

**COMMONWEALTH OF KENTUCKY  
CITY OF LONDON  
ORDINANCE NO. 2025-04**

**2025 CITY OF LONDON, KENTUCKY STREAMLINED DEVELOPMENT  
ORDINANCE**

Be it Ordained by the City of London, Kentucky as follows:

This 2025 City of London, Kentucky Streamlined Development Ordinance (a/k/a "Zoning Ordinance" or "Ordinance") is adopted under the authority granted in Kentucky Revised Statutes (KRS) Chapter 100. This Streamlined Development Ordinance rescinds and replaces the Text of the existing Development Ordinance.

The existing Development Ordinance encompasses City of London Ordinance 2016-04 as amended by Ordinances 2017-07, 2018-03, and 2020-08.

The general purpose of this Streamlined Zoning Ordinance is to regulate the use of land and structures, and their development within the City of London in compliance with KRS Chapter 100 and consistent with the Comprehensive Plan. Such regulation is for the purpose of protecting the public health, safety, and general welfare of the Citizens of London in a manner that is not excessively burdensome to businesses or residents as a result of the procedure or substance of the Ordinance. In short, this 2025 amendment is intended to provide for necessary land use regulation in a user-friendly format.

**ARTICLE I  
ADMINISTRATION AND ENFORCEMENT**

**100 RESPONSIBILITIES**

The City of London's specific responsibilities related to planning and development activities are subject to KRS Chapter 100 and may be described in summary form as follows:

The development, adoption, and administration of laws, regulations, and rules (ordinances, resolutions, orders, etc.) for conduct of the City's affairs. In this Zoning Ordinance, the City formally adopts the Comprehensive Plan which serves as the general guide for future development. In this Ordinance, the City is responsible for decisions regarding the official zoning map and zoning and planning for the City of London. The City is responsible for the subdivision and development of land and the enforcement of codes, the governmental body is represented in the process by members from appropriate departments or agencies (Codes, Streets/Roads, Fire Departments, Utilities) and City personnel, including the Administrative Official, to oversee the planning and development process to

include the Planning Commission, Board of Adjustments, planning consultants, and legal counsel.

The City of London recognizes that KRS 100.324 limits the authority of a planning unit to regulate the service facilities of certain public utilities and common carriers and that KRS 100.361 provides in pertinent part that "... any proposal affecting land use by any department, commission, board, authority, agency, or instrumentality of state government shall not require approval of the local planning unit..." even though such governmental actor is to furnish adequate information concerning any such proposal to the planning commission. Thus, the City's authority to assign zone classifications and restrict land use is not all-encompassing.

## **101 PLANNING COMMISSION**

The Planning Commission (a/k/a "Commission") shall consist of five (5) members appointed in compliance with KRS 100.133. The Mayor of the City of London shall appoint members to the Planning Commission.

APPOINTING AUTHORITY- The Mayor of London shall appoint the members of the Planning Commission in compliance with KRS 100.141.

TERM OF OFFICE-The term of office for planning commission members shall be four years.

VACANCIES-Vacancies shall be filled within sixty (60) days by the Mayor in compliance with KRS 100.147. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

OATH OF OFFICE-All members of the Planning Commission shall, before taking office, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of peace within Laurel County.

REMOVAL-Any member of the Planning Commission may be removed by the Mayor for inefficiency, neglect of duty, malfeasance, or conflict of interest. Removal shall comply with KRS 100.157.

MEETINGS PROCEDURES-The Planning Commission shall elect a chairperson and vice chair and adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Any adopted hearing rules shall be in compliance with KRS 100.345. Regular meetings shall be held monthly. Special meetings shall be held at the call of the chairman and at such other times as the Commission may determine or as requested by an applicant whom has paid the required meeting fee to the City. The Commission shall keep minutes of its procedures, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or disqualified from voting, indicating the fact.

A simple majority of the total membership of the Commission (three) shall constitute a quorum. A member having a direct or indirect financial or other interest in the outcome of any application before the Commission shall disclose the nature of the interest and shall disqualify himself/herself from deliberating on and voting on the question, and shall not be counted for the purpose of a quorum. A disqualifying member shall leave the meeting room upon announcement of disqualification.

A simple majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any official business except that a vote of a simple majority of the total membership shall be necessary for the adoption of amendment of the commission's bylaws, or for elements of the comprehensive plan or regulations.

DUTIES- The Planning Commission shall:

1. Prepare and adopt a comprehensive plan, but the goals and objectives of such plan are subject to approval by the City Council consistent with KRS 100.197. The Planning Commission may make recommendations on goals and objectives.
2. Review and amend the comprehensive plan as necessary and within any time frame established by KRS Chapter 100.
3. Review all proposed amendments to this ordinance and make recommendations to the City Council.
4. File certificates of land use restriction in the Office of the Laurel County Clerk and require the Zoning Administrator to maintain copies.
5. Review all requests for amending the zoning map and/or the text of zoning regulation (Zone Changes or Text Amendments)
6. Review and decide all requests for amending the text of any subdivision regulations.
7. Review any proposed subdivision plat within the City of London which is not decided by the Zoning Administrator under delegated authority pursuant to KRS 100.281(1).

EMPLOYING PLANNERS, OTHER PERSONS, AND OTHER PAYMENTS-The Planning Commission may employ a staff or contract with planners or other persons as it deems necessary to accomplish its assigned duties contingent on advance written approval by the Mayor and by resolution of the London City Council. Such procedure is necessary because of the expenditure of public funds involved and budgeting implications. Any employee so approved is an employee at will of the City unless the Mayor and Council otherwise approve a notarized employment contract executed by the City and such employee.

In keeping with KRS 100.177, the Planning Commission shall be self-supporting. Each member of the Planning Commission, and the recording secretary shall be paid Two hundred fifty dollars (\$250.00) for each meeting attended. Planning and Zoning shall be paid One hundred dollars (\$100.00) per plat review.

FINANCES-The City Council may appropriate out of general revenues for the expenses and accommodations necessary for all the work of the Planning Commission. The Planning

Commission shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky, including the U.S. Government, for the purpose of carrying out its duties. The fee for holding a special hearing or meeting at the request of a person seeking a special hearing or meeting for any purpose to be conducted by the London Planning Commission pursuant to the regulations of the Zoning and Planning Commission shall be \$2000.00. The fee to be paid to the Building Inspector of the City of London for reviewing any project prior to a meeting of the London Planning Commission, whether special or otherwise, shall be in the amount of \$100.00. The application fee for a Uniform Application for construction of a cellular antenna tower shall be the greater of \$2,500.00 or any higher fee authorized by KRS 100.986. The fee for a Utility Access Permit shall be \$350.00. Any other fees charged to any applicant or property owner shall be set forth in a Fee Schedule approved by the City Council which may be amended from time to time.

#### NO SUBPOENA POWER

The Planning Commission does not have subpoena power under KRS Chapter 100 or this Zoning Ordinance.

#### ADMINISTRATION OF OATHS

The Chairperson of the Planning Commission, Vice Chair or Legal Counsel for such Commission shall each have the authority to administer an oath to witnesses prior to their testifying before the Commission on any issue.

### **102 BOARD OF ADJUSTMENTS**

#### MEMBERSHIP, APPOINTMENT, TERM, VACANCIES, OATH, REMOVAL, AND OFFICERS

The Board of Adjustments (a/k/a “Board”) shall consist of five (5) members appointed pursuant to KRS 100.217. The term of office shall be for four years.

Vacancies on the board shall be filled within sixty (60) days by the Mayor in compliance with KRS 100.217(6). When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term. The Administrative Official and/or the Chair of the Board shall promptly inform the Mayor of any vacancy.

All members shall, before taking office, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of the peace within Laurel County.

Any member of the Board of Adjustments may be removed by the Mayor, subject to approval by the City Council, for inefficiency, neglect of duty, malfeasance, or conflict of interest pursuant to KRS 100.217. The Mayor shall submit a written statement to the Board setting forth the reasons for removal, and the statement shall be read at the next meeting of the Board of Adjustments, which shall be open to the general public. Any member being removed shall have the right of appeal from the removal to the Laurel Circuit Court pursuant to KRS 100.217.

The Board of Adjustments annually shall elect a Chairperson, Vice Chair, and Secretary, and any other officers it deems necessary, and any officer shall be eligible for reelection at the expiration of his/her term. The City Clerk and/or any Deputy City Clerk shall reasonably assist the Board in documenting meetings and actions of the Board upon request by the Board.

