any structure which fully encloses a space for the occupancy of persons or their activities. A mobile home is not a building.

"CELLULAR ANTENNA TOWER." A tower constructed for or an existing facility that has been adapted for the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.



"CELLULAR TELECOMMUNICATIONS SERVICE." Retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

"CO-LOCATION." Located two or more transmission antennas or related equipment on the same cellular antenna tower.

"COMMERCIAL FLOOR AREA." Floor area of a building which is devoted to the storage and display of merchandise, the performance of consumer services, or the circulation and accommodation of customers.

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

"CONDITIONAL USE PERMIT." Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Adjustment consisting of two parts:

(1) A statement of the factual determination by the Board which justifies the issuance of the permit.

(2) A statement of the special conditions which must be met in order for the use to be permitted.

"CONSUMER SERVICES." Sale of any service to individual customers for their own personal benefit, enjoyment or convenience, and for fulfillment of their own personal needs. For example, consumer services include the provision of the personal services such as beautician and barbering services, the provision of lodging, entertainment, specialized instruction, financial service, automobile storage, transportation, laundry and dry cleaning services, and all other similar services.

"DWELLING" and "DWELLING UNIT." A "DWELLING" is a building providing shelter, sanitation, and the amenities for permanent habitation. It does not include mobile homes, temporary lodging, or sleeping rooms. "DWELLING UNIT" refers to that dwelling accommodation within a building designed for one individual or family unit maintaining separate and independent housekeeping.

"ENFORCEMENT OFFICER." The administrative official of the city designated by the Mayor and approved by Council, who shall be charged and provided with the authority to enforce the ordinances, regulations, codes, and orders of the Planning Commission and the Mayor.

"HEIGHT." The vertical distance measured from the average finished grade at the front building line to the highest point of the structure.

"HIGH DENSITY RESIDENTIAL." A residential use of a property that has no fewer than seven nor more than 20 dwelling units per acre.

"HISTORICALLY SIGNIFICANT BUILDING." A building which, because of its connection with local, state, or national history, is deemed of sufficient importance to merit special zoning considerations.

"HOME OCCUPATION." An occupation conducted in a dwelling unit, as a secondary use, which is incidental to the principal residential use, provided that:

(1) In addition to the family members residing on the premises and engaged in the home occupation, up to two non-resident members may be employed in the home occupation.

(2) The occupation or profession shall be conducted entirely within the principal residential structure. No home occupation or storage related thereto shall be conducted in an accessory building.

(3) No more than 25% of the total combined floor area of the dwelling unit, and basement areas, within the structure shall be used in the conduct of the home occupation.

(4) There shall be no retail sales on the premises.

(5) 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 sign, not to exceed two square feet in area and nonilluminated.

(6) There shall be no outside storage of equipment or materials used in such home occupation.

(7) The home occupation shall not generate any atmospheric pollution, light flashes, glare, odors, noise, vibration, or truck or other heavy traffic.

(8) 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 located in a required front yard.

(9) Permitted uses shall include, but not be limited to the following: Professional offices, studios, and personalized services.

(10) Non-permitted uses shall include, but not be limited to the following: Retail sales of any kind or nature, catering services, processing, and storage.

"INDUSTRY." The processing of products or raw materials. The two categories of industry are defined according to the following performance standards:

(1) "HEAVY INDUSTRY." Those industries whose processing operations result in the outdoor storage or processing of materials or products, the emission of any atmospheric pollution, visible light flashes or glare, odors, noise, or vibration which may be heard or felt off the premises or those industries which constitute a fire or explosion hazard.

(2) "LIGHT INDUSTRY." Manufacturing or other industrial uses which are controlled operations. In this area you will not have processing that may potentially create undesirable noise, odors, dust, smoke, hazardous materials, or waste. Also prohibited are large bulk transportation forms that would disrupt normal traffic. Such areas will provide employment opportunities for community and regional labor markets.

"JUNKYARD." Property used for the outdoor storage, display, or keeping of inoperative machinery, whether or not it is capable of operation, or the accumulation of trash, waste material, or vegetation, in a manner which is unsightly, offensive, or not in harmony with surrounding property.

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

"LOT." A parcel of land under one ownership devoted to a common use or occupied by a single principal building plus accessory structures.

(1) "CORNER LOT." A lot which abuts on two intersecting streets at their intersection.

(2) "DOUBLE-FRONTAGE LOT." Any lot other than a corner lot which abuts on two streets.

(3) "LOT LINE." The boundary dividing a lot from a right-of-way, adjoining lot, or other adjoining tract of land. Front, rear, and side lot lines are self-explanatory.

(4) "LOT OF RECORD." A lot which is recorded in the office of the County Clerk.

"MOBILE HOME." A dwelling unit, factory built and factory assembled, designed for conveyance after fabrication, on streets and highways and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor incidental unpacking and assembly operations such as locating on jacks, or other foundation, or connection to utilities. The mobile home, whether a single, double or multi-section assembled unit is preconstructed on I-Beam(s) or a similar chassis that cannot be removed

and still maintain the structural ability of the unit. The system for allowing transporting the structure is included in the structure itself, including but not limited to, axles, wheels, tong, as opposed to being transported to a site on a trailer or a wagon separate and apart from the structure. These structures are not subject to the preview of the Commonwealth of Kentucky Department of Housing, Building and Construction, Division of Building Code Enforcement. The structures are regulated under the HUD Code.

"MOBILE HOME PARK." A tract of land prepared and approved according to the procedures in this chapter to accommodate ten or more mobile homes.

"NONCONFORMING STRUCTURE OR USE." A structure or use of any premises which does not conform with all applicable provisions of this chapter but which existed at the time of its designation as nonconforming by the adoption or amendment of this chapter.

"NON-RETAIL COMMERCIAL." Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non-retail commercial includes wholesaling, warehousing, trucking terminals, and similar commercial enterprises.

"OUTDOOR." Refers to that which is not within a building.

"PLANNED DEVELOPMENT PROJECT." A complex of structures and uses planned as an integral unit or community development.

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

"PROCESSING." Manufacturing, reduction, extraction, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. "PROCESSING" does not refer to the fabrication of structures, however.

"PUBLIC SERVICE BUILDING." Any building necessary for the operation and maintenance of a utility.

"RETAIL SALES." Sale of any product or merchandise to customers for their own personal use, not for resale.

"ROAD." A traffic-carrying way. As used in this chapter a "ROAD" may be privately owned.

"SLEEPING ROOM." A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.

"STREET." Any highway or other public traffic-carrying way. An arterial street is any numbered federal, state, or county highway unless otherwise designated by the Planning Commission.

"STRUCTURE." Any combination of materials fabricated to fulfill a function in a fixed location on the land. "STRUCTURE" includes buildings.

"USE." Broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.

"VARIANCE." A departure from dimensional terms of this zoning code pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247. (KRS 100.111)

"YARD." The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this chapter. Yards are further defined as follows:

(1) "FRONT YARD." That portion of the yard extending the full width of the lot and measured between the front lot and a parallel line tangent to the nearest part of the principal building, which line shall be designated as the front yard line.

(2) "REAR YARD." That portion of the yard extending the full width of the lot measured between the rear lot line and a parallel line tangent to the nearest part of the principal building.

(3) "SIDE YARD." Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal buildings.

('78 Code, App. B, Art. 11 2.1) (Ord., passed 4-1-70; Am. Ord. 89-05 passed 5-10-89; Am. Ord. 92-36, passed 11-11-92; Am. Ord. 90-04, passed 3-23-99; Am. Ord. 01-01, passed 1-30-01; Am. Ord. 2010-15, passed 8-23-10; Am. Ord. 2012-30, passed 10-22-12; Am. Ord. 2013-16, passed 12-9-213)

#### § 156.005 APPLICATION OF REGULATIONS.

All existing and future structures and uses of premises within the city shall conform with all applicable provisions of this chapter. Each zoning district is established to permit only those uses specifically listed as permitted, except as provided under the nonconforming provisions, and is intended for the protection of those uses. No other uses are permitted.

('78 Code, App. B, Art. 11 2.2) (Ord., passed 4-1-70) Penalty, see § 156.999

#### § 156.006 MOST RESTRICTIVE REGULATIONS TO APPLY.

In case of conflict between this chapter or any part thereof and the whole or part of any existing or future ordinance of the city or

the whole or part of any existing or future private covenants or deeds, the most restrictive in each case shall apply.  
(`78 Code, App. B, Art. VII 7.1) (Ord., passed 4-1-70)

#### ZONING DISTRICT REGULATIONS

##### § 156.020 ESTABLISHMENT AND DESIGNATION OF DISTRICTS.

The city is divided into types of zoning districts as shown on the zoning map, and these districts are designated as follows:

(A) Residential Districts: R-1, R-2, and R-3.

(B) Commercial Districts: C-1, C-2, and C-3.

(C) Industrial Districts:

(1) Light Industrial District: I-1.

(2) Heavy Industrial District: I-2.

(D) Flood Plain District: FP.

(`78 Code, App. B, Art. III 3.1) (Ord., passed 4-1-70)

##### § 156.021 INTERPRETATION OF BOUNDARIES.

The following rules shall be used to interpret the exact location of the zoning district boundaries shown on the zoning map:

(A) Where a zoning district boundary follows a street or railroad the center line of the street or railroad right-of-way is the boundary of the district.

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

(C) Where a zoning district boundary follows a stream or the shore of a body of water, that stream or shore line is the boundary of the district.

(D) Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.

(E) In any case where the exact location of a boundary is not clear, the Board of Adjustment shall use these rules to determine the exact location upon application by the Enforcement Officer for an original interpretation.

(`78 Code, App. B, Art. III 3.2) (Ord., passed 4-1-70)

§ 156.022 UNASSIGNED AREAS.

(A) In case any area in which this chapter does not apply hereafter becomes a part of the city, the Planning Commission shall initiate the amendment procedure to assign such areas to a zoning district within 60 days after the new area has become a part of the city. Notice shall be given as required by KRS Chapter 424.

(B) Until such proceedings take place, the area is considered an extension of the largest contiguous district. If the classification of such an area is questionable, the Enforcement Officer may, upon approval by the Planning Commission, refuse to issue zoning permits until the area is assigned to a zoning district.  
(`78 Code, App. B, Art. III 3.3) (Ord., passed 4-1-70)

§ 156.023 RESIDENTIAL DISTRICTS.

The following regulations shall apply in residential districts as indicated:

(A) Permitted uses in R-1 Districts. Single-family dwellings.

(B) Non-permitted uses in R-1 Districts.

(1) Modular homes as defined in § 156.070;

(2) Mobile homes as defined in § 156.080;

(3) Billboards; and

(4) Cellular antenna towers or co-location of any cellular telecommunications service.

(C) Permitted uses in R-2 Districts.

(1) Single-family dwellings.

(2) Duplexes and multiple-family dwellings with a maximum of six dwelling units per lot.

(3) Planned development projects for residential use only. The procedure under §§ 156.065 through 156.068 shall be followed.

(D) Non-permitted uses in R-2 Districts.

- (1) Modular homes as defined in § 156.070;
- (2) Mobile homes as defined in § 156.080;
- (3) Billboards; and
- (4) Cellular antenna towers or co-location of any cellular telecommunications service.

(E) Permitted uses in R-3 Districts.

- (1) Single-family dwellings.
- (2) Duplexes and multiple-family dwellings.
- (3) Planned development projects for residential use only. The procedure under §§ 156.065 through 156.068 shall be followed.

(F) Non-permitted uses in R-3 Districts.

- (1) Mobile homes as defined in § 156.080;
- (2) Cellular antenna towers or co-location of any cellular telecommunications service;
- (3) Billboards; and
- (4) Cellular antenna towers or co-location of any cellular telecommunications service.

(G) Accessory structures and uses permitted in all residential districts.

- (1) Garage or other building not used as a dwelling and accessory to the principal use.
- (2) Private swimming pools.
- (3) Renting of sleeping rooms. Three sleeping rooms are the maximum that shall be rented in any building.
- (4) Home occupations. The Board of Adjustment shall rule on home occupations according to the definition in § 156.004 upon application by the Enforcement Officer when the classification is in doubt.

(H) Conditional uses in all residential districts.

- (1) Nonprofit public or private facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and the like.



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(2) Neighborhood commercial facilities as part of a planned development project. The procedure under §§ 156.065 through 156.068 shall be followed.

(3) Day care centers.

(4) Modular homes as defined in § 156.070 in R-3 District only.

(5) Assisted living residences. As defined and regulated by KRS 209.200 Assisted Living Residences; Requirements for Certification; Procedures. Also to follow any and all guidelines set forth in § 156.041.

(6) Funeral home service.

(I) Dimension and area regulations in all residential districts. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations in § 156.027. The applicable regulations shall be observed in all residential districts.

(`78 Code, App. B, Art. IV 4.1) (Ord., passed 4-1-70; Am. Ord. 88-11, passed 11-9-88; Am. Ord. 90-16, passed 9-12-90; Am. Ord. 98-19, passed 12-9-98; Am. Ord. 99-04, passed 3-23-99; Am. Ord. 99-17, passed 10-26-99; Am. Ord. 09-01, passed 3-9-09) Penalty, see § 156.999

#### § 156.024 COMMERCIAL DISTRICTS.

The following regulations shall apply in commercial districts as indicated:

(A) C-1 Central Business District. The purpose of this District is to provide commercial activities in a concentrated area with an emphasis on large scale and specialty establishments. This will enable the public to participate in many types of commercial activities at one time without depending upon motor transportation for mobility.

(1) Permitted uses. These include all specialty stores, department stores, places of amusement and entertainment, but excludes those which would be detrimental to the purpose of the Central Business District, such as any commercial activity which would cater primarily to the motoring public. Some examples are service stations, motels, drive-in restaurants, drive-in theaters, automobile dealerships and used car lots.

(a) Outdoor advertising signs. Only signs which are flush with the building or which are generally intended to improve the street should be encouraged. This should not be interpreted as a sign-control device.

(b) Planned development projects for commercial and high density residential use only. The procedure under §§ 156.065 through 156.068 shall be followed.

(2) Conditional uses. Public facilities such as libraries, churches, parks, recreational facilities, hospitals, institutions, and the like.

(3) Non-permitted uses:

(a) Cellular antenna towers or co-location of any cellular telecommunications service; and

(b) Billboards.

(B) C-2 Neighborhood Commercial District. This District is to be used for retail trade and personal services enterprises which will meet the regular needs of the occupants of surrounding residential areas.

(1) Permitted uses.

(a) Retail sales. Processing is permitted only if all products processed are sold at retail on the premises with all processing and sales contained within existing commercial buildings.

(b) Consumer services. Processing is permitted only if all the processing is performed as a consumer service for retail customers served on the premises, within a building.

(c) Professional, business, and governmental offices and laboratories.

(2) Conditional uses.

(a) Public facilities such as libraries, churches, parks, recreational facilities, hospitals, institutions, and the like.

(b) Wholesale commercial, within a building.

(c) Outdoor storage, display and/or processing, whether permanent or temporary, associated with the on-premises business (i.e. garden supply, and the like) with required associated screening.

(d) Existing warehouses, either for storage only or for storage incidental to sale (on-premises, indoor).

(e) Advertising signs. All signs should be approved as conditional uses in C-2 zones and only where need can be demonstrated and design is compatible with the surrounding neighborhood.

(f) Parking lots. Public or private. Subject to city specifications and site development requirements.

(g) Car lots. Repair incidental to sale must be completed inside buildings. Any major repair work to be completed off-premises. Site must have sufficient existing on-site "office / prep" building, as determined by the Board of Adjustments, with display area paved. No trailer sales allowed.

(h) Mixed-use Building. Car-related uses are not permitted for a mixed-use building.

(i) Pre-existing gas stations with or without associated convenience store.

(j) Alteration of or addition to an existing non-conforming residential use.

(3) Non-permitted uses:

(a) Cellular antenna towers or co-location of any cellular telecommunications service;

(b) Billboards and off-premises signage of any kind;

(c) Yard sales. Non-permitted outdoor sales of any kind on commercial property during business or non-business hours during the week or on the weekend; and

(d) New gas stations with or without associated convenience stores.

(4) Additional regulations:

(a) The C-2 Neighborhood Commercial District is a zoning tool for regulating commercial properties, buildings, and uses that are in close proximity to neighboring residential uses and districts. Any decision of the Board of Adjustment regarding a property located in the C-2 Neighborhood Commercial District must be made so as not to be detrimental to the residential neighborhood which it borders.

(b) Properties located within the C-2 Neighborhood Commercial District which are within the Carrollton "Floodplain District," the Carrollton Historic District, the Waterfront District overlay or any other zone, district or overlay shall follow all applicable regulations as to property improvements and use.

(C) C-3 Highway Commercial District.

(1) Parking space. Parking space must be provided as set forth in § 156.049.

(2) Permitted use regulations. A building or premises shall be used only for the following purposes:

(a) Motels.

(b) Restaurants and cafes.

(c) Retail stores, especially those which require large storage or display space.

(d) Motor vehicle service stations and other auto-related establishments.

(e) Planned development project for commercial use only. The procedure under §§ 156.065 through 156.068 shall be followed.

(3) Conditional uses.

(a) Non-retail commercial.

(b) Outdoor storage and processing.

(c) Warehouses.

(d) All permitted and conditional uses that are allowed in C-1 and C-2 districts.

(4) Non-permitted uses:

(a) Cellular antenna towers or co-location of any cellular telecommunications service; and

(b) Billboards.

(D) Accessory structures and uses permitted.

(1) Signs identifying the commercial activity on the same premises. Only one sign on the premises may be detached from the principal building. A freestanding sign shall be at least three feet from side lot lines. No portion of any sign shall extend beyond any lot line.

(2) Dwelling units occupying the same building as the principal commercial use.

(3) Garage or other building not used as a dwelling and accessory to the principal use.

(4) Wholesale of merchandise or services which is clearly incidental and subordinate to the principal retail use on the premises.

(E) Special regulations.

(1) There shall be no outdoor storage of merchandise and no outdoor processing in any commercial district unless authorized as a conditional use. All aboveground structures accessory to any outdoor use shall be located at least 25 feet from lot lines.

(2) All uses in commercial districts shall exhibit performance standards equal to or better than those which define light industry.

(F) Dimension and area regulations. The regulations on dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations contained in § 156.027. The applicable regulations shall be observed in all commercial districts. ('78 Code, App. B, Art. IV 4.2) (Ord., passed 4-1-70; Am. Ord. 87-10, passed 7-8-87; Am. Ord. 91-03, passed 3-27-91; Am. Ord. 91-03, passed 3-27-91; Am. Ord. 98-19, passed 12-9-98; Am. Ord. 99-04, passed 3-23-99; Am. Ord. 2016-19, passed 11-3-16) Penalty, see § 156.999

§ 156.025 INDUSTRIAL DISTRICTS.

The following regulations shall apply in all industrial districts:

(A) I-1 Light Industry District

(1) Principally permitted uses.

Uses, manufacture, processing, treatment, of storage or the following, providing all operations permitted, including storage, must be confined within a building.

Adhesives, excluding manufacturing of basic components  
Awnings, metal  
Beverage (nonalcoholic) manufacture  
Beverage, blending and bottling  
Bookbinding  
Broom and brush  
Button manufacture, except button blanks form shell

Carbon paper and ink ribbons  
Carpentry, cabinet making, and pattern shops  
Carting and light local deliveries  
Clay products of handicraft nature including ceramics, pottery, tile (glazed), or similar products  
Clocks and watches  
Cloth products, including canvas, clothing, garments  
Computers and related equipment assembly  
Cosmetics or toiletries  
Electrical appliance and apparatus assembly (small), including fans, fixtures, hot plates, irons, mixers, motion picture equipment (home), phonographs, radios, television sets, toasters, toys, or similar products, but not including electrical machinery  
Electrical supplies, including cable and wire assemblies, batteries, (dry cell), insulation, lamps, switches, or similar supplies  
Electronic measuring instruments and electrical control devices  
Flowers, artificial  
Food processing, including bakery products (wholesale), candy manufacture, coffee, tea, and spices (processing and packaging), creamery and dairy operations, ice cream manufacture, macaroni and noodle manufacture, oleo-margarine (compounding and packaging only)  
Fur finishing in and fur goods, not including tanning, dyeing  
Glass products from previously manufactured glass  
Greenhouses, wholesale  
Hair, felt, or feather products  
Hat finishing and millinery from straw and other fibers  
Ink or ink ribbon, packaging  
Instruments (electronic), accessories used in medical diagnosis and treatment, excluding x-ray and/or radiation equipment  
Jewelry  
Latex paints (water base)  
Leather products manufacture (no tanning operations), including shoes, machine belting, or similar products  
Luggage  
Machines, business, including accounting machines, calculators, card-counting equipment, typewriters, or similar products  
Medical appliances, including braces, limbs, stretchers, supports, or similar appliances  
Motion picture production  
Musical instruments (including pianos and organs)  
Novelty products (from prepared materials)  
Optical equipment  
Paper products, including bags, boxes, bulk goods, containers (shipping), envelopes, interior packaging components, stationery, tubes, wallpaper, or similar products  
Pharmaceutical products (compounding only)  
Photographic equipment  
Plastic molding and shaping, excluding manufacturing of basic components  
Precision instruments  
Printing, publishing, engraving, including photoengraving  
Radio and television towers and antennas  
Scenery construction



Sheet metal shops  
Sign and displays (non-metal)

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Stamp (hand), stencils, and brands  
Statuary and art goods, other than stone and concrete, including church art, figurines, mannequins, religious art (excluding foundry operations)  
Toys and games  
Trade and business schools  
Umbrellas and parasols  
Upholstery and furniture shops, wholesale  
Vehicles, children's, including baby carriages, bicycles, scooters, wagons, or similar vehicles  
Warehouse, storage  
Wholesale houses and distributors, provided the operation is enclosed in a building  
Window shades, venetian blinds, awnings, tarpaulins, and canvas specialties  
Wood products, including furniture, baskets, boxes, crates, or similar products, and copperage works (except copperage stockmill)

Those uses which are similar in type and intensity to the above are permitted.

(2) Conditional uses. The following uses may be permitted in this district upon granting of a conditional use permit by the Board of Adjustment.

(a) All permitted and conditional uses that are allowed in all commercial districts.

(3) Nonpermitted Uses.

- (a) Blacksmith
- (b) Chemical manufacturing
- (c) Chemical packaging
- (d) Chemical storage business or establishment
- (e) Cleaning and dyeing of garments, hats, and rugs
- (f) Combustion type motor testing
- (g) Creosote treatment
- (h) Distillation (all types)
- (i) Foundries, refiners, smelters
- (j) Industries requiring special waste treatment
- (k) Laboratories, research, experimental testing
- (l) Landfill
- (m) Minerals or raw materials (extraction, storage, or processing)
- (n) Radium or radioactive elements
- (o) Sewage plants
- (p) Soaps, detergents, including washing and cleaning powder or soda
- (q) Stock yards
- (r) Storage of explosives, fireworks, gas or petroleum
- (s) Tanning industries
- (t) Cellular antenna towers or co-location of any cellular telecommunications service; and
- (u) Billboards.

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(B) Heavy industry (I-2 Zone). Any industrial use not meeting the requirements of light industry as defined in § 156.004.

(1) Cellular Towers and Telecommunication Services. No cellular antenna towers or co-location of any cellular telecommunications service shall be constructed within an I-2 zone without first filing a request for such to be heard by the Board of Adjustments with the opportunity to voice their opinions about the placement of such services. The application may thereafter be denied by the Board of Adjustments upon presentation of written findings supporting said denial or may be granted with or without conditions imposed by the Board of Adjustments.

(2) Billboards shall not be constructed within an I-2 zone.

(C) Dimension and area regulations. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations contained in § 156.027. The applicable regulations shall be observed in all industrial districts.

(D) Accessory structures and uses permitted.

(1) Signs identifying the industrial activity on the same premises.

(2) Dwelling unit for caretaker or watchmen employed by the industrial firm.

(3) Garages and other buildings and uses accessory to the principal use.

('78 Code, App. B, Art. IV 4.3) (Ord., passed 4-1-70; Am. Ord. 87-07, passed 4-15-87; Am. Ord. 89-06, passed 5-10-89; Am. Ord. 99-04, passed 3-23-99) Penalty, see § 156.999

#### § 156.026 FLOOD PLAIN DISTRICT.

The Flood Plain District (FP) is designed to meet the needs of the Ohio River and the Kentucky River to carry abnormal flows of water in time of flood; to prevent encroachments into the district which will unduly increase flood heights and damage; and to prevent the loss of life and excessive damage to property in the area of greatest flood hazard. Within the Flood Plain District, the following regulations shall apply:

(A) Permitted uses. The following uses are permitted subject to the approval of the Board of Adjustment and to the conditions as the Board may specify to protect the public interest.



(1) Public and private recreational uses of open land such as public parks, golf courses, golf driving ranges, archery ranges, and open air theaters.

(2) Carnivals, circuses, and similar transient amusement enterprises.

(3) Agricultural uses.

(4) Railroads, streets, bridges, and utility lines.

(5) Any other uses customarily accessory to or incidental to the above uses.

(6) Planned development projects for commercial and high density residential use only. The procedure under §§ 156.065 through 156.068 shall be followed.

(7) Camping trailers. Camping trailers and tents used by bona fide tourists and campers may be permitted in and as part of a public or private recreational area. The Board of Adjustment, in approving the use of such camping trailers and tents, may prohibit their use during certain months of the year in order to insure that such camping trailers and tents are not located within the Flood Plain District at times of the greatest danger of floods.

(8) Billboards shall not be constructed within the flood plain district.

(9) Cellular Towers and Telecommunication Services. No cellular antenna towers or co-location of any cellular telecommunications service shall be constructed within an I-2 zone without first filling a request for such to be heard by the Board of Adjustments with the opportunity for a public hearing to be held at which neighboring property owners would be given an opportunity to voice their opinions about the placement of such services. The application may thereafter be denied by the Board of Adjustments upon presentation of written findings supporting the said denial or may be granted with or without conditions imposed by the Board of Adjustments.

(B) Uses and improvements prohibited. Landfill or dumping except as necessary in the construction of railroads, streets, and bridges. ('78 Code, App. B, Art. IV 4.4) (Ord., passed 4-1-70; Am. Ord., passed 7-16-86; Am. Ord., passed 11-10-76; Am. Ord. 92-34, passed 11-11-92; Am. Ord. 99-14, passed 10-26-99) Penalty, see § 156.999

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Cross-reference:

Flood damage prevention regulations, see Chapter 152

§ 156.027 SCHEDULE OF DIMENSIONS AND AREA REGULATIONS.

('78 Code, App. B, Art. IV) (Ord., passed 4-1-70; Am. Ord. 89-29, passed 12-13-89; Am. Ord. 2018-01, passed 2-12-18) Penalty, see § 156.999

## GENERAL REGULATIONS

§ 156.040 COORDINATION WITH SUBDIVISION REGULATIONS.