#### MEETINGS OF BOARD, QUORUM, MINUTES, AND BYLAWS

The Board of Adjustments shall conduct regular meetings at least six times annually. In addition to regular meetings, special called meetings shall be called by the Chairperson or Building Inspector who shall give written or oral notice to all members of the board and otherwise comply with the Kentucky Open Meetings laws which notice shall contain the date, time, and place for the meeting.

A simple majority of the total membership of the Board of Adjustments as established by regulation or agreement shall constitute a quorum. Any member of the Board of Adjustments who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself/herself from deliberations and voting on the question. A disqualifying member shall leave the meeting room until deliberation and vote on the subject of disqualification is completed.

The Board of Adjustments shall adopt bylaws for the transition of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption by filed in the office of the board. If the board has no office, such records may be kept in custody of the Zoning Administrator or the City Clerk in City Hall and shall be available to the general public.

A transcript of the Board of Adjustments meeting shall be provided if requested by a party three business days in advance of a meeting or hearing, at the expense of the requesting party whom shall execute a binding instrument obligating the requester to pay such expense within ten days of invoice and further obligating the requester to pay reasonable attorney fees of any effort to recover such expense if not timely paid. The transcript shall constitute the record. Such request shall be delivered to the Zoning Administrator three business days in advance of a meeting or hearing.

#### EMPLOYING PLANNERS, OTHER PERSONS, AND PAYMENTS

The Board of Adjustments may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties under this chapter, subject to the City Council's advance approval of contracting for or expenditure of public funds for such purposes.

In keeping with KRS 100.177, the Board of Adjustments shall be self-supporting. Each member of the Board of Adjustments, and the recording secretary shall be paid Two hundred fifty dollars (\$250.00) for each meeting attended. Planning and Zoning shall also be paid One hundred dollars (\$100.00) per plat review.

#### FINANCES

The Board of Adjustments shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out the provisions of this chapter. Any request for a hearing on any matter for a special called meeting of the Board of Adjustments shall be assessed an additional fee of \$2000.00 for any of the above matters. Otherwise, any person requesting a special called meeting of the London Board of Adjustments shall pay a fee of \$2000.00.

#### ADMINISTRATION OF OATHS

The Chairperson of the Board of Adjustments, its Vice Chair or its Legal Counsel shall have the authority to administer an oath to witnesses prior to their testifying before the board on any issue.

#### POWERS AND DUTIES OF BOARD OF ADJUSTMENTS

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Ordinance and KRS Chapter 100, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken. For the purpose of this Ordinance, the board has the following specific responsibilities:

#### CONDITIONAL USE PERMITS

The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met. The fee for a Conditional Use Hearing shall be \$200.00 plus the cost to publishing the notification of the public hearing in the newspaper and the cost of filing the Land Use Restriction in the Laurel County Clerk's Office.

The Board may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. The Board, with the assistance of the Administrative Official and/or legal counsel, shall undertake best efforts to provide for clarity in the drafting of conditions. The Board may continue a hearing to allow proper drafting of conditions. Any such conditions shall be recorded in the Board's minutes and on the Conditional Use Permit along with a reference to the specific section in the zoning regulation listing the Conditional Use under consideration. The Board shall have power to revoke conditional use permits, or variances for non-compliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

Granting of a Conditional Use Permit does not exempt the applicant from complying with all of the requirements of building, housing, and other state, federal or local codes or regulations.

In any case where a Conditional Use Permit has not been exercised within the time limit set by the board, or within one year if no specific time limit has been set, such Conditional Use Permit shall automatically revert to its original designation. "Exercised," as used in this paragraph, shall mean that signed contracts for the construction of the main building or other improvement to be performed within six (6) months of the date of the contract, or in the absence of signed contracts that improvement is under construction that prerequisite conditions involving substantial investment or by the developer. When construction is not part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

The Administrative Official shall review all Conditional Use Permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the Conditional Use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the Conditional Use Permit. If the landowner is not complying with all of the conditions listed on the Conditional Use Permit, the Administrative Official is authorized by the Board of Adjustments to temporarily revoke the Conditional Use Permit and shall report the fact in writing to the Board of Adjustments. The report shall state specifically the manner in which the landowner was not complying with the conditions on the Conditional Use Permit with a copy of the report to the fee simple landowner according to records of the Property Valuation Administrator and/or developer at the same time that it is furnished to the Board of Adjustments. The fee simple property owner and/or the holder of the Conditional Use Permit may appeal such temporary revocation to the Board of Adjustments by filing a notice of appeal with the Administrative Official within fifteen days of the date of the report. The Board of Adjustments will conduct a public hearing to decide such appeal within forty-five days of the filing of the notice of appeal and either affirm or overrule the Administrative Official. If there is no timely appeal to the Board of Adjustments, within thirty (30) days following the revocation of the Conditional Use Permit by the Administrative Official, the Administrative Official shall note in the margin of the Conditional Use that the Conditional Use has been revoked or by a separate recording of the revocation filed with the County Court Clerk. If there is an appeal, and the Administrative Official is overruled, the temporary revocation is lifted. If there is an appeal and the Administrative Official is affirmed, within thirty (30) days thereafter, the Administrative Official shall note in the margin of the Conditional Use that the Conditional Use has been revoked or make a filing notice the revocation with the County Court Clerk. Reversal or affirmance of the Administrative Official is determine from the time of vote by the Board of Adjustments.

Following the completion of conditions of a Conditional Use Permit, the Administrative Official, upon written request of the applicant, may, determine that the conditions have been satisfied and the conclusion in the margin of the copy of the Conditional Use Permit which is on file with the County Clerk, as required in KRS 100.329. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

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 fourteen (14) days in advance of the public hearing on the application to the applicant, Administrative Official, and owner of every parcel of property adjoining the property to which the application applies and such other persons as this zoning ordinance shall direct. Written notice shall be by first class mail with

certification by the board's secretary or other officer that the notice is mailed. It shall be the duty of the applicant to furnish to the board the name and address of any owner of each parcel of property as described in this section. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner. Local newspaper publication of notice of the public hearing is also required within seven (7) and twenty-one (21) days in advance of the public hearing.

When an application is made for a Conditional Use Permit for land which is not located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant including the fee simple property owner. No mail notice to any other person is required. Local newspaper publication of notice of the public hearing is required within seven (7) and twenty-one (21) days in advance of the public hearing.

All Conditional Use Permits approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the Laurel County Court Clerk.

#### VARIANCES

The Board shall have the power to grant variances. The board may impose any reasonable conditions or restrictions on any variance granted consistent with KRS 100.241. The fee for a Variance Request Hearing shall be \$200.00. Variances may also be heard by the Board pursuant to Section 406.6.6. Pursuant to KRS 100.247, the Board of Adjustments does not have the power to grant a variance to permit a use of any land, building or structure which is not permitted by this zoning ordinance in the zone in question, or to alter density requirements in the zone in question.

#### FINDINGS NECESSARY FOR GRANTING VARIANCES

Before any variance is granted, the Board must find all of the following as required by KRS 100.243, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the variance.

The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. A variance shall not be granted to allow a use of the property contrary to the zone in which the property is located.

Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation.

The strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant.

Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public.

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.

All variances approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the County Clerk. The recorded variance shall include any conditions or restrictions imposed on the variance.

The Administrative Official shall assist the Board by providing templates and/or checklists in advance to the Board to facilitate the making of findings in compliance with KRS Chapter 100 and this Zoning Ordinance.

The Administrative Official shall prepare an Application Form to be used to file an application for a variance. Said Form shall inform the applicant of the necessity of statutory findings as listed above and provide for the applicant to provide information or documentation to support the required findings.

#### NON-CONFORMITIES

Within the districts established by this ordinance there exists lots, structures, and uses of lands and structures which were lawful before the property was annexed into the City or before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the forms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conforming uses to continue consistent with KRS 100.253, but not to allow their expansion, enlargement, or extension.

The lawful use of a lot or structure existing prior to the annexation of the property into the City or at the time of adoption of any zoning regulations affecting it, may be continued although such use does not conform to the provisions of such regulations, except as otherwise provided herein. A non-conforming use may lapse for a period of two years, without being considered abandoned. The property owner may appeal to the Board of Adjustments for an additional year at least one month prior to the end of the second year. Any lapse of a non-conforming use for a period of more than three years will result in the property being required to conform to existing requirements regarding appropriate uses.

The Board of Adjustments shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use non-conforming was adopted. Nor shall the board permit a change from one non-conforming use to another unless the new non-conforming use is in the same or a more restrictive classification.