In all cases where the ownership of land is divided for the purpose of eventual development of lots of any kind, whether residential, commercial, or industrial, the provisions of the subdivision regulations set forth in Chapter 155 shall apply in addition to the provisions of this chapter.

('78 Code, App. B, Art. II 2.31) (Ord., passed 4-1-70)

§ 156.041 CONDITIONAL USES.

Conditional uses may be permitted in districts as designated under the zoning district regulations but only when specifically approved by the Board of Adjustment. Planned development projects and subdivisions, when permitted as conditional uses, shall be subject to the respective regulations governing their approval. All other conditional uses shall be subject to the following regulations:

(A) All districts. The following conditional uses only may be approved in all zoning districts:

- (1) Non-local public utility and private transmission lines and pipes.
- (2) Radio, television, and telephone transmission structures.
- (3) Large utility structures and public service buildings.
- (4) Expansion of railroads and appurtenances.
- (5) Government buildings and uses.
- (6) Churches and libraries.

(B) Specified districts. Other conditional uses may be approved only in those zoning districts where they are designated as conditional uses under the zoning district regulations.

(C) Procedure. In applying for a conditional use zoning permit, the applicant shall submit a plan to the Enforcement Officer and follow all procedures set forth in § 156.104. The Enforcement Officer shall refer the application to the Board of Adjustment. The City Council may establish a schedule of reasonable fees to be charged for conditional use zoning permits. The applicant shall meet with the Board, which may attach reasonable special conditions to an approval of a conditional use to insure that there will be no departure from the provisions and intent of this chapter. These special conditions may be similar to the conditions that may be required for planned development projects. Effect of the conditional use on surrounding uses and all officially



adopted plans shall be approved or disapproved. The Board may approve the application and may issue written authorization to the Enforcement Officer to issue a zoning permit in full conformance with § 156.104. The conditional use, if approved, shall conform with all attached conditions.

(D) Other regulations. Payment of a fee shall be required of the applicant before the issuance of the conditional use permit. Other regulations for conditional use permits are as follows:

(1) The Board 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. All conditions shall be recorded in the Board's minutes and in the conditional use permit along with reference to the specific section of the zoning regulation listing the conditional use under consideration. The Board shall have the power to revoke conditional use permits or variances for noncompliance with the conditions thereof. Furthermore, the Board will have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgment against the violator for the cost.

(KRS 100.237(1))

(2) (a) Granting of a conditional use permit does not exempt the applicant from complying with all the requirements for this chapter and other ordinances and regulations of the City Council.

(b) If the applicant submits a modified plan to the relevant regulatory authorities in order to comply with all of the requirements of building, housing, and other regulations that expands the applicant's conditional use beyond the previously established geographic boundaries of the original conditional use permit, then the expanded conditional use shall be reviewed by the board. This review shall be limited to an examination solely of the expanded geographic boundaries of the modified plan. The board may deny the applicant's conditional use permit for the expanded geographic area.

(c) The applicant shall have the duty of informing the board of modifications made in accordance with division (b), within 14 days of their submission. The applicant's failure to provide the board with notification shall be grounds for the board to revoke the conditional use permit, after a hearing before the board.

(KRS 100.237(2))

(3) A conditional use permit shall be exercised within one year from the date of issuance within the meaning of KRS 100.237(3).

(4) The Enforcement Officer shall review all conditional use permits except for 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 the conditions which are listed on the conditional use permit. If the landowner is not complying with all conditions listed on the permit, the Enforcement Officer shall report the fact in writing to the Chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the condition on the conditional use permit and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairman of the Board. Upon hearing the report as required by KRS 100.237(4), if the Board finds the facts alleged in the report of the Enforcement Officer to be true and that the landowner has taken no steps to comply with them between the report and the date of the hearing, the Board may authorize the Enforcement Officer to revoke the conditional use permit and to take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes. (KRS 100.237(4)).

('78 Code, App. B, Art. II 2.33) (Ord., passed 4-1-70)

(E) Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the 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. Thereafter, the use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use. (KRS 100.237(5))

(F) When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least 14 days in advance of the public hearing on the application to the applicant, Enforcement Officer, an owner of every parcel of property adjoining the property to which the application applies and such other persons as this chapter or the Board of Adjustment bylaws shall direct. Written notice shall be by first class mail with certification by the Board's Secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the Board the name and address of an owner of each parcel of property as described in this division. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address. (KRS100.237(6)) Penalty, see § 156.999

§ 156.042 NONCONFORMING STRUCTURES AND USES.

(A) Nonconforming structures. Nonconforming structures may remain subject to the following regulations:

(1) Alterations. A nonconforming structure shall not be enlarged, replaced, or structurally altered except in conformance with this chapter. Any structure, however, may be restored to a safe condition if declared unsafe by the Enforcement Officer or other official with jurisdiction, except as provided in division (A)(2) below.

(2) Restoration. A nonconforming structure the restoration of which to a safe condition would cost more than 50% of its replacement value shall not be restored except in conformance with this chapter and except for historically significant buildings.

(3) Construction approved prior to adoption or amendment of this chapter. Proposed structures for which building permits have been issued prior to their designation as nonconforming by the adoption or amendment of this chapter may be completed and used as originally intended provided they are completed and in use one year after the date on which the building permit was issued.

(4) A pre-existing non-conforming structure may be enlarged, replaced or structurally altered by obtaining a variance from the Board of Adjustments. The Board of Adjustments shall use the criteria for granting or denying variances as contained in § 156.01.  
(Ord. 91-04, passed 3-27-91; Am. Ord. 92-35, passed 11-11-92)

(B) Nonconforming uses. Nonconforming uses may be continued subject to the following regulations:

(1) Extensions. A nonconforming use shall not be extended or moved to occupy any portion of the premises, either land or a structure, which was not originally occupied by the nonconforming use.

(2) Discontinuance. Whenever a nonconforming use of any premises has been discontinued for a period of six months, no nonconforming use may be re-established on those premises.  
(`78 Code, App. B, Art. II 2.4) (Ord., passed 4-1-70)

(3) Additions. Addition of an accessory structure shall not be allowed in conjunction with non-conforming pre-existing uses in any zone. (Ord. 91-04, passed 3-27-91)

(C) Nonconforming uses in continuous existence for ten years. Any use which has existed illegally and does not conform to the provisions of this zoning code, has been in continuous existence for a period of

ten years, and which has not been the subject of any adverse order or other adverse action by the Enforcement Officer during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of this zoning code. (KRS 100.253(3))  
Penalty, see § 156.999

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Statutory reference:

Nonconforming uses, see KRS 100.253

§ 156.043 WATER SUPPLY AND SEWAGE DISPOSAL; BUILDING GRADES.

(A) Water supply and sewage disposal.

(1) It shall be unlawful to construct any building or occupy any mobile home without water supply and sewage disposal facilities approved by the appropriate State or County Health Officer. Wherever water or sewer mains are within 150 feet of the property lines, buildings and mobile homes shall be connected to the mains. In every other case, individual water supply and sewage disposal must meet the requirements set by the State or County Health Officer. The State or

County Health Officer's certificate approving proposed and completed water and sewage facilities must accompany applications for building permits and certificates of occupancy.

(2) It shall be unlawful to construct any building or occupy any structure within a commercial or industrial zone without first complying with § 155.50 of the subdivision regulation concerning storm drainage and stormwater facilities. (Penalty, see KRS 156.999)

(B) Building grades. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade, beginning at the sidewalk level, shall be maintained and established from the center of the front lot line to the finished grade line at the front of the building. The rear and side yards shall be sloped to allow for the flow of surface water away from the building without creating a nuisance. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the runoff of surface water from creating a nuisance on the adjacent properties. Final grades shall be subject to the approval of the designated city employee.

('78 Code, App. B, Art. II 2.43) (Ord., passed 4-1-70; Am. Ord. 89-22, passed 7-12-89) Penalty, see § 156.999

§ 156.044 PRINCIPAL BUILDINGS AND ACCESSORY STRUCTURES.

Unless a plat has been approved for a planned development project, only one principal building and permitted accessory structures may be erected on any lot of record or any conforming lot. Temporary structures are permitted during construction only.

('78 Code, App. B, Art. II 2.44) (Ord., passed 4-1-70) Penalty, see § 156.999

§ 156.045 JUNKYARDS.

(A) As there is no suitable location for a junkyard within the city limits, junkyards are not designated as permitted uses in any district and are consequently nonconforming uses in all existing districts. They shall conform with § 156.042 prescribing regulations for nonconforming uses. The Enforcement Officer shall ensure that all existing junkyards maintain valid permits to operate issued by the state as required by KRS 177.905 through 177.950 and he shall ensure that all screening required by the state is maintained. The Planning Commission may authorize the Enforcement Officer to require that all existing junkyards, in addition to the permit to operate, shall maintain valid certificates of occupancy as nonconforming uses according to § 156.105.

(B) A new junkyard, however, may be permitted as a planned development project, but only in full conformance with the planned development project requirements, all special conditions on the approved final plat, and the state law cited above.

('78 Code, App. B, Art. II 2.52) (Ord., passed 4-1-70) Penalty, see § 156.999

§ 156.046 ACCESS POINTS TO ARTERIAL STREETS.

It is desirable that access points to arterial streets serving all zoning districts shall be located no more frequently than one every eighth to quarter mile. Topography and traffic volume shall determine the exact locations. Heavy arterial traffic volume demands greater access spacing along any arterial street where subdivided land and its minor streets are not sufficiently developed to permit acceptably spaced access points. The Planning Commission may approve the platting of temporary access points which shall be eliminated by the developer when minor streets or marginal access streets are extended to the approved permanent access point. Such requirements shall be listed as special conditions on the recorded final plat. Access points shall also meet federal and state standards where applicable.

('78 Code, App. B, Art. II 2.31) (Ord., passed 4-1-70) Penalty, see § 156.999

§ 156.047 LOTS AND YARDS.

(A) Obstructions at intersections. Within the area defined by the intersection of any two right-of-way lines of streets or railroads and a straight line intersecting those two right-of-way lines at points 30 feet from their intersection, no obstructions to vision between a height of 2-1/2 feet and 12 feet above the imaginary plane defined by those three points of intersection are permitted.

(B) Front yard regulations for corner and double frontage lots. Corner lots and double frontage lots shall, on both of the adjacent streets, meet the front yard regulations of the district in which they are located.

(C) Application of yards to one building only. No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.

(D) Use of yards for accessory buildings. No accessory buildings are permitted in front yards. They are permitted in rear or side yards according to the dimension and area regulations.

(E) Electric fences installed above ground are not permitted. No electrified fences of single, double or multiple wires can be installed in any zoning district unless the site can meet all the following requirements:

(1) Agricultural use of the proposed site.

(2) Electric fence used to enclose farm livestock only.

(3) Proposed site does not border an active residential zone (as opposed to bordering an open field with a residential zone designation).

('78 Code, App. B, Art. II 2.61 - 2.64) (Ord., passed 4-1-70; Am. Ord. 99-16, passed 10-26-99) Penalty, see § 156.999

§ 156.048 SCREENING.

The Planning Commission may require a developer to provide proper screening whenever two different zones adjoin where his actions may be the cause of land use conflict.

('78 Code, App. B, Art. II 2.65) (Ord., passed 4-1-70) Penalty, see § 156.999

§ 156.049 OFF-STREET PARKING AND LOADING.

## (A) Off-street parking space regulations for automobiles.

(1) Existing parking space. Existing off-street parking provided for any building or use at the time of adoption of this chapter shall not thereafter be reduced unless it exceeds the requirements of this chapter. Any existing building or use not provided with off-street parking space shall be provided with off-street parking space in conformance with this chapter at the time of any building expansion.

(2) Required off-street parking space. When any building is built or any use of premises is initiated they shall be provided with sufficient off-street parking space on the premises so that they will generate no automobile parking on any street as a result of their normal activity. The Board of Adjustment shall interpret the amount of parking space required for any building or use, assisted by the following standards. Whenever the Enforcement Officer is unable to apply the following standards literally he shall apply to the Board for an interpretation.

(3) Off-street parking standards. The following standards comprise the minimum off-street parking requirements for the several common types of buildings and uses listed. (Because of the concentrated nature of the Central Business District, these standards shall not apply unless economically and physically possible. The Planning Commission shall decide each such case individually.)

(a) Dwelling. One parking space per dwelling unit.

(b) In multiple-family units, the following requirements shall apply. One parking space for each efficiency (one room apartment), one and one-half parking spaces for each one-bedroom unit, two parking spaces for each two-bedroom unit, and two and one-half parking spaces for each unit with three or more bedrooms.

(c) Indoor retail businesses and services. One parking space per 150 square feet of commercial floor area plus one space for every truck operated by the businesses.

(d) Finance, insurance, and professional offices. One parking space per 300 feet of floor area used in the conduct of business.

(e) Industrial plants. One parking space for every two employees at maximum employment on a single shift plus one space for every truck operated by the plant.

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(f) Places of public assembly, institutions, and recreational facilities. One parking space for every three persons based on maximum capacity.

(g) Additional parking standards. The Board shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.

(h) Parking. For computing the number of parking spaces in a given area, the ratio of 250 square feet per parking space shall be used.

(B) Off-street loading and unloading space regulations for trucks. 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 shall interpret the amount of loading and unloading space required for any building or use whenever the Enforcement Officer is unable to apply this standard literally and applies to the Board for an interpretation.

(C) Additional parking, loading, and unloading regulations.

(1) Arrangement of off-street parking space. Off-street parking space required for any building or use may be located within walking distance of 400 feet from the premises it serves but detached therefrom or may be consolidated into a large parking area serving other building and uses, either of which arrangements must be approved by the Board. The Enforcement Officer shall apply to the Board for an interpretation when zoning permits are requested in such cases. The Board 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 building or uses which do not generate automobile parking at the same times such as 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.

(2) Proof of availability. The Board 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 zoning permit.

(3) Surfacing of parking, loading, and unloading spaces. Parking, loading, and unloading spaces and the access thereto shall be surfaced in a manner adequate to eliminate dust and mud. ('78 Code, App. B, Art. II 2.7) (Ord., passed 4-1-70) Penalty, see § 156.999

§ 156.050 EXCEPTIONS.

(A) Use exceptions. Several types of structures and uses are



permitted in all districts even though they are not listed as permitted uses under the zoning district regulations. Others require zoning permits but not certificates of occupancy. These structures and uses are listed as follows:

(1) No zoning permit or certificate of occupancy required.

(a) Local public-utility distributing and collecting structures such as pipes and transmission lines, transformers, meters, and the like. Large utility structures such as substations are permitted only as conditional uses.

(b) Public streets and all official appurtenances necessary for traffic direction and safety. All street and traffic-control signs shall conform to the code established and adopted by the State Department of Highways.

(c) Private drives, private parking areas, and the parking of vehicles incidental to the principal use on the same premises.

(d) Real estate signs not larger than ten square feet located on the premises or subdivision being advertised for sale or for rent.

(e) Signs not over four square feet in area identifying permitted home occupations for the renting of sleeping rooms on the same premises.

(f) Horticulture and landscaping of any premises, fences, and other normal accessory uses.

(2) Zoning permit only required. No certificate of occupancy required.

(3) Local information signs. All local information signs shall meet the following standards:

(a) Twenty square feet in area is the maximum size permitted for local information signs, and no linear dimension shall be greater than ten feet.

(b) The bottom of all local information signs shall be not less than six feet above the surface of the ground.

(c) Local information signs must be located within three miles along any street from the establishment to which they are indicating directions.

(d) Local information signs must be located off the right-of-way and at least 100 feet from all intersecting street rights-of-way.

(B) Height exceptions. Height regulations apply to buildings occupied regularly by persons or their activities. They do not apply to structures or portions of buildings such as radio towers, ornamental spires, water towers, silos, and flagpoles, which are not occupied regularly by persons except for maintenance unless otherwise stipulated in this chapter. The Board of Adjustment shall interpret whether or not height regulations apply upon application by the Enforcement Officer in doubtful cases. Federal Aviation Agency height regulations in the vicinity of the airport shall take precedence over all other height regulations.

('78 Code, App. B, Art. II 2.8) (Ord., passed 4-1-70)

§ 156.051 SITE DEVELOPMENT REQUIREMENTS.

All developers of property within the city, whether that property is zoned residential, commercial, industrial, or is a single family, duplex or multi-family residential use, an institutional use, an educational use, a commercial use, an industrial use, a conditional use, or whether it is under city, state or federal jurisdiction or is a single or subdivided property, will be required to meet the following site development requirements. These requirements will be incorporated into documents and drawings which will be submitted to the Planning and Zoning Commission for review as to determining approval of the project. These documents are hereinafter referred to as the "site development plan." The Planning and Zoning Commission shall have the right to waive and or lessen any of these requirements if it is found to be impractical to enforce them to the maximum intent.

(A) Utilities to be installed underground. The site development plan will provide for all utility lines, connections, etc., whether they are to be installed on the site or as part of the right of way frontages of the site, to be installed underground. Any above ground electrical equipment will be placed and screened from public view as best as possible so as not to create any possible sight line obstruction and the like. Coordination of these utility installations will be the responsibility of the developer and must be incorporated into all development submittals with all respective utility company's approval indicated.

(B) Curbs and gutters. The site development plan will provide for the installation of city-specified curbs and gutters at all locations where the control of water runoff to underground drains and storm sewers is necessary or to terminate and/or define street, parking, and pedestrian areas. This includes any off street parking areas, loading/unloading dock areas, trash stations, frontage of the property along city streets and any other areas deemed by the Planning and Zoning Commission to need curbing.

(C) Sidewalks and driveways. The site development plan will provide for the installation of city-specified concrete sidewalks and driveways

along all property frontages, at street intersections and at driveways, whether on the proposed site or any right of way frontages associated with the site.

(D) City storm sewer. The site development plan will provide for the necessary underground piping for drainage of site storm water to city-established storm water lines. Coordination with Carrollton Public Works for hookup of such work will be made.

(E) Trash station. The site development plan will provide, where deemed by the Planning and Zoning Commission as being necessary, a trash station in which a safe and secure area is installed for the storage and pickup of any trash materials generated by the site. The trash station will be placed so it is screened from public view yet accessible to the city trash contractor.

(F) Lighting. The site development plan will provide for lighting as deemed necessary by the Planning and Zoning Commission for both off street parking, loading/unloading docks, other areas, and along all right of way street frontages. All associated electrical lines and hookups shall be underground. Light fixture types shall be selected from an approved city list.

(G) Landscaping. The site development plan will provide for any landscaping which, in the opinion of the Planning and Zoning Commission, is necessary to use as screening, minimize heat build-up, for beautification, and the like. The developer will utilize trees, shrubbery, grass and/or other plants as deemed necessary by the Planning and Zoning Commission with types and species selected from the Carrollton Urban Forestry Commission's approved list.

(H) Site monuments. The developer shall have installed concrete monuments indicating the location of property lines, right of ways, easements, and the like, the placement of which will be determined by a Commonwealth of Kentucky Certified Land Surveyor who will record such information on a plat, which will be filed with the Carroll County Clerk. Copies of the plat shall be provided to the Planning and Zoning Commission.

(I) Fencing. The developer shall install any necessary privacy and or security fencing as a means of preventing trespass, or to screen certain areas of the site from public view.

(J) Site maintenance. It is the responsibility of the developer's general contractor and all subcontractors to maintain the jobsite, sidewalks, curbs, streets, and any immediate area around the site in a clean and orderly manner. Maintenance includes the cutting of ail grass and weeds, keeping the site and immediate area clear of debris, scrap,

mud, materials, and the like. If such conditions are allowed to develop, and upon request from the Code Official to clear the area, the contractor does not comply, the Code Official will issue a stop work order and issue a citation.

(K) Business licenses and permits. The developer, its representative, and/or the general contractor will obtain all necessary permits and licenses for work within the city limits of Carrollton. The onsite general contractor project superintendent shall provide a list of contact information of all subcontractors for the project to Carrollton Code Enforcement and will direct those subcontractors as they begin work onsite to obtain necessary business licenses.

(L) Performance bonds. When deemed necessary by the Planning and Zoning Commission, in order for the developer to receive final approval for a development plan, the developer will be required to obtain a performance (surety) bond from a bank or insurance company to assure the Planning & Zoning Commission that sufficient funds are retained to satisfactorily complete the site development improvements as specified in the Carrollton Zoning Code.

(Ord. 2015-21, passed 12-14-15)

§ 156.052 FILL MATERIAL REQUIREMENTS.

Prior to any basements, cellars, foundations, cisterns, depressions, holes, and the like, either now existing or created by demolition or otherwise, being filled, the following requirements must be satisfied:

(A) The owner of the lot upon which the basement, cellar, foundation, cistern, depression, hole, and the like, is to be filled shall first obtain a building permit.

(B) Basements, cellars, foundations, cisterns, depressions, holes, etc. shall only be filled with materials approved by the Building Inspector upon issuance of the building permit. Materials as a result of demolition cannot be buried or used as fill upon the site without the prior approval of the Building Inspector.

(C) It shall be unlawful for any person to fill a basement, cellar, foundation, cistern, depression, hole, and the like unless a building permit has been issued for that particular area being filled to the owner of the lot or to fill any area with material other than what is approved by the Building Inspector.

(Ord. 2016-06, passed 11-3-16)

## PLANNED DEVELOPMENT PROJECTS

§ 156.065 GENERAL REGULATIONS.

A planned development project may be allowed in those zoning districts where it is designated as a permitted use under the zoning district regulations. The minimum acreage required for a planned development project shall be subject to the discretion of the Planning Commission. A planned development project may depart from literal conformance with individual lot dimension and area regulations. A planned development project may be under single or divided ownership and could be enlarged by submitting a revised plat. All planned development projects shall be subject to the regulations contained in this subchapter.

(`78 Code, App. B, Art. II 2.32) (Ord., passed 4-1-70; Am. Ord., passed 7-16-86)

§ 156.066 SUBDIVISION APPROVAL PROCEDURE.

When a planned development project is proposed, the procedure for subdivision approval as set forth in subdivision regulations (Chapter 155) shall be followed in its entirety even though the ownership of the land may not be necessarily divided. A preliminary plat and final plat, both approved by the Planning Commission, shall be required for every planned development project. The City Council may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Zoning permits and certificates of occupancy shall be required for each building according to §§ 156.104 and 156.105.

(`78 Code, App. B, Art. II 2.32) (Ord., passed 4-1-70) Penalty, see § 156.999

§ 156.067 USES AND DENSITIES; OTHER STANDARDS.

(A) Uses and densities. The uses of premises and development densities in a planned development project shall conform with the permitted uses and densities of the zoning district in which it is located.

(B) Standards. In any planned development project, although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no





diminution of total-equivalent-lot-area, parking area, and loading-unloading-area requirement that would be necessary for the equivalent amount of individual lot development with one exception: the Planning Commission may allow reductions in these requirements if the developer can satisfactorily prove that large-scale development may permit such reductions without destroying the intent of these regulations.

('78 Code, App. B, Art. II 2.32) (Ord., passed 4-1-70) Penalty, see § 156.999

§ 156.068 SPECIAL CONDITIONS.

(A) The Planning Commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this chapter. The planned development project shall conform with all the conditions. Because a planned development project is inherently more complex than individual lot development and because each project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible. The Planning Commission shall attach special conditions based on all the following standards in addition to imposing the standards for total area, parking area, and loading and unloading area defined in § 156.067(B). The Planning Commission may also attach any other reasonable special conditions.

(B) Whether or not other special conditions are imposed, the following points must be considered.

(1) Wherever there is an abrupt change in uses, such as residential to commercial, it is desirable that a buffer area of open space or protective planting or fencing be placed between them which will protect each use from the undesirable effects of the other.

(2) Parking and other public areas used at night shall be adequately lighted, and private areas shall be adequately protected from the lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.

('78 Code, App. B, Art. II 2.32) (Ord., passed 4-1-70)

MODULAR HOMES

§ 156.075 DEFINITIONS.

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

"MODULAR HOME." A manufactured home built to the specifications of the Commonwealth of Kentucky Building Code and subject to inspection thereupon. The modular home is built in one location and is transported by an especially built and/or designed trailer or wagon for a one time transportation to its permanent site. There it is placed upon a permanent foundation by a crane. Its mode of transportation is

not part of or attached to its permanent structure.

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"PRE-FABRICATED HOME." A dwelling unit with partial pre-construction built with a wood frame on a permanent foundation. The unit is designed for on-site attachment of walls to floor and roof to walls.

(Ord. 90-16, passed 10-10-90; Am. Ord. 01-01, passed 1-30-01)

§ 156.076 PERMITTED AND NON-PERMITTED USES.

(A) Permitted uses.

(1) Modular homes.

(a) Allowed in R-3 zones as conditional use, but excluded from any historic district recognized by the city and flood-plain zone.

(b) Only new modular homes with a minimum of 900 square feet on a permanent foundation.

(2) Pre-fabricated homes.

(a) Allowed in all residential zones.

(b) Considered the same as a completely site-built home.

(B) Non-permitted uses.

(1) Used modular homes are not permitted in any district.

(2) Modular homes may not be moved to another lot.

(3) Modular homes not permitted in R-1 and R-2 zones.

(Ord. 90-16, passed 10-10-90)

§ 156.077 BUILDING PERMIT REQUIRED.

(A) Before any modular homes is transported into the city, the owner of the lot upon which the home is to be placed shall first obtain a building permit.

(B) It shall be unlawful for any person to deliver a modular homes within the city limits unless a building permit has been issued for that unit to the owner of the lot.

(Ord. 90-16, passed 10-10-90)

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## MOBILE HOMES AND MOBILE HOME PARKS

§ 156.080 DEFINITION.

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

"MOBILE HOME." A dwelling unit, factory built and factory assembled, designed for conveyance after fabrication, on streets and highways and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor incidental unpacking and assembly operations such as locating on jacks, or other foundation, or connection to utilities. The mobile home, whether a single, double or multi-section assembled unit is preconstructed on I-Beam(s) or a similar chassis that cannot be removed and still maintain the structural ability of the unit. The system for allowing transporting the structure is included in the structure itself, including but not limited to, axles, wheels, tong, as opposed to being transported to a site on a trailer or a wagon separate and apart from the structure. These structures are not subject to the preview of the Commonwealth of Kentucky Department of Housing, Building and Construction, Division of Building Code Enforcement. The structures are regulated under the HUD Code.

(Ord., passed 10-9-74; Am. Ord. 90-16, passed 10-10-90; Am. Ord. 01-01, passed 1-30-01)

§ 156.081 UNDERPINNING AND PARKING SPACE.

All existing mobile homes within the city shall be underpinned around their entire circumference and each existing mobile home lot shall have at least one parking space for a motor vehicle.

(Ord., passed 10-9-74; Am. Ord. 99-21, passed 12-8-99) Penalty, see § 156.999

§ 156.082 TRAVEL TRAILERS.

No travel trailer shall be inhabited in the city for any period of time greater than 48 hours, nor shall it be connected to any utilities, except in an approved mobile home park or state-approved campsite or campground.