Should any non-conforming structure or non-conforming portion of a structure be damaged, destroyed, or demolished by any means, it may be reconstructed or repaired, but not to exceed the number of cubic feet existing in it, and not to extend or enlarge the scope and area of its operation prior to its damage, destruction or demolition. This does not include structures in a Special Flood Hazard Area (SFHA). If the structure is located in a Special Flood Hazard Area designated by the (NFIP) National Flood Insurance Program, (FIRM) Flood Insurance Rate Map the structure shall not be reconstructed without written approval from The Kentucky Division of

Water and the London Floodplain Administrator designated by the London City Council. Reference London City Ordinance No. 2015-03.

Notwithstanding anything to the contrary in this section titled Non-Conformities, consistent with KRS 100.253(3), any use which has existed illegally and does not conform to the provisions of this zoning ordinance, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the above provisions of this section.

#### ADMINISTRATIVE REVIEW

The Board of Adjustments shall 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 an Administrative Official in the enforcement of the zoning regulation. Such appeal shall be filed in writing with the Administrative Official within thirty (30) days of the appellant or his agent receives notice of the decision of the Administrative Official as provided by KRS 100.261. The Administrative Official shall use best efforts to communicate any potentially appealable action in a manner which allows for confirmation of the date of receipt, whether via certified or priority mail, hand delivery, or e-mail. (To facilitate the public's understanding of the right of appeal, the Administrative Official shall inform an applicant in writing as part of any written decision that an appeal to Board of Adjustments is available and must be filed with the Administrative Officials within the aforementioned time period.) The Administrative Official shall provide e-mail and/or other written notice to Chair of the Board of Adjustments and the City Attorney within three (3) business days of receiving an appeal.

#### PROCEDURE FOR ALL APPEALS TO BOARD

Appeals to the board shall be made within twenty (20) days after the appellant or his agent receives official notice of the action, by filing with said officer and a notice of appeal specifying the ground thereof, and giving notice of such appeal in writing to any and all parties of record. Upon request at least three days in advance of an appeal deadline, the Administrative Official shall provide a list of parties of record to the appellant. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing of the appeal held by the Board, any interested person may appear and shall be given an opportunity to be heard, but reasonable time limits and limits on repetitive testimony may be imposed. Any witnesses heard shall be placed under oath prior to giving such statements. The minutes of the meeting shall constitute the official record for appeal purposes. An applicant making an appeal under this section shall pay a filing fee of two hundred dollars (\$200.00) to the Board. If the appeal is substantially sustained by the Board, such fee shall be refunded to the applicant.

#### PUBLIC NOTICE OF APPEAL HEARING

The board shall fix a reasonable time for hearing the appeal but not more than forty-five (45) days from the date the notice of appeal is filed and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant not later than seven (7) days prior to the

hearing, and shall decide it at the end of the hearing or at a subsequent regular or special meeting within fifteen (15) days of the date of the hearing. The affected party may appear at the hearing in person or by attorney. All statements made by the Appellant shall be made under oath.

#### APPEALS FROM BOARD OF ADJUSTMENTS

Any appeal from Board of Adjustments action may be made in keeping with the requirements of KRS 100.347, including its jurisdictional deadlines, to the Circuit Court of Laurel County. Persons seeking to file such appeals should contact their own legal counsel. Neither the Board nor Administrative Official is authorized to advise applicants or other persons on preparing such an appeal to Circuit Court.

### **103 THE CODES ENFORCEMENT OFFICE**

The Codes Enforcement Office is responsible for the review/revision and making recommendations on the adoption of all or part of the Comprehensive Plan, and its implementation through the use of this ordinance. In addition to overseeing the use of land and structures, and the subdivision and development of land, this office enforces the various codes that pertain to structural development.

The Codes Enforcement Office is the recipient of all applications that are described in this ordinance. The Administrative Official heads the Codes Enforcement Office.

#### ADMINISTRATIVE OFFICIAL

An Administrative Official appointed by the Mayor in compliance with KRS 100.271 and any other ordinances of the City applicable to City employees. The Administrative Official shall be an employee of the City. The Administrative Official may be provided with the assistance of such other persons as the Mayor may direct.

For the Purpose of the ordinance, the Administrative Official shall have the following duties:

Upon finding that any of the provisions of this ordinance are being violated, notify in writing the person responsible and/or the property owner of such violation(s), ordering the action necessary to correct such violation;

Order discontinuance of illegal uses of land, buildings, or structures;

Order removal of illegal buildings or structures or illegal additions or structural alterations;

Order discontinuance of any illegal work being done; or

Take any other action authorized by this Ordinance to ensure compliance with or to prevent violation(s) of this Ordinance including reporting to the Code Enforcement Board. This may include the issuance of and action on building permits and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

Make records of all official actions of this office relating to the administration and enforcement of the provisions of this ordinance including, but not limited to, written records of all complaints and actions taken with regard thereto, all violations discovered and actions taken thereto, and the final disposition of all such matters.

Issue building permits or certificates of occupancy, or both, in accordance with the literal terms of the regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the zoning regulation.

Notwithstanding the foregoing, if the property owner is being cooperative, the Administrative Official may in his or her discretion issue Orders as to illegal uses which contemplate the gradual elimination of violations so as to avoid harsh economic or other consequences on the property owner from immediate cessation of a violation of this zoning ordinance. In exchange for such forbearance, the property owner may be required to enter a binding written agreement with the Administrative Official committing to a schedule for elimination of the violation.

## **ARTICLE II THE USE OF LAND STRUCTURES**

### **200 PURPOSE**

The purpose of this section of the ordinance is to classify, regulate, and restrict the use and location of buildings designed for specified uses, to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, to regulate and limit the density of population, and to realize the general purposes set forth in Section 202 of this ordinance. In order to accomplish this purpose, the City of London is divided into zoning districts.

### **200.1 BUILDING PERMITS SCHEDULE OF FEES, CHARGES, AND EXPENSES WITHIN THE CITY LIMITS OF THE CITY OF LONDON, KENTUCKY**

1. It shall be unlawful to commence the excavation or grading of soil or excavation for the construction of any building including outdoor advertising signs and accessory buildings, or to commence the moving or exterior alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work.
2. For the procedure in obtaining and the issuance if a building permit see Section 200.2
3. The cost of a building permit shall be determined as set forth in **Appendix A** hereto, and as revised by any subsequent Fee Schedule approved by the City Council. Plan Review Fees are the same as established by the Kentucky Building Codes for all projects captured by expanded jurisdiction, if such Plan Review Fees are not specified in **Appendix A** or a subsequent Fee Schedule.
4. The value of new construction is determined by the below formula fee:
  - a. Residential           \$150.00 per square foot
  - b. Commercial           \$225.00 per square foot

Application Fees are set as follows, or as otherwise specified in this Zoning Ordinance, unless revised by a subsequent Fee Schedule approved by the City Council:

1. Dimensional Variance pursuant to KRS 100.241 for any building, structure or setback: \$200.00
2. Zoning Map Amendment Involving Public Hearing by Planning Commission - \$1,000.00. This fee is to cover cost of advertising for public hearing, signs for posting on property considered for rezoning, and cost of notifying surrounding property owners.
3. Conditional Use Permit per KRS 100.237 - \$250.00 plus actual cost of publication and filing instrument of record with County Clerk.
4. Nonconforming Use Determination per KRS 100.253: \$ [REDACTED].
5. Administrative Interpretation per KRS 100.257: \$ [REDACTED].
6. Appeal of Administrative Interpretation to Board of Adjustments per KRS 100.261: \$ [REDACTED] plus actual cost of publication.
7. Any Appeal to Code Enforcement Board: \$ [REDACTED].
8. Uniform Application for New Cellular Antenna Tower per KRS 100.9865: \$2,500.00.
9. Subdivision Plat (Preliminary): \$ [REDACTED].
10. Subdivision Plat (Final): \$ [REDACTED].
11. Mobile Home Park: \$3,000.

## **200.2 BUILDING PERMITS**

### BUILDING PERMIT REQUIRED PRIOR TO EXCAVATION, CONSTRUCTION OR ALTERATION

It shall be unlawful to commence any excavation or grading of soil or excavation for the construction of any building including outdoor advertising signs and accessory buildings, or to commence the moving or exterior alteration of any building, including accessory buildings, until the Building Inspector or Administrative Official has issued a building permit authorizing such work. The utilities to any structure being constructed or altered will be connected after the building permit has been issued and shown to the agency or person responsible for connecting water, electric, sewer and gas utility, but not before such building permit is issued.