(Ord., passed 10-9-74) Penalty, see § 156.999

§ 156.083 MOBILE HOME PARKS.

All existing mobile home parks shall conform with all provisions of KRS 219.310 through 219.410, and shall conform with all applicable provisions of the following regulations.

(A) Standards. All existing mobile home parks shall conform with the following standards for development and maintenance.

(1) All existing mobile home parks shall include lots for at

least ten mobile homes. Mobile homes are not permitted on lots outside of approved existing mobile home parks in any other district unless specifically permitted by other provisions of this chapter.

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(2) Each existing mobile home shall have a lot of at least 4000 square feet and shall be connected with a public sewer.

(3) No existing mobile home shall be located closer than 20 feet to another existing mobile home.

(4) A road with a hard surface pavement at least 20 feet wide shall provide direct access to each existing mobile home lot. The area occupied by the road shall not fulfill part of the area requirements for any lot.

(5) One paved automobile parking area shall be provided on every existing mobile home lot.

(6) All existing mobile home parks shall conform with the State Board of Health regulations which prescribe standards for water supply, sewage disposal, and other facilities. Each existing mobile home park shall be adequately drained so that no existing mobile home lot shall be subject to the collection of stormwater.

(B) Nonconforming mobile homes. All existing mobile homes within the city limits which are nonconforming may continue in their present location as long as the mobile home is occupied. After the mobile home is unoccupied for a period of six months, or should the mobile home be moved, the right to maintain the mobile home outside of an approved existing park shall terminate.

('78 Code, App. B, Art. II 2.51) (Ord., passed 4-1-70; Am. Ord. 99-22, passed 11-10-99) Penalty, see § 156.999

#### SPECIAL DISTRICTS

#### § 156.090 ESTABLISHMENT AND DESIGNATION OF SPECIAL DISTRICTS.

The city is divided into types of zoning districts as shown on the zoning map to include from time to time the establishment and designation of special districts.

(Ord. 89-04, passed 4-12-89)

#### § 156.091 WRO WATERFRONT DEVELOPMENT REVIEW OVERLAY DISTRICT.

(A) Waterfront development standards. All development within this overlay district shall be reviewed for compliance with applicable portions of the "Comprehensive Plan", the "Carrollton KYDAT Study" and "Carrollton Historic District Design Standards", as well as the development standards listed in this section.

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(1) Planning Commission standards.

(a) Active commercial and recreational use of the river. Retail and public uses (among those listed as permitted in the appropriate zoning district) that provide for activity during the day and night, on weekends, and at all seasons will be encouraged. Uses that result in new activities, especially when they are related to present appropriate uses, and that result in more people coming to the waterfront are encouraged. New uses such as heavy industry that create a negative image in the area are discouraged. Additional uses of types already existing that do not bring people to the waterfront are also discouraged.

(b) Public easement. In order to assure public access to the river for recreational purposes and to protect the aesthetic qualities of the riverfront, provisions for the dedication of public access easements or scenic easements are encouraged.

(c) River edge enhancement. In order to provide for passive public use or enjoyment of the river's edge, provisions for bulk heading, landscaping, and definition of river edges where appropriate are encouraged.

(d) Preservation of historic structures and sites. Projects which provide for adaptive reuse of historic buildings and sites eligible for or already listed on the National Register of Historic Places will be favorably reviewed.

(e) View enhancement. The maintenance of and improvement in views of the river are encouraged. Structures should be designed to allow views of the river from adjacent streets; placement of buildings should maximize a cone of vision that includes a view of the riverfront.

(f) Enhancement of pedestrian environment. All development along the waterfront should be encouraged to:

1. Link and extend pedestrian pathways along the river bank throughout the waterfront area;

2. Provide sidewalks and pathways in both the public right-of-way and privately owned areas;

3. Provide accessible places and spaces that accommodate and encourage a wide variety of public activities;



4. Enhance attractiveness for pedestrian activity by preserving river vistas and providing shopping or entertainment opportunities along pedestrian ways;

5. Locate parking lots, storage areas and similar uses away from the water's edge and in unobtrusive locations;

6. Provide pedestrian systems and street crossings that encourage trips on foot; and

7. Provide other attributes that improve the pedestrian environment and pedestrian access to the water.

(g) Signage. Signs should be designed to enhance the area's visual appeal and ability to attract the public. The size, height, number, and design of signs will be reviewed for their ability to achieve these goals as well as their impact on traffic safety.

(h) Landscape and screening in waterfront zoning districts. All development must comply with the following landscaping and screening requirements.

1. Surface areas used for parking shall be landscaped or fenced so as to partially screen such areas from view from access streets, adjacent properties, and the waterfront. Parking structures shall include perimeter landscaping.

2. All outdoor operations visible from access streets, adjacent properties, and the riverfront should be screened from view. Storage areas visible from access streets, adjacent properties, and the riverfront should be screened from view or organized in an orderly manner on permanent racks, pads, or other fixtures. Fencing, if used as screening, shall be solid, and shall include vegetation. Landscaping used for screening shall form a complete year-round opaque screen. Screening shall be high enough to screen all outdoor operations and stored material from view at any point within the street right-of-way not higher than five feet above its surface or at any point within the waterway not higher than five feet above normal pool elevation.

3. No storage shall be permitted between the building line and frontage streets or the riverfront.

4. All outdoor refuse collection areas shall be screened from view from access streets, adjacent properties, and riverfronts by a complete opaque screen.

5. Ground-level transformers and terminal or metering equipment shall be screened from view from streets, adjacent properties, and the riverfront.

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(i) Additional regulations unaffected. Except as otherwise noted in this regulation, all provisions of the Zoning Code, including but not limited to zoning district regulations and floodplain district regulations, shall be met if applicable to any development proposed for the area covered by this overlay district. In no way should these regulations be interpreted as replacing the requirements of any regulations, laws, or ordinances applicable to development activity generally.

(B) Interim waterfront development standards. Note: The following design standards are proposed as temporary standards, pending adoption of final standards. The interim standards are to be applied for a period not exceeding 18 months following enactment of this regulation by the legislative authority.

(1) River edge design. Treatment of river edges should be visually appealing from the river vantage point as well as from the shore.

(2) Historic structures. Historic structures and areas eligible for the National Register should be preserved and restored in a manner that meets the standards promulgated by the Secretary of the U.S. Department of the Interior. New development affecting the character of historic areas should enhance the appearance of those areas.

(3) Design of structures. This standard is meant to encourage attractive rehabilitation of buildings; use of architectural innovation; and site treatment that complements the river and is compatible with the long-term recommended use of adjacent sites. To these ends the following approaches are recommended.

(a) The use of unfinished common concrete block, cinder block, or corrugated panel as the main facing material for exterior wall is discouraged.

(b) Facing materials and colors should be compatible with the character of surrounding waterfront development.

(c) Proposed fencing should not limit actual or visual access to the waterfront, except where necessary for safety or security. Fencing material visible from publicly accessible areas should complement surrounding architectural materials; chain link fencing is inappropriate in these areas.

(d) To the extent feasible, underground placement of telephone and electrical lines will be encouraged and reviewed favorably.

(e) Roof-top mechanical equipment should be screened from view.

(f) Large areas of blank walls should be avoided.

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(4) Pedestrian areas. The quality of the sidewalk should be enhanced by means of appropriate landscaping, lighting, graphics, street furniture, and design; concrete paving or brick or stone paving should be provided.

(5) Lighting. Lighting fixtures in publicly accessible areas should be decorative and similar to fixtures installed downtown. Light color should be uniform and aesthetically appealing so as to encourage pedestrian use at night.

(6) Signs. Signs should be designed to enhance the area's visual appeal and to attract the public. The placement, color, materials, and design of signs should promote these goals.

(7) View enhancement. The maintenance of and improvement in views of the river are encouraged. Structures should be designed to allow views of the river from adjacent streets; placement of buildings should maximize a cone of vision that includes a view of the riverfront.

(Ord. 89-04, passed 4-12-89)

§ 156.092 W-1 WATERFRONT DISTRICT.

(A) Permitted uses.

Public and private docking.

Public parks and recreation.

Hotel, motel, and accessory commercial, including restaurants.

Public assembly, festival gathering places.

Multi-family residential.

River-theme retail commercial uses including restaurants and other retail establishments complementary to uses listed above.

Vehicular parking structures when part of a larger development including a mix of above uses.

Restaurants, including accessory docking facilities.

Private river-oriented recreational facilities, including boat charter, private boat docking, sight-seeing.

River-theme retail commercial uses including restaurants and other retail establishments complementary to uses listed above.

Pleasure boat sales and boat service if contained within a building or performed in the water

Offices; professional, general.

Governmental services.

Public parks and recreation.

(B) Prohibited uses. All uses other than those listed as permitted or similar to those permitted are prohibited. Specifically prohibited are advertising signs/billboards (off-premises advertising).

(Ord. 89-04, passed 4-12-89)

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## ADMINISTRATION AND ENFORCEMENT

§ 156.100 ENFORCEMENT OFFICER.

(A) The Mayor shall designate and appoint with the approval of Council, an Enforcement Officer, who shall be the Building Inspector of the city and who shall be charged with and provided with the authority to enforce the ordinances, regulations, and orders of the Planning Commission and to issue zoning permits and certificates of occupancy. The Enforcement Officer, in the performance of his duties and functions, may enter upon any land and make examinations and surveys that do not occasion damage or injury to private property.

(B) Pursuant to KRS 100.991, the Building Inspector for the city shall authority to issue citations for violations of KRS Chapter 100 and the provisions of the city which the officer has observed. He or she shall not, however, have the powers of peace officers to make arrests or carry deadly weapons.

(1) The Zoning Enforcement Officer shall cite the defendant to appear at a designated time pursuant to the citation;

(2) The procedure for issuance of citations by the Zoning Enforcement Officer shall be as provided in KRS 431.015. ('78 Code, App. B, Art. V 5.1) (Ord., passed 4-1-70; Am. Ord. 99-10, passed 8-11-99)

§ 156.101 BOARD OF ADJUSTMENT.

(A) Appointment and organization. A Board of Adjustment shall be appointed and organized as set forth in §§ 35.001 through 35.006.

(B) Powers and duties. The Board shall have the following powers and duties:

(1) Bylaws. The Board shall adopt bylaws for its own government.

(2) Administrative review. The Board shall hear and decide upon appeals from decisions of the Enforcement Officer, as set forth more specifically in § 156.103. The Board shall decide on questions involving literal interpretations of this chapter, shall interpret the exact location of district boundaries according to § 156.021, shall interpret the amount of off-street parking, loading, and unloading space required according to § 156.049 and shall make only those other interpretations and decisions specifically delegated to it by the provisions of this chapter.

(3) Conditional use. The Board shall have the authority to approve or disapprove applications for conditional uses in conformance with § 156.041.

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(4) Variances. The Board shall have the power to hear and decide on applications for variances, and may impose any reasonable conditions or restrictions on any variance it decides to grant. (KRS 100.241)

(a) Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumventing of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or the same zone;

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

(b) The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought. (KRS 100.243)

(c) The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning code in the zone in question, or to alter density requirements in the zone in question. (KRS 100.247)

(d) A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site. (KRS 100.251)

(5) Adjoining lots. When adjoining undersized lots of record are under the same ownership, they shall not be used or sold separately except in conformance with the dimension and area regulations of this chapter.

(6) Hearing Examiners. The Board may appoint one or more of its members as a Hearing Examiner to preside over a public hearing or public meeting and make recommendations to the Board based on a transcript or record of the hearing. (KRS 100.221(4)) ('78 Code, App. B, Art. V 5.4) (Ord., passed 4-1-70)

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§ 156.102 ADMINISTRATIVE JURISDICTION OF ENFORCEMENT OFFICER, BOARD OF ADJUSTMENT, CIRCUIT COURT, AND PLANNING COMMISSION.

(A) The Enforcement Officer has initial authority for the literal enforcement of this chapter. He has no discretionary authority to allow any departure from the literal conformance with this chapter.

(B) The Board of Adjustment has authority to hear appeals from decisions by the Enforcement Officer and to make literal interpretations of the pertinent provisions to correct any possible misinterpretation by the Enforcement Officer, as set forth more specifically in § 156.103. The Board also has the authority to make only those initial discretionary interpretations and decisions and allow only those departures from literal conformance which are specifically delegated to it. The Board has authority to allow conditional uses.

(C) The Circuit Court has jurisdiction to determine all questions and issues properly brought before it on appeal from decisions of the Board of Adjustment, the Planning Commission, or the City Council, as set forth more specifically in § 156.108.

(D) The Planning Commission, in addition to its other primary responsibilities concerning adoption and amendment of this chapter and subdivision plat review and approval, has the authority and responsibility for approval or disapproval of planned development projects. This responsibility, like subdivision plat review, involves guiding the initial conversion of open or agricultural land to developed land, including the proper arrangement of streets in relation to other existing or planned streets, provision of adequate open space, and the avoidance of congestion, and the like, and is, consequently, equivalent to the Planning Commission's primary responsibility for subdivision plat review and approval.

('78 Code, App. B, Art. V 5.5) (Ord., passed 4-1-70)

§ 156.103 APPEALS TO BOARD OF ADJUSTMENT; RULES GOVERNING DECISIONS.

(A) 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 Enforcement Officer in the enforcement of the zoning code. Such appeal shall be taken within 30 days. (KRS 100.257)

(1) Appeals to the Board may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Enforcement Officer.

(2) Such appeal shall be taken within 30 days after the appellant or his agent receives notice of the action of the Enforcement Officer by filing with the Officer and the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. The Officer shall forthwith transmit to the

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Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

(KRS 100.261)

(3) The Board shall make its decision within two weeks after the hearing.