#### **PROCEDURE:**

A. APPLICATION: In applying to the Administrative Official for a Building Permit the applicant shall submit with the application the following information;

1. If the application is made by a person other than the owner in fee, it shall be accompanied by a verified written statement by the person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make application. The full names and addresses of the owner, lessee, applicant and the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
2. A general description of the proposed work.
3. The location of the proposed work.

4. The use and occupancies of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure.
5. Any additional information reasonably required by the code official.
6. The application for the permit shall be accompanied by construction documents drawn to scale with sufficient clarity and detail dimensions to show the nature and character of the work to be performed.
7. A copy of the site survey bearing the signature and seal of a Kentucky Registered Land Surveyor shall be submitted to all new buildings or additions; except that the code official may, in his discretion, accept other proof of location.
8. A site plan shall be filed showing, to scale, the size and location of the new construction and all existing structures on the site, the distances from lot lines, the established street grades and the proposed finished grades, which meets the requirements of this Ordinance and shall be submitted in writing at least forty eight (48) hours in advance of his/her plan of excavation, grading or stripping of land of it's natural ground cover and stating the approximate area of land that will be disturbed. The site plan shall be drawn in accordance with the accurate boundary line survey performed by a licensed surveyor by the State of Kentucky.
9. Proof of insurance. The issuance of a building permit shall be contingent upon presentation of a document or affidavit to the effect that all contractors and subcontractors employed or that will be employed in the construction, alteration or repair under the permit will be in compliance with Kentucky law relating to worker's compensation and unemployment insurance.
10. Notwithstanding the foregoing, except for paragraphs 1, 2, 3 and 9 above, upon good cause shown in writing, the Administrative Official or Mayor may grant a temporary extension of time for one or more of the requirements of any of paragraphs 4-8 in writing, for a period of not more than fifteen (15) days and grant a Building Permit. The Building Permit shall expire if full compliance with the Application requirements is not made within such extension of time as evidenced by a notice of compliance from the Administrative Official.

B. Permanent File: The Administrative Official shall keep a permanent file of all applications with accompanying plans and all permits issued.

C. Issuance: If the proposed construction or alteration conforms with all applicable provisions of this ordinance and all other applicable ordinances, regulations and codes, the Administrative Official shall issue a building permit only after performing a complete plan review authorizing such construction or alteration. The Administrative Official shall be granted 7 working days to perform the plan review. The plan review shall be performed no later than thirty (30) days from the date of the application. If the proposed alteration fails to conform, the Administrative Official shall refuse to issue a building permit and shall deliver written notice to the applicant stating the reasons for the refusal.

D. Validity: The issuance of a building permit by the Administrative Official shall not waive any provisions of this ordinance.

E. Duration: A building permit shall become void 180 days after the date of issuance, if construction has not begun, unless an extension of not more than one

hundred eighty (180) days is granted by the Administrative Official for good cause shown by the applicant.

### **200.3 CERTIFICATE OF OCCUPANCY**

#### **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 Administrative Official has issued a certificate of occupancy authorizing such use. The Planning Commission may authorize the Administrative Official to require that nonconforming uses or any existing uses shall maintain valid certificates of occupancy identifying them as nonconforming uses or permitted uses, as applicable.

#### **PROCEDURE**

- A. **APPLICATION:** In applying to the Administrative Official for a Certificate of occupancy, the applicant shall notify the Administrative Official in writing of the date on which any new or altered structure or the new use of any premises will be ready to commence. Before a Certificate of Occupancy can be issued the following certificates must accompany the request.
1. Certified Electrical Inspector's Certificate, stating (Certificate of Compliance).
  2. State Plumbing Inspector's (Certificate of Compliance)
  3. State HVAC (Certificate of Compliance) from the Kentucky Department of Housing, Buildings and Construction, Division of HVAC.
  4. If the State of Kentucky Department of Housing, Building and Construction has issued a permit a Certificate of Occupancy from the department performing the inspection must accompany the request.
  5. Fire Alarm Record of Completion/Inspection.
  6. Sprinkler Inspection.
  7. Boiler Inspection.
  8. Gas Service Inspection.
  9. Any other inspection required by applicable Building Code.
- B. **PERMANENT FILE:** The Administrative Official shall keep a permanent file of all applications and all certificates issued.
- C. **ISSUANCE:** If the newly erected or altered structure and the new use of premises conform with all applicable provisions of this ordinance and all other applicable ordinances, regulations and codes, the Administrative Official shall issue a Certificate of Occupancy authorizing the use thereof. If the structure or use fails to conform, the Administrative Official shall refuse to issue a Certificate of Occupancy and shall deliver written notice to the applicant stating the reasons for the refusal. The Administrative Official shall inspect new structure or the premises for which a new use is proposed and shall issue or refuse a Certificate of Occupancy within three (3) working days after the date on which the new use is ready to commence.

D. Validity: The issuance of a Certificate of Occupancy by the Administrative Official shall not waive any provisions of this ordinance or any applicable Building Code requirement.

## **201 PROCEDURE**

The present zoning districts were established with adoption of the original zoning ordinance and through amendments to the official zoning map that have occurred subsequently. To determine the uses that are allowed within each district, it is necessary to examine Sections 202.1 through 202.4.

### **201.1 CLASSIFICATION OF USES**

1. (P) Principal to Primary- These are uses that are deemed to be most appropriate, and are permitted outright in a district without further review by the Planning Commission or Board of Adjustments.
2. (C) Conditional Use- These are uses that may or may not be appropriate in a district, dependent upon the situation. These uses may call for restrictions on location, size, extent, and character of performance in addition to those already imposed by the ordinance, and require review and permitting by conditional use requiring review by the Board of Adjustments.
3. Accessory Uses- These uses are subordinate to the principal use of the land or structure, and serve purposes that are incidental to the principal use. Accessory uses do not require any further review by the Planning Commission or the Board of Adjustments.

If a specific use is not listed in the Development Ordinance, as determined by the Planning Commission, the Administrative Official shall reference the Kentucky Building Codes to assist with the determination. If the Building Inspector cannot make this determination, then the use in question will be considered a conditional use to be reviewed by the London Board of Adjustments.

### **201.2 AMENDING THE ORDINANCE**

1. The Zoning Text: A proposal for amendment to the text of the ordinance may originate with the City Council, the Mayor, or the Planning Commission. A proposal for amendment to the text of the ordinance may also originate with a fee simple property owner of real property in the City of London or with a resident in the City of London, Kentucky in that the City welcomes innovative ideas from the public. However, a proposal for a text amendment by any private person must be accompanied by a \$2,000.00 fee to the Planning Commission to cover costs of the hearing on such proposal and a Word version of the proposed text in redline format showing additions and deletions to the zoning ordinance and a written justification supporting such proposal. In the alternative, private persons are also free to informally request the City Council or Planning Commission to pursue a text

amendment at no cost to such private persons. However, such governmental bodies retain discretion or whether to do so.

2. The Zoning Map (a/k/a Re-Zoning): A proposal for amendment to the zoning map may originate with the City Council, the Planning Commission, any other governmental body, the owner of subject property, or by a person having written authorization from the owner of the subject property.

If a property owner wants to use his/her property in a manner that is not allowed under the existing zoning classification, he/she may submit an Application to the Administrative Official requesting a change in the zoning designation on a form provided by the Administrative Official. The property owner is encouraged to provide any reasonably available information or documentation which supports a zoning map amendment under the criteria of KRS 100.213 along with the application for zoning map amendment. (The Administrative Official shall provide any person stating an intent to file an application a copy of KRS 100.213.) Such information or documentation may be helpful to the Administrative Official, Planning Commission, and/or City Council in reviewing the application. Any information showing the proposed map amendment would be consistent with the Comprehensive Plan is encouraged to be provided. (The Administrative Official shall inform any person stating an intent to file an Application that a copy of the Comprehensive Plan is available for a reasonable copy cost and identify if it is available on the City's website.) An applicant is also encouraged to identify in the Application any adjoining parcels which are in the same zone to which the property owner is seeking to re-zone the subject property. Applicants are cautioned that proposed zoning map amendment of property to a zone classification which is not shared by an adjoining property or other property in the immediate vicinity may constitute "spot zoning" which is generally disfavored in Kentucky law. An Applicant should be prepared to make a compelling case under KRS 100.213 in circumstances of a proposal for spot zoning.

The steps to be followed in requesting a map amendment to the ordinance are as follows:

1. File an Application with the Planning Commission through the Administrative Official (Code Enforcement Office) on a form provided by such Official. At the time of filing an application, a non-returnable filing fee of two thousand dollars (\$2,000.00) is due. The fee shall be paid according to the schedule of fees; however, there shall be no filing fee for an amendment requested by any governmental agency.
2. Notice of public hearing on the amendment shall be given by the Codes Enforcement Office as follows:

For a text amendment, notice of the time, place, and reason for holding a public hearing shall be given by publication in the newspaper of general circulation in the county, not earlier than twenty-one (21) days, or not later than fourteen (14) days before the public hearing.

For an amendment to the official zoning map, in addition to the publication requirement above, the notice of the public hearing shall be given at least fourteen (14) days (by an individual), or thirty (30) days (by a governmental body) in advance of the hearing to the owner(s) of every

parcel of property adjacent and adjoining the property, the classification of which is proposed to be changed. This notice shall be sent by first class mail, with certification by the Planning Commission Secretary (or other officer) that the notice was mailed to all property owners. It is the duty of the person(s) proposing the amendment to furnish the Planning Commission with correct names and addresses for all owners of adjoining property, (property situated directly across the street from the property requesting rezoning shall be considered to be contiguous). Records maintained by the Property Valuation Administrator (PVA) may be relied upon to determine the identity and address of said owner(s). The PVA Office is normally helpful in providing such names and addresses and applicants are encouraged to communicate with such Office well in advance of any planned date for filing, In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers the property commonly owned by the condominium or cooperative owners.

3. **PLANNING COMMISSION REVIEW:** Upon the filing of an application for an amendment to the zoning text or map, the Planning Commission shall study and review the application as provided in this ordinance and the bylaws of the Planning Commission. The Planning Commission may require the submission of additional information either through its Administrative Official in advance of public hearing or during a scheduled public hearing with potential continuation of the hearing if the information is not immediately available. After notice of the public hearing has been duly given, the Planning Commission shall hold a public hearing on the proposed amendment.

After voting to recommend that an application for amendment to the text of this ordinance be granted or denied, the Planning Commission shall forward its recommendations in writing to the City Council. The Planning Commission, through its recording secretary or the Administrative Official shall, when available, forward signed minutes of any Planning Commission meeting on a proposed zoning map amendment to the London City Clerk in order to facilitate any Council deliberations on the proposed amendment. The City Clerk shall timely provide copies of such minutes to each City Council member either in hard copy or via e-mail. If the application is for an amendment to the official zoning map, the Planning Commission, in compliance with KRS 100.213, must find the amendment to be in agreement with the adopted Comprehensive Plan, or in the absence of such a finding, it must find;

1. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate, or
2. That there have been major changes of an economic, physical, or social nature within that are involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

Depending on the complexity of issues involved, the Administrative Official, in his or her discretion, may require submission of a development plan in advance of the public hearing and is hereby authorized by the Planning Commission to do so. In making such decision, the Administrative Official shall consider that a Development Plan may be costly, and will only require its preparation if good cause supports such decision. The Administrative Official may

reasonably re-schedule a public hearing date to allow for completion of a required development plan. In its deliberations, even if the Administrative Official has not required a development plan, the Planning Commission may require the submission of a development plan which shall show the location of all proposed buildings, streets, and utilities. The plan shall be drawn to scale by a licensed professional. If the Planning Commission requires a development plan during a public hearing, the public hearing will be continued to a later date when the development plan will be available for review. If a development plan is approved as part of the zoning map amendment, a certificate of land use restriction incorporating the development plan must be filed.

The Planning Commission shall make findings of fact which shall be recorded in the minutes and records of the Planning Commission. After voting to recommend that an application for amendment to the official zoning map be granted or denied, the Planning Commission shall forward its findings of fact and recommendation in writing to the City Council through the City Clerk. Copies of such findings of fact and recommendation shall be provided by the City Clerk to the City Council members in hard copy or via email reasonably in advance of any relevant meeting. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the City Council without a recommendation of approval or disapproval.

Adoption of KRS 100.2111 Expedited Finality Procedure. A Planning Commission recommendation relating to the proposed amendment shall become final and the map amendment shall be automatically implemented subject to the provisions of KRS 100.347, all as set forth in the Planning Commission recommendations, UNLESS within twenty-one (21) days after the final action by the Planning commission:

- (a) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the City Council with such request including an explanation of the basis for aggrievement; or
- (b) The City Council via the City Clerk or City Attorney as its representative files a notice with the Planning Commission that the City Council shall decide the map amendment.
- (c) Notice to the Planning Commission pursuant to (a) or (b) above shall be made by delivery of a hard copy of the required notice to the Administrative Official in the Code Enforcement Office at the normal business address of such Office by close of business on the 21st day. Mailing on such date does not constitute delivery. Telefax or email delivery is insufficient due to risk of technological malfunction. Should the 21st day be on a Saturday, Sunday, or Holiday when the Code Enforcement Office is not open, the deadline for the above-referenced filings shall roll over to the next business day on which the Code Enforcement Office is open.

It shall take a unanimous vote of the entire City Council to override the recommendation of the Planning Commission if the above procedure places the decision before the City Council.

All procedures for public notice and publication as well as for adoption shall be the same as for the original enactment of a zoning regulation, and the notice of publication shall include the street address of the property in question, or if one is not available, or if it is not practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of the two (2) streets on either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property

When a proposed zoning map amendment is finally rejected by the above procedure, no other application for rezoning that same piece of property will be considered until three (3) months has passed after such final denial. Reapplication within six (6) months after final denial shall be subject to an application fee 50% greater than the standard application fee on a zoning map amendment.

#### 4. ACTION BY THE CITY COUNCIL:

(a) Text Amendment. The City Council shall not act upon a proposed amendment to the text of this ordinance until it shall have received the written recommendation thereon from the Planning Commission. It shall take a unanimous vote of the entire City Council to override the recommendation of the Planning Commission on a text amendment.

(b) Zoning Map Amendment. If the City Council is to make a zoning map amendment decision pursuant to the procedure above, the City Council shall not act upon a proposed amendment to the official zoning map until it shall have received the written findings of fact and recommendation thereon from the Planning Commission and signed meeting minutes of the public hearing on the Application. If the Planning Commission denied the requested amendment, before the City Council can approve such amendment, it must take a unanimous vote of the entire membership of City Council members to override the recommendations of the Planning Commission.

(c) If the City Council is to make its own decision on a zoning map amendment, it must take final action within ninety (90) days of the date on which the Planning Commission has taken final action. (KRS 100.211(8)). Final action of the Planning Commission is measured from the later of the date the Planning Commission provides its recommendation and its signed meeting minutes of the relevant public hearing to the City Council.

The City Clerk, Administrative Official, and City Attorney shall cooperate to effect timely and accurate statutory publication as to any text amendment or zoning map amendment in order to properly inform the public of action taken by the City Council.

### **201.3 ANNEXING LAND INTO THE CITY**

When land is to be consensually annexed into the city, the applicant shall submit a request to the Mayor's Office on a form provided by the Administrative Official or City Clerk. The applicant shall be asked to include the parcel number, vesting deed reference, and street address of the property proposed for annexation on such form and to identify the name of the fee simple owner. The city may require the request be binding and irrevocable under certain conditions considering the costs which may be incurred by the city in the annexation process.

The city retains discretion on whether or not to proceed with a requested annexation pursuant to KRS Chapter 81A, KRS 100.209, and all applicable law. No property owner has a right to have property annexed by the City of London.

Annexation pursuant to KRS 100.209 is preferred because such procedure allows the property owner to know the zone classification of the subject property prior to completion of the annexation with the opportunity to withdraw consent to annexation if the owner's preferred zoning classification is not approved.

Annexation is subject to KRS Chapter 81A and potentially other state statutes including any provisions requiring advance notice to Fiscal Court. Persons contemplating annexation are advised to consult the current version of KRS 81A. A joint legislative Annexation Task Force reviewed annexation in Kentucky per Senate Bill 141 in 2023. Changes in annexation law were passed by the Kentucky Legislature as a result of such review in 2024 in the form of House Bill 596.

After receipt of a written request for annexation, the Administrative Official will contact the appropriate city agencies and officials to determine the city's service and utility capacity for serving the proposed annexed area and report to the Mayor and City Council on the capacity issue.

Unless otherwise assigned a zone classification in connection with an annexation pursuant to KRS 100.209, annexed territory shall by default enter the City in the R-1 Single Family Residential District. A property owner may thereafter apply for zoning map amendment to another zone.