(B) The following rules shall govern all decisions made by the Board.

(1) Limits of authority. The Board shall act only within the strict limits of its authority as defined in this chapter. The Board has no authority to vary the use regulations or other regulations not specifically delegated to it. The Board shall not hold hearings on applications or appeals seeking decisions that the Board is not authorized to make.

(2) Special conditions. The Board may attach special conditions to any decision it is authorized to make to ensure that the intent of this chapter will be carried out.

(3) Majority vote required. The concurring vote of a majority of members present and voting of the Board shall be necessary in making any decision. The Chairman shall have the right to vote on any subject matter before the Board.

(4) Additional powers. In exercising the above powers, the Board shall have all the powers of the Enforcement Officer in addition to its other powers and duties.

(`78 Code, App. B, Art. V 5.43) (Ord., passed 4-1-70; Am. Ord. 90-03, passed 2-14-90)

#### § 156.104 BUILDING PERMITS.

(A) Required prior to construction, alteration, or change of use of land. It shall be unlawful to commence construction, alteration, or change of use of land and no structure or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, use, and its location conform with the Code of Ordinances of the city, and a Building Permit for such structure or change of use has been issued, except as specified in § 156.050 and division (B) below. City Council may establish a schedule of reasonable fees to be charged for the issuance of building permits.

(B) Exceptions. No zoning permit or certificate of occupancy shall be required in the following cases:

(1) Recurring maintenance work, regardless of cost.

(2) Installation of required improvements according to an

approved preliminary subdivision plat or planned development plat.

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(3) Those structures and uses exempted by § 156.050.

(C) Procedure.

(1) Application. In applying for a building permit, the applicant shall submit a plan, along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use to be altered, changed, placed, erected, or located of all structures, yard depths, and existing and proposed streets and alleys adjoining or within the lot and the manner in which the location is to be changed, and any other information necessary for determining conformance with this chapter. The County Health Officer's certificate approving proposed water and sewage facilities must accompany applications, according to § 156.043.

(2) Permanent file. A permanent file of all applications shall be kept, along with accompanying plans and all permits issued.

(3) Issuance. If the proposed construction, alteration, or change of use of land conforms with all applicable provisions of this chapter and all other applicable ordinances, regulations, and codes, the Enforcement Officer shall issue a building permit authorizing the construction, alteration, or change of use. If the proposed construction, alteration, or change of use fails to conform, a building permit shall not be issued and written notice shall be given to the applicant stating the reason for the refusal. Application for building permits shall be acted upon within one week from the date of submission.

(4) Duration. 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, alteration, or change of use authorized therein. A permit may be renewed, without fee, upon review before it becomes void.

(D) The Utilities Commission shall not extend any gas, water, or sewage services to any structure until it has determined that a building permit or a change of use permit has been issued for the structure within the preceding six months.

('78 Code, App. B, Art. V 5.2) (Ord., passed 4-1-70; Am. Ord. 88-13, passed 12-14-88)

§ 156.105 CERTIFICATE OF OCCUPANCY.

(A) Required prior to occupancy, change of use, and under other conditions. It shall be unlawful to use any newly erected or altered structure or to change the use of any premises even though no structure was erected or altered until the Enforcement Officer has issued a certificate of occupancy authorizing such use except as specified in §§ 156.050 and 156.104. The Planning Commission may authorize the Enforcement Officer to require that nonconforming uses or any existing

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uses shall maintain valid certificates of occupancy identifying them as nonconforming or permitted uses as applicable. The City Council may establish a schedule of reasonable fees to be charged for the issuance of certificates of occupancy.

(B) Procedure.

(1) Application. In applying to the Enforcement Officer for a certificate of occupancy, the applicant must notify the Enforcement Officer, in writing, of the date on which the use of any new or altered structure or the new use of any premises will be ready to commence. The County Health Officer's certificate must accompany applications according to § 156.043.

(2) Permanent file. The Enforcement Officer shall keep a permanent file of all applications and all certificates issued.

(3) Issuance. If the newly erected or altered structure and the new use of premises conform with all applicable provisions of this chapter, and all other applicable ordinances, regulations, and codes, the Enforcement Officer shall issue a certificate of occupancy authorizing the use thereof. If the structure or use fails to conform, the Enforcement Officer shall refuse to issue a certificate of occupancy and shall deliver written notice to the applicant stating the reasons for the refusal. The Enforcement Officer shall inspect a new structure on the premises for which a new use is proposed and shall issue or refuse a certificate of occupancy within five days after the date on which the new use is ready to commence.

(4) Validity. The issuance of a certificate of occupancy by the Enforcement Officer shall not waive any provision of this chapter. ('78 Code, App. B, Art. V 5.3) (Ord., passed 4-1-70)

§ 156.106 NOTICE OF VIOLATIONS; AUTHORITY TO ISSUE CITATIONS.

(A) The Enforcement Officer shall issue notice to violators of all violations of this chapter and shall order that the violations cease. In cases of possible violation where the Enforcement Officer cannot determine if there is a literal violation, he shall apply to the Board of Adjustment for an interpretation. If necessary, the City Attorney or any property owner or occupant who would be damaged by a violation may institute appropriate action in court to eliminate the threat or existence of any violation of this chapter in accordance with state law. ('78 Code, App. B, Art. V 5.61) (Ord., passed 4-1-70)

(B) In addition to division (A) above, the Planning Commission may appoint enforcement officers who shall have authority to issue citations for violations of this chapter which the officer has observed, but shall not have powers of peace officers to make arrests or carry deadly weapons. The defendant shall appear within a designated time pursuant to the citation. The procedure for citations issued by an enforcement officer shall be as provided for in KRS 431.015. (KRS 100.991(3), (4))

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§ 156.107 AMENDMENTS TO ZONING CODE.

To make any amendment to this zoning code, either to the text or to the map, the following procedure shall be followed. If any use or density is not permitted in a zoning district by the provisions of this chapter, it may not be permitted by any agency unless this chapter is amended according to the amendment procedure.

(A) Review by the Planning Commission. No amendment shall be made without first being reviewed by the Planning Commission.

(B) Public hearing. The Planning Commission shall call a public hearing to consider any zoning amendment, in accordance with KRS 100.211 and 100.212.

(C) Recommendations to the City Council. The Planning Commission shall submit its recommendations to the City Council within 60 days after the public hearing, as required by KRS 100.211. The Planning Commission may revise proposed amendments, in which case such amendments shall be presented again at a public hearing according to state law. The Planning Commission may also initiate proposed amendments.

(D) Action by the City Council. Adoption, rejection, or change of the Planning Commission's recommendation shall be in accordance with KRS 100.211.

(E) Currency of zoning map. The Planning Commission Chairman shall insure that amended zoning district boundaries are accurately placed on the certified copies of the zoning map and shall initial and date all such additions to the map.

(F) Development plan; substantial construction. The city, as an independent planning unit, through the Planning Commission and the City Council, as a condition to the granting of any zoning change, may require the submission of a development plan which, where agreed upon, shall be followed. As a further condition to the granting of a zoning change, the city, as an independent planning unit, may require that substantial construction be initiated within a certain period of time of not less than one year; provided that the zoning change shall not revert to its original designation unless there has been a public hearing.

('78 Code, App. B, Art. VI) (Ord., passed 4-1-70)

§ 156.108 APPEALS TO CIRCUIT COURT.

(A) Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment shall appeal from the action to the Circuit Court of the county in which the property which is the subject of the action of the Board of Adjustment lies. Such an appeal shall be taken within 30 days after the final action of the Board. All final actions which have not been appealed within 30 days shall not be subject to judicial review. The Board of Adjustment shall

be a party in any such appeal filed in the Circuit Court.

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(B) Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall appeal from the final action to the Circuit Court of the county in which the property which is the subject of the Commission's action lies. Such appeal shall be taken within 30 days after such action. Such action shall not include the Commission's recommendations made to other governmental bodies. All final actions which have not been appealed within 30 days shall not be subject to judicial review; however, any appeal of a Planning Commission action granting or denying a variance or conditional use permit shall be taken pursuant to this division. In such a case, the 30-day period for taking an appeal begins to run at the time the City Council grants or denies the map amendment for the same development. The Planning Commission shall be a party in any such appeal filed in the Circuit Court.

(C) Any person or entity claiming to be injured or aggrieved by any final action of the City Council relating to a map amendment shall appeal from the action to the Circuit Court of the county in which the property which is the subject of the map amendment lies. Such an appeal shall be taken within 30 days after the final action of the City Council. All final actions which have not been appealed within 30 days shall not be subject to judicial review. The City Council shall be a party in any such appeal filed in the Circuit Court.

(D) The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearing in favor of the decision being appealed are not required to be made parties to that appeal.

(E) For purposes of this section, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the City Council.

(KRS 100.347)

#### § 156.109 RULES OF PROCEDURE FOR ANY PUBLIC HEARING.

Whenever a public hearing is required by this chapter, the presiding body conducting that hearing may prescribe the procedures to be followed. No information offered at the hearing shall be excluded for failure to follow judicial rules of evidence. The presiding body conducting that hearing may adopt its own rules to determine the kind of information that will be received. Members of the presiding body may visit a site pertinent to a hearing prior to its final decision. All information allowed to be received shall constitute evidence upon which action may be based.

(KRS 100.345)

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§ 156.999 PENALTY.

(A) Fines and other penalties may be imposed upon violators according to the provisions of KRS 100.991. ('78 Code, App. B, Art. V 5.62) (Ord., passed 4-1-70)

(B) If any person violates any provision of §§ 156.080 through 156.085, he shall be cited to the County District Court by the City Attorney, the City Clerk/Treasurer, or any property owner of the city and shall be guilty of a misdemeanor and shall be fined not less than \$25, nor more than \$500. Each day during any part of which any violation of §§ 156.080 through 156.085 continues shall constitute a separate offense for which a separate fine or penalty may be imposed. (Ord., passed 10-9-74; Am. Ord., passed 5-10-78; Am. Ord. 91-07, passed 5-8-91)

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CHAPTER 157: WIRELESS TELECOMMUNICATIONS FACILITIES

Section

- 157.01 Purpose and legislative intent
- 157.02 Definitions
- 157.03 Application requirements
- 157.04 Planning Commission restrictions
- 157.05 Additional application requirements

§ 157.01 PURPOSE AND LEGISLATIVE INTENT.

The Telecommunications Act of 1996 affirmed the city's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities, which authority is limited by State Legislature. In order to ensure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the applicable law, the city is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. The intent of this Local Ordinance is, to the extent permitted by law, to minimize the negative impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the city.

(Ord. 01-22, passed 12-4-01; Am. Ord. 02-09, passed 6-13-02)

§ 157.02 DEFINITIONS.

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

"ANTENNAS OR RELATED EQUIPMENT." Transmitting receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

"CELLULAR ANTENNA TOWER." A tower constructed for or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

"CELLULAR TELECOMMUNICATIONS SERVICE." A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

"CO-LOCATION." Locating two or more transmission antennas or related equipment on the same cellular antenna tower.

"PERSONAL COMMUNICATION SERVICE." This phrase has the meaning as defined in 47 U.S.C. 332(c).

"UNIFORM APPLICATION." An application to construct a cellular

antenna tower submitted to the Planning Commission in conformity with  
KRS 100.985(3) and (5); and

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"UTILITY." This phrase has the meaning as defined in KRS 278.010(3); (Ord. 01-22, passed 12-4-01; Am. Ord. 02-09, passed 6-13-02)

§ 157.03 APPLICATION REQUIREMENTS.

(A) Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within the city shall submit a copy of the applicant's completed uniform application to the Planning Commission to construct an antenna tower for cellular or personal telecommunications services. The uniform application shall:

(1) Include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes all of the planning unit's jurisdiction; and a one-half mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers;

(2) Include in any contract with an owner of property upon which a cellular antenna tower is to be constructed, a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal; and

(3) Comply with any local ordinances concerning land use, subject to the limitations imposed by 47 U.S.C. 332(c) and KRS 278.030, 278.040, and 278.280.

(B) All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030.

(C) 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 locally adopted zoning regulations;

(2) Make its final decision to approve or disprove the uniform application; and

(3) Advise the applicant in writing of its final decision

within 60 days commencing from the date that the uniform application is submitted to the Planning Commission or within a date certain

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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 and if there is no written agreement between the Planning Commission and the applicant to a specific date for the Planning Commission to issue a decision, the uniform application shall be deemed approved.

(D) If the Planning Commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the locally adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower shall be issued until the Planning Commission approves the uniform application or the sixty 60-day time period has expired, whichever occurs first.

(E) The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The Planning Commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning Commission requires the applicant to attempt co-location, the applicant shall provide the planning unit with a statement indicating that the applicant has:

(1) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or

(2) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:

(a) Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and

(b) Lists the reasons why the co-location was unsuccessful in each instance.

(F) 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.

(G) In the event of co-location, a utility shall be considered the primary user of the tower if the utility is the owner of the antenna 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.

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(H) Upon the approval of an application for the construction of a cellular antenna tower by a Planning Commission, the applicant shall notify the Public Service Commission within ten working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction on the cellular antenna tower until such notice has been made.

(I) A party aggrieved by a final action of the Planning Commission under the provisions of KRS 100.985 through 100.987 may bring an action for review in any court of competent jurisdiction.  
(Ord. 01-22, passed 12-4-01; Am. Ord. 02-09, passed 6-13-02)

#### § 157.04 PLANNING COMMISSION RESTRICTIONS.

In regulating the placement of cellular antenna towers, the Planning Commission shall not:

(A) 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 emissions;

(B) Institute a moratorium upon the siting of cellular antenna towers;

(C) 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, up to a maximum of \$2.500;

(D) Regulate the placement of antennas or related equipment on an existing cellular tower structure:

(E) Require the submission of application materials in addition to those required by KRS 100.985 through 100.987, 278.650 and 278.665.  
(Ord. 01-22, passed 12-4-01; Am. Ord. 02-09, passed 6-13-02)

#### § 157.05 ADDITIONAL APPLICATION REQUIREMENTS.

In addition an application shall include:

(A) The full name and address of the applicant;

(B) The applicant's articles of incorporation, if applicable;

(C) A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations;

(D) A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas;

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(E) Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions;

(F) The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS § 100.987(2);

(G) The identity and qualifications of each person directly responsible for the design and construction of the proposed tower:

(H) A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within 200 feet of the access drive, including the intersection with the public street system;

(I) A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas;

(J) The tower and foundation design plans and a description of the standard according to which the tower was designed, signed and sealed by a professional engineer registered in Kentucky;

(K) A map drawn to a scale no less than one inch equals 200 feet that identifies every structure and every owner of real estate within 500 feet of the proposed tower;

(L) 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:

(1) Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction;

(2) Given the telephone number and address of the local Planning Commission; and

(3) Informed of his or her right to participate in the

Planning Commission's proceedings on the application.

(M) A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners;

(N) A statement that the chief executive officer of the affected local governments and their legislative bodies have been notified, in writing, of the proposed construction;

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(O) A copy of the notice sent to the chief executive officer of the affected local governments and their legislative bodies;

(P) A statement that:

(1) 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;

(2) 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;

(Q) A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed;

(R) A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved;

(S) A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities; and

(T) A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

(Ord. 01-22, passed 12-4-01; Am. Ord. 02-09, passed 6-13-02)

CHAPTER 158: VACANT RESIDENTIAL PROPERTY REGISTRATION

Section

- 158.01 Purpose
- 158.02 Definitions
- 158.03 Registration
- 158.04 Maintenance
- 158.05 Enforcement

§ 158.01 PURPOSE.

It is the purpose and intent of this chapter to establish a vacant residential property registration and maintenance program as a mechanism to protect neighborhoods and minimize hazards to persons and property as a result of the vacancy.  
(Ord. 2015-20, passed 11-23-15)

§ 158.02 DEFINITIONS.

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

"CREDITOR." A federal or state chartered bank, savings bank, savings and loan association, or credit union, and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

"RESIDENTIAL PROPERTY." Any real property with one to four dwelling units.

"VACANT." A residential property with no legal resident or tenant. Evidence of vacancy includes any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to overgrown or dead vegetation, accumulation of flyers, mail, or trash, disconnected utilities, the absence of window coverings or furniture, and statements by neighbors, delivery persons, or government employees.  
(Ord. 2015-20, passed 11-23-15)

§ 158.03 REGISTRATION.

(A) Prior to filing a complaint of foreclosure or executing a deed in lieu of foreclosure on a residential property located in the City of Carrollton, a creditor shall inspect the property to determine whether the property is vacant. If the property is vacant, the creditor shall,

on the same day the complaint of foreclosure is filed or the deed in lieu of foreclosure is executed, register the property as a vacant property with the City Clerk's Office of the City of Carrollton, Kentucky in which the property is located for the purpose of minimizing hazards to persons and property as a result of the vacancy. Registration shall be made upon a form provided by the city and must be accompanied by the fee set forth in division (D) of this section.

(B) If a residential property becomes vacant at any time after a creditor files a complaint of foreclosure or executes a deed in lieu of foreclosure, but prior to vesting of title in the creditor or a third party, the creditor shall, within ten business days after obtaining knowledge of the vacancy, register the property as a vacant property with the City of Carrollton and pay the fee set forth in division (D) of this section. The property management company shall inspect the property every 30 days to determine if the property is in compliance with the requirements of this chapter.

(C) Registration of a residential property as a vacant property shall include the address of the property and the name and contact information of a person located within the commonwealth who is authorized to accept service on behalf of the creditor.

(D) The annual fee for registering vacant residential property shall be 60 dollars made payable to "City of Carrollton" and submitted to the City Clerk at 750 Clay Street, P.O. Box 156, Carrollton, Kentucky 41008. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1st of each year and must be received no later than January 31st of the year due.

(E) Properties subject to this chapter shall remain under the annual registration requirement of this section as long as they remain vacant. Any person, firm or corporation that has registered a property under this chapter must report any change of information contained in the registration within ten business days of the change.

(F) Properties subject to this chapter shall be posted with the name and a 24-hour contact phone number of the local property management company. The posting shall be no less than 18"x24" and shall be of font that is legible from a distance of 45 feet and shall contain along with the name and 24-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL". The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street or if no such area

exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property. Exterior postings must be constructed of and printed with weather resistant materials.

(Ord. 2015-20, passed 11-23-15)

§ 158.04 MAINTENANCE.

(A) If a residential property becomes or remains vacant as provided in § 158.03, but prior to vesting of title in the creditor or any third party, and the city determines the property is in violation of any ordinance regulating a nuisance, the city may notify the creditor of the violation by providing a warning of violation by certified mail, return receipt requested, to the person identified in § 158.03(C), and may require the creditor to correct the violation to the extent consistent with the terms of the mortgage.

(B) A warning of violation shall include a description of the conditions that give rise to the violation with and shall provide a period of not less than 20 days from the creditor's receipt of the notice for the creditor to remedy the violation.

(Ord. 2015-20, passed 11-23-15)

§ 158.05 ENFORCEMENT.

(A) If the creditor fails to remedy the violation within the stated period, the city may issue a citation and impose penalties against the creditor for violation of any ordinance regulating a nuisance in accordance with § 92.99 Penalty.

(B) Any violation of this chapter is hereby classified as a civil offense, pursuant to KRS 65.8808, to be enforced by the Code Enforcement Board ("Board") in accordance with the procedures set forth in Code Enforcement Board Ordinances §§ 35.140 through 35.155. Any person, business, business entity, firm, corporation, partnership or other entity which violates any provision of this chapter shall be subject to a civil penalty as set forth below. Each day of violation shall constitute a separate offense. If the offender does not pay the penalty within 30 days after being cited for the offense, then the civil penalty may be recovered by the city in a civil action in the nature of a debt.

(1) If a citation for a violation of an ordinance is not contested by the person, business, business entity, firm, corporation, partnership or other entity charged with the violation, the penalty shall be \$100; however, the Board may waive all or any portion of a penalty for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with the ordinance in issue.



(2) If the citation is contested and a hearing before the Board is required, the maximum penalties which may be imposed at the discretion of the Board is \$200.  
(Ord. 2015-20, passed 11-23-15; Am. Ord. 2017-05, passed 2-27-17)

Section

- 159.01 Definitions
- 159.02 Purpose
- 159.03 Submittal application and supporting materials
- 159.04 Mural art vs. signage
- 159.05 Artwork Review Board
- 159.06 Review criteria guidelines
- 159.07 Maintenance
  
- 150.99 Penalty

§ 159.01 DEFINITIONS.

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

"GRAFFITI." As used in this section, graffiti means writings, drawings, inscriptions, figures, or marks of paint, ink, chalk, dye, or other similar substances on public or private buildings, structures, or places which are not authorized or permitted by the property owner or possessor. For the purpose of this chapter, graffiti includes drawings, writings, markings, or inscriptions regardless of the content or the nature of materials used in the commission of the act. Graffiti does not include temporary, easily removable chalks or other water soluble markings which are used in connection with traditional children's activities such as drawings of bases for ball games, hopscotch, and similar activities, nor does it include temporary, easily removable markings used in connection with any lawful business or public purpose or activity and markings used to denote the location of underground utility infrastructure and those used in conjunction with establishing survey control data and location points by survey crews.

"MURAL." Public art building. To further create an individual identity to the community, artistic detailing such as tile work, murals, sculptures, and similar features, which are integrated into the design of the structure, are encouraged. If tile work or murals, or similar detailing on the building is used, it must cover at least 20% of that facade, which is not devoted to the entrance area(s). In lieu of installation of public art directly by the developer, the developer may elect and is encouraged to have a local arts organization coordinate the selection, placement and installation of the public art as required in this chapter.  
(Ord. 2020-08, passed 7-13-20)

§ 159.02 PURPOSE.

The City of Carrollton's Design Review Board has considered and Council has adopted guidelines for the installation of artworks (sculpture and/or murals) on commercial properties located in the Historic District within the C-1 District. These guidelines were formulated as a means of ensuring the continued visual aesthetic of the Historic District while allowing for creative expression in appropriate locations and designs. The established review criteria provide guidance concerning the compatibility and appropriateness of the placement, massing, scale and materials of mural art with minimum intrusion into the artistic expression and content of the work. Murals, sculpture and other similar forms of visual art can both add or detract from the character of the building, structure, or district based upon their location, size, shape, color palette, materials used and the relationship to the historic context of the district and general safety concerns.

(Ord. 2020-08, passed 7-13-20)

§ 159.03 SUBMITTAL APPLICATION AND SUPPORTING MATERIALS.

When a building owner is considering adding a work of art such as a mural or sculpture to their building and/or property, an application must be made to the Design Review Board for consideration and ruling. An application can be picked up at either Carrollton City Hall at 750 Clay Street or from the Carrollton Main Street offices at 440 Main Street. The application and supporting materials will be submitted to the Design Review Board Administrator at Carrollton City Hall, 750 Clay Street, Carrollton, KY. The Administrator can be contacted at 502-732-7043. The applicant shall provide all the necessary information including but not limited to sketches, photos, dimensions, materials colors etc. which will clearly and completely describe the work of art and where it is proposed to be mounted. If deemed necessary the Administrator shall request additional information on the proposal. No work of art shall be added to the outside of any building or property without first obtaining Design Review Board approval herein.

(Ord. 2020-08, passed 7-13-20)

§ 159.04 MURAL ART VS. SIGNAGE.

Content distinguishes mural art from signage. While a sign specifically advertises a business, product or service through graphics or text, murals are solely artistic in nature. Murals may not include trademarks, service marks, or other markings, colors, or patterns identifying or associated with a business, profession, trade,

occupation, or entity. When an official interpretation is deemed necessary, the Design Review Board will determine if a proposal is a mural or a sign. Mural art that constitutes a sign shall conform to the signage regulations of the zoning ordinance and applicable design guidelines.

(Ord. 2020-08, passed 7-13-20)

§ 159.05 ARTWORK REVIEW BOARD.

The Design Review Board will serve as the city governing body to review and approve murals and/or artwork within the Historic District. (Ord. 2020-08, passed 7-13-20)

§ 159.06 REVIEW CRITERIA GUIDELINES.

The following criteria shall be used by the Design Review Board to determine if the proposed artwork is approved for installation within the Historic District of Carrollton.

(A) Location.

(1) The painting of a previously unpainted masonry structure within the Historic District is not allowed as it deviates from the original historic character of the building. In this same approach a mural being painted on a previously unpainted masonry structure is generally not allowed. Murals are not permitted on unpainted contributing or landmark structures. Murals on unpainted non-contributing buildings or walls will be considered on a case-by-case basis by the Design Review Board.

(2) Paint or mount all murals or other similar forms of visual arts on the side or rear walls of a building, and not on its primary facade above its roof line, or on any of its decorative elements.

(3) The installation of a mural should complement and enhance the building or wall and be incorporated architecturally into the character of the Historic District.

(4) The location of a mural on the building should not cover or detract from significant or character-defining architectural features.

(5) The location, size, nature, or type of mural shall not create a hazard to the safe and efficient operation of vehicles, or create a condition that endangers the safety of persons or property thereon. Murals may not extend beyond the eaves, parapet, or sides of a building.

(6) If a mural is allowed to be mounted onto the building it must be done to prevent damage from moisture condensation behind the attached panel. Generally hanging and/or anchoring of a mural should be reversible.

(7) A proposed mural cannot have any material which is considered obscene or inappropriate for viewing by the general public and children, to be determined in the sole discretion of the Design Review Board.

(8) In this context a work of art to be displayed for the general public cannot be used as a political statement, to incite negative opinion or to exhibit any racially bias opinions or views.

(B) Design and materials.

(1) The mural will not obscure key features of the building or wall.

(2) Paint utilized should be intended for exterior use and which will not compromise the integrity of the material to which it is applied. Reflective neon and fluorescent paints should not be used.

(3) The application of murals on historic material should follow all relevant Preservation Briefs as published by the National Park Service's, "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings Technical Preservation Services."

(Ord. 2020-08, passed 7-13-20)

§ 159.07 MAINTENANCE.

It shall be the responsibility of the building owner to maintain the mural or to repair the mural if any damage has occurred including any alteration of the approved mural design by the artist or outsiders.  
(Ord. 2020-08, passed 7-13-20)

§ 159.99 PENALTY.

Violation of this chapter by applying and/or mounting a mural or the installation of a work of art without submitting it for review and approval by the Design Review Board as meeting these criteria is forbidden and shall carry a civil fine of \$25 per day for each day the work of art remains without approval. This section shall be enforceable by the Code Enforcement Board subject to all the provisions regarding that Board set out in § 35.140 et seq.

(Ord. 2020-08, passed 7-13-20)

CHAPTER 160: RENTAL DWELLING PERMITS

Section

- 160.01 Purpose
- 160.02 General provisions
- 160.03 Definitions
- 160.04 Responsibilities of owners or managing agents
- 160.05 Rental dwelling permit
- 160.06 Issuance and duration of rental dwelling permit; fees
- 160.07 Renewal of rental dwelling permit
- 160.08 Denial of rental dwelling permit
- 160.09 Vacation of affected rental dwellings
- 160.10 City of Carrollton Rental Inspection Form
  
- 160.99 Penalty

§ 160.01 PURPOSE.