A property owner making a written request for annexation to the Administrative Official, shall be sent a written reply within sixty ("60") days indicating whether the proposed annexation will be submitted to the City Council. The property owner may be required to provide documentation supporting the annexation and an annexation plat sufficient for compliance with KRS 83A.

## **202 ZONING DISTRICTS**

The ordinance recognizes six major types of zoning districts:

1. Residential
2. Business (Commercial)
3. Industrial
4. (MP) Mobile/Manufactured Home Park
5. Planned Development District

## 6. Governmental Districts

These districts may be subdivided into subtypes, such as single-family residential, multi-family, neighborhood business, etc. The regulations that are applicable to a particular zone (R-1, I-2, etc.) are applicable throughout those zones, whenever they may be located in the City of London.

### **202.1 RESIDENTIAL DISTRICTS**

Residential districts are established to provide suitable sites and surroundings for housing. The ordinance recognizes that there should be diversity of settings in order to meet individual housing preferences.

1. R-1 SINGLE FAMILY RESIDENTIAL DISTRICTS-These residential districts are designed to provide for neighborhoods of single-family residences and related uses, and to exclude uses that are not compatible with residential use. Condominiums are permitted in the R-1 zone classification. Patio Homes are permitted in the R-1 zone classification. Other residences in the R-1 zone classification must be detached.
2. R-2 TWO-FAMILY/MULTI FAMILY RESIDENTIAL DISTRICTS- This district is designed to establish neighborhoods of single-family and multi-family homes free from other uses not compatible to residents of the area. Duplexes and Fourplexes are permitted in the R-2 zone classification. Condominiums are permitted in the R-2 zone classification. Patio Homes are permitted in the R-2 zone classification. Town Homes are permitted in the R-2 zone classification. Apartment Developments are permitted in the R-2 zone classification in compliance with Article 202.3 on Apartment.

#### **202.1.1 MOBILE/MANUFACTURED HOME PARK STANDARDS**

A manufactured home that is transported on a permanent chassis shall be treated as a mobile home for the purpose of this section.

Mobile/manufactured home parks shall be located only in a Mobile/Manufactured Home Park District (MP) and shall be developed according to the following standards:

- a. It will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and its use will not change the essential character of the area.
- b. It will not be hazardous or detrimental to existing or future neighboring uses.
- c. It will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, waste disposal, and schools.
- d. It will be consistent with the intent and purpose of this ordinance and the Comprehensive Plan.

- e. It will have vehicular approaches to the property which shall be designed so as not to create any interference with traffic on surrounding public streets or roads.
- f. It will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

APPLICATIONS-Applications for permit to construct or alter a mobile/manufactured home park shall be made in writing to the appropriate state agency and the London Planning Commission and shall contain a complete plan, drawn to scale, submitted in triplicate and showing the following items:

- a. The name and address of the applicant.
- b. The name and location of the park.
- c. The dimensions and topography of the site.
- d. The number and size of all mobile/manufactured home lots.
- e. The area of each lot intended for the mobile/manufactured home with setback lines shown.
- f. A detailed drawing of the foundation for placement of mobile/manufactured home within the stand.
- g. Location and width of roadways, driveways, and walkways.
- h. Number, location, and size of all off-street parking spaces.
- i. Individual mobile/manufactured homes located within the park shall have a minimum floor area of four hundred (400) square feet.
- j. A separate floor plan of all buildings and other improvements to be constructed.
- k. Size and location of any playground area, if being provided.
- l. Evidence of compliance with the Comprehensive Plan and this Ordinance.
- m. Payment of required fee. The fee for a mobile/manufactured home park shall be Three thousand dollars (\$3,000.00).
- n. Such other information as the Planning Commission might require.

LOCATION AND GENERAL LAYOUT:

- 1. The mobile/manufactured home park shall be located on a well-drained area, not subject to recurring flooding, and the premises shall be properly graded for drainage.
- 2. The mobile/manufactured home park shall abut a collector or arterial street.
- 3. Each mobile/manufactured home/lot shall be numbered and displayed in some systematic order.
- 4. Each mobile/manufactured home lot shall be a minimum of 4,000 square feet in area.
- 5. Mobile/manufactured homes shall be separated from each other and other structures by a minimum of twenty (20) feet.
- 6. All mobile/manufactured homes shall be located at least twenty-five (25) feet from any external right-of-way, and at least ten (10) feet from other community property boundary lines.
- 7. Each mobile/manufactured home shall be set back from the internal park street or common parking area a minimum distance of twenty (20) feet.

8. The size and location of playground areas within the Mobile/Manufactured Home Park Community, if provided, shall be easily accessible to all park residents and free of traffic hazards. A minimum of one hundred and fifty (150) square feet of useable recreational space shall be provided for each mobile/manufactured home park lot.

9. All lots shall abut upon a park street. The minimum width of a two-way park street shall be twenty (20) feet, and fourteen (14) feet for a one-way park street. Additional street width may be required.

10. Park Streets, driveways, and walkways shall be paved according to city specifications, maintained in good condition, have good natural drainage, and be relatively free of dust.

11. All mobile/manufactured homes shall be placed and in compliance with site preparation and installation requirements of 815 KAR 25:090.

12. A dwelling/office for caretaker or manager is allowable provided it meets the applicable sections of this ordinance.

13. Only one (1) mobile/manufactured home shall be permitted to be placed on a single lot.

#### EXISTING MOBILE/MANUFACTURED HOME PARKS

An existing Mobile/Manufactured Home Park presently holding a valid operating permit, at the time of the adoption of this Ordinance, which fully meets these design and construction requirements may continue to operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner. The Building Inspector has the authority to determine if a Mobile/Manufactured Home Park is not being maintained in a safe and sanitary manner. The Building Inspector shall have the authority to notify the owner of the Mobile/Manufactured Home Park of any unsafe or unsanitary conditions found within the Mobile/Manufactured Home Park.

#### MANUFACTURED HOME PERMITS AND OCCUPANCY

After the adoption of this Ordinance, all new manufactured homes with the exception of manufactured homes located in an existing Mobile/Manufactured Home Park shall be considered a Conditional Use and shall be reviewed by the Planning Commission and the London Board of Adjustments. All new manufactured homes shall conform to all requirements of the Commonwealth of Kentucky.

The Administrative Official shall not issue a building permit for any manufactured home to be placed within the City of London until the London Board of Adjustments has given its approval. The Administrative Official shall issue a certificate of occupancy only after he has determined that the manufactured home has been installed according to all applicable regulations.

#### EXISTING PRIVATELY OWNED MOBILE/MANUFACTURED HOME PARKS WITHIN THE CITY OF LONDON

## OTHER REQUIREMENTS:

Regulations pertaining to uses and dimensional requirements, parking, and supplementary requirements, not covered in this section, are covered in other appropriate sections of the ordinance.

### **202.1.2 PLANNED-DEVELOPMENT DISTRICT**

An approved planned-development project shall be designated as a planned-development district on the official map in accordance with the amendment regulations, Section 201.2. The following regulations shall apply to all planned-development districts:

### **202.1.3 USES PERMITTED**

- a. Planned-development project for residential, business, or industrial uses.
- b. Residential or business subdivisions.
- c. Planned-development project for designated public uses.

### **202.1.4 REGULATIONS**

- a. The initial final plat of a planned-development project or subdivision in any zoning district shall comprise at least two and one half (2 ½) acres wholly within a single-use district, and shall show the proposed design for development and use of the entire project area. Such a project may thereafter be expanded on adjacent land according to the planned-development or subdivision procedure, as applicable, with no minimum acreage requirement, provided the expansion is for the same principal use as the initial two and one half (2 1/2 ) acre development and may be incorporated as an integral extension of the original plan.
- b. The Planning Commission shall require the dedication or reservation or rights-of-way, as authorized by the subdivision regulations, to provide access to interior land in planned-development districts. All access to arterial streets serving planned-development districts shall be approved according to the standards defined by this ordinance.
- c. When a tract of land under two and one half (2 ½) acres is under one ownership and that owner has not owned adjoining land at any time since the effective date of the ordinance, such a tract may be platted as a planned-development project or subdivision.

The fee for the planned development district to be reviewed by the Planning Commission shall be the same as a zone change fee. This fee shall be two thousand dollars (\$2,000.00).

### **202.1.5 DIMENSION AND AREA REGULATIONS FOR PLANNED-DEVELOPMENT**

The regulations on the dimensions and area for lots and structures are set forth in the Summary of Dimensions and Area Requirements. The applicable regulations shall be observed in all planned-development districts.

**202.1.5.1 USES ALLOWED**

The table set forth as Appendix VII provides information on the uses that are allowed in residential districts.

**202.1.5.2 DIMENSIONAL REQUIREMENTS**

The following table provides information on the dimensional requirements in residential districts.

DIMENSIONAL REQUIREMENTS	R-1	R-2*	MP	PDP**
Minimum Building Site (sq. ft.)	10,000 sq. (1)	6,500 sq. (2)	4,000 sq.	2 1/2-Acre
Building Height (ft.)	30' (4)	30'(4)	25'	50'
Minimum Front Yard Setback (ft.)	30'	25'	25'	30'
Minimum Rear Yard Setback (ft.)	25'	20'	20'	20'
Minimum Side Yard Setback (ft.)	15'	10'	10'	10' (3)
Minimum Yard Width at Front Yard Line adjacent to street right-of-way	100'	75' <u>single family</u> 100' <u>multi-family</u>	100'	100'
Maximum Percentage of Lot Area Which May be Covered by all Buildings	50%	50%	50%	50%

NOTE: If an existing structure should be destroyed by causes beyond control of the owner, and if that lot or property does not meet all the requirements as specified in the zoning ordinance, that the owner of the property be allowed to build back a dwelling of the same size and cubic feet if not located in a (SFHA) Special Flood Hazard Area.

\* For each additional apt. unit, and additional 2,275 sq. ft. building area is needed.

\*\* The minimum building site area for a PDP project is 2 1/2 acre.

1. 12,500 sq. ft. is minimum when public sanitary sewer in not available.
2. 9,600 sq. ft. is the minimum when public sanitary sewer is not available.
3. A minimum of 20 feet between the farthest project point of each building separated by a lot line.
4. Height of building may be increased up to three (3) stories, provided each side yard is increased by the same amount over the required yard minimum.

**202.2 BUSINESS DISTRICTS**

Business districts are established to provide suitable sites and surroundings for a variety of commercial activities. The ordinance recognizes that the different types of commercial areas are best suited for certain land and structural uses. Three different types of commercial zoning districts are identified:

1. C-1 CENTRAL BUSINESS DISTRICT- The purpose of the C-1 (downtown) district is to accommodate and encourage further expansion and renewal in the historical business core area of the city. A variety of business, governmental, residential, and other related uses are provided in an effort to provide the mix of activities necessary to establish a truly urban character.

2. C-2 GENERAL BUSINESS DISTRICT- The purpose of the C-2 district is to encourage the establishment of areas for highway business uses. This district is specifically designed to serve the motoring public. C-2 districts are generally located at intersections or interchange areas along major arterial interstate highways.

3. C-3 NEIGHBORHOOD BUSINESS DISTRICT-The purpose of the C-3 district is to encourage the establishment of areas for convenient type business uses designed to meet the daily needs of residents in immediate neighborhoods. Such districts shall be strategically located with access to a collector street.

4. PLANNED DEVELOPMENT OR BUSINESS STRIP CENTER-The following minimum design standards shall be met in the development of planned development or business strip center:

1. The planned development or business strip center shall provide adequate access. Entrances and exits shall be located so as not to increase congestion at intersections.

2. The planned development or business strip center shall provide internal traffic circulation and control devices as to maximize auto and pedestrian safety.

3. The planned development or business strip center shall submit a development plan which is subject to approval by the Planning Commission.

4. The plan shall provide for a center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged parking, in an attractive setting that fits harmoniously into adjoining or surrounding properties.

5. The application for the proposed planned development or business strip center shall show the need for the facilities and services and any other evidence the Planning Commission may require.

6. The Planning Commission must be satisfied that the developer of the proposed center is financially able to carry out the project, that he will start construction within one (1) year of approval, and that he intends to complete the project within a reasonable time (as the planning commission determines.)

7. The plan for the planned development or business strip center shall be in keeping with the City's Comprehensive Plan.

8. No building(s) shall cover more than 1/3rd of the total area of the lot or tract.

9. Uses allowed and dimensional requirements are set forth in Appendix IX.

FENCES/WALLS/HEDGES- These regulations are the same as for residential areas.

ACCESSORY STRUCTURES- Accessory structures shall be located in the rear yard of a principal structure and shall meet requirements set forth in Dimensional Requirements.

EXCEPTIONS TO HEIGHT REGULATIONS-The height limitations contained in Section 202.3.1 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level, and not intended for human occupancy.

STRUCTURES TO HAVE ACCESS-These regulations are the same as required in residential areas.

R. GOVERNMENT SERVICES	C-1	C-2	C-3
1. City/county offices, fire/police, schools, courts, auditoriums, libraries	P	P	P

S. CHURCHES	C-1	C-2	C-3
1. Churches	P	P	P

T. RESIDENCES	C-1	C-2	C-3
1. Multi-family (More than four loft-units per parcel)	C P	C P	C P
2. Multi-family (Four or fewer loft-units per parcel)			
3. Single-family loft units	P	P	P
4. Motels/Hotels	P	P	P

5. Mobile/manufactured Homes	C	C	C
6. Dormitories	N	C	C

U. PLANNED DEVELOPMENTS	C-1	C-2	C-3
1. Planned Developments	C	C	C

P (Principal) C (Conditional) A (Accessory) N (Not Allowed)

(1) It shall be unlawful to place a Portable Mobile Storage Container (PODS) until the Building Inspector has issued a Building Permit authorizing the placement of a Portable Mobile Storage Container (PODS). The Building Permit for the Portable Mobile Storage Container (PODS) shall not exceed sixty (60) days. Extensions may be permitted for an additional thirty (30) days upon a written request, with a valid explanation, from the applicant.

Apartment houses, double family and multiple family dwellings shall meet the following requirements:

**202.3 APARTMENT HOUSES**

- A. Area and Density Requirements- The minimum required lot area for an apartment house shall be ten thousand (10,000) square feet with a minimum required lot width at the front yard line adjacent to the street shall be one hundred (100) feet.
- B. Yard Requirements:
  - i. Front Yard – 30 feet
  - ii. Rear Yard – 20 feet
  - iii. Side Yard – 15 feet
  - iv. Corner lots shall meet the applicable requirements of Section 304.5.2
- C. Height Requirements: No building shall exceed two (2) stories or thirty (30) feet in height unless each side yard is increased over the required minimum of five (5) feet or fraction thereof of additional height over thirty (30) feet or a variance has been granted by the Board of Adjustments in compliance with KRS 100.243. In no case shall the height exceed fifty (50) feet unless a variance has been granted by the Board of Adjustments in compliance with KRS 100.243. The allowable height and building areas also shall meet the requirements of the Kentucky Building Code section entitled General Building Heights and Areas Limitations.

- D. Lot Coverage: The combined area occupied by all principal and accessory buildings shall not exceed fifty percent (50%) of the total lot area.
- E. Off-Street Parking: Off-street parking shall be provided in communal parking garages or areas on the site only. All parking areas shall be hard surface concrete or asphalt and shall provide two (2) parking spaces per dwelling unit. The parking shall be arranged so a vehicle shall exit the parking lot in a forward motion.
- F. Procedure: Except for the R-3 District, Apartment houses are permitted as conditional uses only, the prospective developer before attempting to obtain approval from the planning commission or begin any construction, shall prepare a plan showing the lot dimensions and bearings of the parcel intended to be developed, the location with respect to the city, the intended general layout or design and improvements to be installed on the land, an erosion control plan which meets the requirements of Section 304.3 of this Ordinance. The plan for an apartment building shall be to scale and stamped by a licensed, professional land surveyor, licensed by the State of Kentucky. The proposal shall then be presented to the Planning Commission in writing.

Before approving the intended development plan, the Planning Commission may make conditional requirements pertaining to landscaping, screening, road requirements, open spaces, or any other similar requirements.

Upon receiving preliminary approval by the Planning Commission, the developer shall follow the procedure set forth in Procedure for acquiring a Conditional Use Permit.

All conditional requirements attached by the Planning Commission to the preliminary plan shall be made a part of the application for a Conditional Use Permit.

Planning Commission approval of the preliminary development plan shall be required prior to an application for a Conditional Use Permit from the London Board of Adjustment. The Planning Commission may exercise all discretion allowed by KRS 100.275 in consideration of a proposed preliminary development plan.

All requirements shall be followed by the Board of Adjustments when a Conditional Use Permit is requested. However, the Board of Adjustments retains discretion to approve variances in compliance with KRS 100.243 when approving a request for a Conditional Use Permit.