(A) It is the purpose of this chapter to promote the health, safety and welfare of residents and of occupants of rental dwellings in the city.

(B) By requiring the registration of all rental dwelling units, it is the city's intent to ensure that rental housing is safe, sanitary and properly operated and maintained in continued compliance with all applicable regulations to meet basic housing maintenance requirements and to not become a nuisance to the neighborhood and community.  
(Ord. 2022-03, passed 4-25-22)

§ 160.02 GENERAL PROVISIONS.

(A) All landlords renting residential property in the city must obtain a rental dwelling permit. This chapter shall apply to all rental dwellings and rental dwelling units as defined herein, including single-family residential dwellings and dwelling units in otherwise owner-occupied dwellings, including, but not limited to, boarding houses, condominiums, townhouses and leasehold cooperatives.

(B) The requirement to obtain a rental dwelling permit shall not apply to rental dwellings owned by governmental agencies as public housing. However, such rental dwellings shall be subject to the remaining provisions hereof, in particular the Nuisance Ordinance.

(C) The provisions hereof shall not apply to licensed hotels or motels, bed and breakfast establishments, jails, convents, monasteries, nursing homes, board and care homes, parsonages, parish houses, rectories or hospitals.  
(Ord. 2022-03, passed 4-25-22)

§ 160.03 DEFINITIONS.

(A) Meaning of certain words. Whenever the words "BUILDING", "BUILDING UNIT", "DWELLING", "DWELLING UNIT", "PREMISES" and "STRUCTURE" are used in this chapter, they shall be construed as though they are followed by the words "or any part thereof or any premises accessory thereto". Words used in the singular include the plural and the plural the singular, and the masculine gender includes the feminine and the feminine the masculine.

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

"APPLICANT." Any owner or managing agent applying for a rental dwelling permit.

"BED AND BREAKFAST." A private owner-occupied house having up to five guest rooms and in which the only meal served to guests is breakfast.

"BOARD." The Code Enforcement Board established by § 35.140 et seq. of the city's Code of Ordinances.

"BUILDING." A fixed construction with walls, foundation and roof, such as a house, factory and garage.

"DWELLING UNIT." A room, or group of rooms forming a single habitable unit, including mobile homes, used or available for use for living or sleeping purposes. "DWELLING UNIT" shall not include licensed hotels or motels.

"MANAGING AGENT." Any person designated by the owner, in writing, as responsible for the maintenance or operation of any residential rental property.

"NUISANCE CODE." Ch. 92 of the city's Code of Ordinances.

"OCCUPANT." Any individual having possession of a premises or any individual over one year of age living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit; except that in dwelling units a guest shall not be considered an "OCCUPANT".

"OWNER." Any person who, alone or jointly or severally with others:

(a) Shall have legal title to any premise, building or building unit, with or without accompanying actual possession thereof; or

(b) Shall have charge/care, or control of any premises or building unit, as owner or managing agent of the owner, or any executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

"PERSON." Any individual, firm, corporation, association, partnership, cooperative or governmental agency.

"PREMISES." A platted lot or part thereof or unplatted lot or parcel of land or plat of land, either occupied or unoccupied by a dwelling or other structure, and includes any such building or part thereof, accessory structure or other structure thereon.

"TEMPORARY RENTAL DWELLING PERMIT." The rental dwelling permit issued after application but before inspection of a rental dwelling unit. The "TEMPORARY RENTAL DWELLING PERMIT" converts to a regular rental dwelling permit upon successful inspection.

"RENTAL DWELLING." Any residential structure or residential or commercial building containing one or more units, which the owner or managing agent either actually rents or leases or intends to rent or lease to the public for residential purposes, excluding those buildings not covered by this chapter. This definition shall also include situations where the residential structure is occupied by a person or persons who is/are not the title owner of the structure and the title owner is being compensated for such arrangement.

"RENTAL DWELLING PERMIT." The rental dwelling permit established by this chapter.

"RENTAL DWELLING UNIT." Any residential unit within a rental dwelling that is actually rented, leased or otherwise made available to the public or is intended to be rented, leased or otherwise made available to the public for residential purposes, excluding those units not covered by this chapter. With regard to mixed-use properties, only those units within the parcel that are rented, leased or made available to the public for residential purposes shall require a rental dwelling license.



"RENTAL INSPECTOR." Any employee so designated by the city Mayor or his/her designee, including, but not limited to, code enforcement officers employed by the Code Enforcement Department.

"RESIDENT." Any adult residing within the city.

"SAFETY." The condition of being reasonably free from danger and hazards which may cause accidents or disease.

"TENANT." A person 18 years of age or older who occupies a dwelling unit and one who legally occupies the unit pursuant to a lease, rental agreement or other financial arrangement with the owner or managing agent.

"UNIT." A room or group of rooms located within a building forming a single habitable unit.

"ZONING ORDINANCE." The city's Zoning Ordinance (Chapter 156). (Ord. 2022-03, passed 4-25-22)

§ 160.04 RESPONSIBILITIES OF OWNERS OR MANAGING AGENTS.

(A) No person shall let to another person for occupancy any unit unless it complies with the City of Carrollton rental inspection.

(B) Every owner or managing agent of a rental dwelling containing two or more rental dwelling units shall maintain in an unobstructed, secure and sanitary condition any shared entrances, shared stairways, or public areas.

(C) The owner or managing agent of any rental dwelling which is required to be permitted hereunder, prior to the time of sale of the rental dwelling, shall notify the buyer, in writing, of all unabated orders and notices of violations issued against the rental dwelling. A copy of the notification shall be mailed to the City Clerk/Treasurer or his or her designee within five days of furnishing the notification to the buyer. For the purpose hereof, "TIME OF SALE" shall be construed to mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, upon the execution of any document providing for the conveyance of any rental dwelling required to be permitted.

(D) The owner or managing agent shall inspect each of their dwelling units at least once a year and may be accompanied by the rental inspector once every three years at the inspector's discretion; the inspection should comply with the items listed on the form in § 160.10.

(Ord. 2022-03, passed 4-25-22)

§ 160.05 RENTAL DWELLING PERMIT.

(A) No person shall rent, offer for rent or allow to be occupied any rental dwelling unit unless the owner or managing agent has first obtained a temporary rental dwelling permit or regular rental dwelling permit as provided herein.

(B) One rental dwelling permit shall be issued per unit to allow registered owners or managing agents to hold more than one rental dwelling permit if the person rents residential property on more than one parcel.

(C) The city shall have authority to exercise its regulatory powers under this chapter, including the power to issue, deny or renew any rental dwelling permit, with respect to any rental dwelling unit. (Ord. 2022-03, passed 4-25-22)

§ 160.06 ISSUANCE AND DURATION OF RENTAL DWELLING PERMIT; FEES.

(A) The owner or managing agent of each rental dwelling unit shall make initial written application for a temporary rental dwelling permit to the City Clerk/Treasurer or his or her designee on a form provided by the city. A permit will be required for each unit. The city may provide an electronic application in lieu of, or in addition to, a written application. Failure to file an application shall be deemed a violation of this division.

(B) There will be no fee for a temporary/regular rental dwelling permit and/or for renewing a permit.

(C) All first-time applicants will be issued a three-year temporary rental dwelling permit.

(D) Upon successful inspection and verified by the city's Rental Inspector as described hereunder, the temporary rental dwelling permit will convert to a regular rental dwelling permit. The regular rental dwelling permit will be valid for three years from the date of a passed inspection,

(E) No temporary or regular rental dwelling permit or renewal thereof shall be issued unless a current rental business license has been obtained.

(F) Any rental dwelling permit issued hereunder is nontransferable.

(G) In the event ownership of rental property is transferred to a new owner, the new owner or managing agent shall apply for a rental dwelling permit within 30 days of the closing of title if any portion of the premises is rented or leased at the time of closing. If an application is not filed as required by this division there shall be a presumption that the property is being utilized as rental property by the new owner(s) or managing agent(s) in violation of law. Failure to file an application or to apply within the specified period shall be deemed a violation of this division and subject to a citation.

(H) A inspection fee shall be charged if the owner or managing agent fails to appear for a scheduled inspection without a 24 hour cancellation notice.

(I) A fee shall be charged if the unit re-inspection fails to meet the standards set forth in this chapter or if the owner or managing agent fails to appear for a scheduled re-inspection.  
(Ord. 2022-03, passed 4-25-22)

§ 160.07 RENEWAL OF RENTAL DWELLING PERMIT.

(A) The owner or managing agent of each rental dwelling unit holding a current and valid regular rental dwelling permit shall make written application for a renewal of the original rental dwelling permit application to the City Clerk/Treasurer, or his or her designee, on a form provided by the city. The city may provide an electronic renewal application in lieu of, or in addition to, a written application. All renewal applications shall be filed before the expiration of the regular rental dwelling permit. Failure to file a renewal application and have a passing inspection or a inspection scheduled within the specified period will result in a citation.

(B) A rental dwelling permit may only be renewed by the same owner for the property who is listed on the original rental dwelling permit application.

(C) No application for renewal or reissuance shall be granted while a rental dwelling permit is subject to enforcement proceedings enforcing any provision of this chapter or Ch. 92.  
(Ord. 2022-03, passed 4-25-22)

§ 160.08 DENIAL OF RENTAL DWELLING PERMIT.

(A) Failure to comply with any of these standards and conditions shall be adequate grounds for refusal to issue a regular rental dwelling permit:

(1) The rental dwelling does not comply with the City of Carrollton rental inspection or Zoning Ordinance.

(2) The rental dwelling is overcrowded or illegally occupied in violation of any applicable code;

(3) The rental dwelling has been used or converted to another type of use in violation of the Zoning Ordinance;

(4) The owner or managing agent of the rental dwelling is delinquent in the payment of any financial obligation owed to the city, including, but not limited to, property taxes or other taxes, liens, and rental dwelling permit fees or late charges;

(5) The owner or managing agent of a rental dwelling fails to correct any code violations within a proscribed timeframe;

(6) The rental dwelling is determined to be hazardous or unfit for human habitation due to defects in its structure or its electrical, plumbing or mechanical systems, or is boarded, requiring a code compliance inspection prior to reoccupancy; or

(7) The existence of any other condition or circumstance which, in the opinion of the city, is dangerous, unsafe or jeopardizes the health, welfare and safety of the general public or occupants.

(B) In the event a temporary rental dwelling permit does not convert to a regular rental dwelling permit, or if a regular rental dwelling permit is not eligible for renewal, and the subject property is still being operated as rental dwelling, a code enforcement citation shall be issued to the owner of the property for failure to obtain a rental dwelling permit pursuant to the procedures set forth in Ch. 92 of the city's Code of Ordinances.

(Ord. 2022-03, passed 4-25-22)

#### § 160.09 VACATION OF AFFECTED RENTAL DWELLINGS.

When any provisional rental dwelling permit does not convert to a regular rental dwelling permit, or if a regular rental dwelling permit is not eligible for renewal, or if a permit holder has failed to obtain a current rental dwelling permit upon proper application, the city Mayor, or his or her designee, shall order the rental dwelling or rental dwelling unit vacated, giving the tenants and/or occupants thereof a reasonable time to arrange for new housing, not to exceed 60 days. No rental dwelling unit shall be rented again until the owner or managing agent is properly permitted under this chapter.

(Ord. 2022-03, passed 4-25-22)

§ 160.10 CITY OF CARROLLTON RENTAL INSPECTION FORM.

CITY OF CARROLLTON

CARROLLTON CODE INSPECTION

Unit Occupied? <input type="checkbox"/> Yes <input type="checkbox"/> No		Insp. #	RH
Address		Apt. #	
Date of Inspection	Time	a.m./p.m.	
Owner	Phone		
Billing Address	City	State	Zip

**Exterior Structure/Property Area**

- Street address numbers visible from road
- Steps, decks and landings in good condition
- Handrails present for all steps with four or more risers
- Guardrails for all open porches 30 inches above grade
- Property free from rubbish, junk or inoperable vehicles not registered and insured
- No overgrown weeds, brush or tree limbs
- If present, rain gutters and down spouts properly attached to structure
- Roof is in sound condition and does not appear to be leaking
- Structure does not pose a danger to life and health of the public or occupant

**Interior Structure**

- Windows free from broken panes
- All exterior doors have locks
- Cover plates for all outlets, switches and junction boxes
- Extension cords are being used properly
- Adequate heating system
- Adequate bathing facility, lavatory, toilet and kitchen sink, in good working condition
- Water heater functioning and equipped with a pressure relief valve
- Plumbing drains connected to public sewer system
- Smoke detectors are installed in the immediate vicinity of the sleeping areas and one per floor, including basements
- Smoke detectors tested and working properly
- Unit appears to be free of insect and/or rodent infestation

**Items marked are in compliance.**

**Items NOT marked are in violation and need to be corrected prior to rental**

DISAPPROVED ON _____	INSPECTED _____
APPROVED ON _____	

Once approved by the Code Enforcement Officer, this shall be considered a "Rental Dwelling Permit"

(Ord. 2022-03, passed 4-25-22)

§ 160.99 PENALTY.

(A) A violation of this chapter shall constitute a civil offense, which shall be enforced by the Code Enforcement Board, and any person who violates any provision of this chapter shall be subject to the civil fines specified in § 92.99 for unfit and unsafe structures in this Code of Ordinances.

(B) The city shall possess a lien on property for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this chapter and placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens filed subsequently, except state, county, school board and city taxes.

(Ord. 2022-03, passed 4-25-22)