#### MULTI-UNIT RESIDENTIAL STRUCTURES (SPECIAL HIGH DENSITY ZONES)

Structures to house the elderly and handicapped must:

- A. Not exceed fifty (50) feet in height.
- B. Not contain more than fifty (50) residents per acre of ground allotted to the project. For the purpose of planning each bedroom unit shall house two (2) occupants;
- C. Provide a minimum of two (2) parking spaces per unit.
- D. Meet all other requirements of R-2 zone when located in a C-1, C-2 or C-3 zone as set forth in the zoning ordinance.

Since multi-unit structures are considered as special uses, the developer of any such proposed project must provide the London Planning Commission with an outline and a project plan detailing all requirements of this ordinance.

Before a construction permit can be issued, the developer must provide the above project information, along with the Planning Commission’s recommendations, to the Board of Adjustment who will consider the merits of the project and decree an approval or denial.

DIMENSIONAL REQUIREMENTS	C-1	C-2	C-3
Minimum Building Site (Square Feet)	10,000	10,000 sq. ft	10,000
Minimum Building Height (ft)	1 story	1 story	1 story
Minimum Lot Width (ft) at street right-of-way	80	80	80
Minimum Front Yard Setback (ft) at street right-of-way	20	20	20
Minimum Rear Yard (ft)	15 (2)	15 (2)	15 (3)
Minimum Side Yard (ft)	None	10 (1)	10 (3)

Note: All accessory buildings shall conform with these yard requirements.

1. On the side yard adjacent to a residential zoning district the setback shall be 40 ft.
2. Where any rear yard abuts any residential zoning district a rear yard of at least 40 feet shall be provided.
3. Where a neighborhood business district (C-3) abuts any residential zoning district, a forty 40 foot strip adjoining such residential zoning district shall be maintained as a landscape buffer.

## **202.4 INDUSTRIAL DISTRICTS**

### **202.4.1 LIGHT INDUSTRIAL DISTRICT (I-1)**

The purpose of the I-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a traditional use between heavy industrial uses and other less intense business and residential uses.

### **202.4.2 HEAVY INDUSTRIAL DISTRICT (I-2)**

The purpose of the I-2 District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities, and reasonable access to arterial highways; they may have extensive open storage and service areas, generate heavy traffic, but shall be prohibited if they create nuisances beyond the limitations set up by the Planning Commission.

### **202.4.3 USES ALLOWED**

The table, on the next page, provides information on the uses allowed, and dimensional requirements.

MANUFACTURE/STORAGE	I-1	I-2
Food and Related	P	P
Textile Products	C	P

Wearing Apparel (leather, fabric, etc.)	P	P
Lumber and Wood Products	P	P
Furniture and Fixtures	P	P
Storage Structures (to include tractor trailers and similar structures)	P	P
Paper and Related	C	P
Printing, Publishing	P	P
Transportation Equipment	P	P
Chemical and Related	N	P
Petroleum	N	P
Rubber, Plastics	N	P
Stone, Gravel, Clay	P	P
Fertilizers	N	P
Glass	C	P
Primary Metal Manufacturing	P	P
Fabricated Metals	P	P
Electronics	P	P
Instruments, optical goods, watches, etc.	P	P
Pharmaceutical	P	P
Toys, Novelties	P	P
Beverages, Bottling	P	P
Signs, Electrical	P	P
Warehouses (including mini warehouses)	P	P
Sewage Treatment, Water Treatment, Generating Plant	C	C

Other related uses deemed appropriate by the Planning Commission	C	C
Stockyards, livestock auction facilities	C	C

#### 202.4.4 DIMENSIONAL REQUIREMENTS

The following table provides information on the dimensional requirements.

DIMENSIONAL REQUIREMENTS	I-1	I-2
Heights (feet) maximum	65'	65'
Minimum Lot Size (square feet)	10,000	10,000
Lot Width at front yard right-of-way	100'	100'
Minimum Yard Requirements		
Front Yard Setback from right-of way	100'(1)	100'(1)
Rear Yard Setback from property line	35' (1)	45' (1)
Side Yard Setback from property line	30' (1)	30' (1)

P (Principal) C (Conditional) A (Accessory) N (Not Allowed)

1. No industrial building shall be located closer than 100' to a residential district.

#### 202.5 GOVERNMENTAL DISTRICT (G)

The purpose of these districts is to provide suitable sites and surroundings for public (governmental) land uses. In order to be included in this district, the site must have a minimum of two (2) acres.

Governmental Districts shall be designed as a Governmental District on the official map in accordance with the amendment regulations, Section 201.2

State departments, commissions, boards, authorities, agencies, and instrumentalities and Federal agencies are not required to submit their development plans to the Planning Commission for review. However, as required by KRS 100.361, they are required to provide information on the proposed development so that the city may include the project in their overall plans.

### **202.5.1 USES ALLOWED**

1. Public parks, land reserves, recreation areas, playgrounds, golf courses, and related activities
2. Public museums, historic and cultural exhibits
3. Public institutions including schools, colleges, universities, hospitals, children's homes, correctional institutions, and related activities
4. Public cemeteries
5. Public water and sewage facilities
6. Public utilities installations
7. Public airports
8. Public stadiums, arenas, convention centers and related activities
9. Governmental office complexes
10. Roadways

There are no minimum yard requirements in this district. However, where these districts are contiguous to other land use districts, the governmental property shall meet the minimum yard requirements of C-2 District (if applicable).

Height of structures shall not exceed the maximum height allowed by the requirements of the Kentucky Building Code.

Parking requirements are specified in Section 203.

State and federal agencies are required to provide information on the proposed development taking place on their property so that the Planning Commission can consider the impact of such development in their overall planning.

## **203 PARKING REQUIREMENTS**

### **203.1 GENERAL**

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces (if applicable) have been provided in accordance with provisions of this ordinance. Off-street parking lots shall be dust free and the surface shall be finished with

concrete or BITUMINOUS CONCRETE ON MACADAM BASE- (blacktop) which meets the requirements for a Class “A” Kentucky Department of Transportation Bureau of Highways, Standard Specifications, Current Edition,

BITUMINOUS CONCRETE ON MACADAM BASE-The macadam base shall consist of four (4) inches of #3 stone and four (4) inches of D.G.A., or eight (8) inches of D.G.A., for total after compaction of eight (8) inches. Upon this base apply .35 gallons per square yard of RT-2 light prime emulsion or equal. Place two (2) inches Bituminous Concrete Class I (black base or binder) and one (1) inch of sand-mix based blacktop after compaction and then compact with a five (5) to ten (10) ton roller. The developer shall notify the responsible city official in charge of streets at least seventy-two (72) hours before putting down the base of blacktop.

These provisions shall not apply to existing buildings or structures except where there has been a change of use. Where the new use involves additions or enlargements, additional parking spaces shall be provided as required by this ordinance.

Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided. If an existing building or structure is enlarged by sixty (60) percent or more in terms of the above characteristics, said building or structure shall comply with the full parking requirements set forth in this ordinance.

Off-street parking shall be provided by the property owner in the C-1 District (downtown) for any multi-family dwellings being added as loft units. The requirement is on off-street parking space per bedroom, and may be met through new parking spaces, rent or lease of existing space, or some other arrangement.

### **203.2 LOCATION OF PARKING**

Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.

Parking spaces for apartments, dormitories, or similar residences shall be located adjacent to the principal use. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use. Parking lots farther than seven hundred (700) feet from the principal use may be approved by the Planning Commission for good cause shown.

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot unless separated by an acceptable screen. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

**203.3 NUMBER OF SPACES REQUIRED**

USES	SPACES
RESIDENTIAL	
Single-family	2 per dwelling unit
Two-family, Multi-family	2 per each single dwelling unit
Boarding houses, Bed & Breakfast, etc	2 per sleeping room
Mobile/ <u>manufactured</u> homes	2 per dwelling unit

USES	SPACES
COMMERCIAL	
Auto Service Stations	1 per pump + 1 per bay
Hotels, Motels	1 per sleeping room + 1 per 2 employees
Funeral homes/related	1 per 100 sq. ft. floor area
Retail Stores	1 per 200 sq. ft. floor area
Banks/related	1 per 200 sq. ft. floor area
Offices, services	1 per 400 sq. ft. floor area
Eating/Drinking Places	1 per 200 sq. ft. floor area
All other commercial	1 per 300 sq. ft. floor area

USES	SPACES
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ENTERTAINMENT/RECREATION	
Bowling Alleys	4 per alley + 1 per 100 sq. ft. of other area
Dance Floors, Skating, Inflatables, gymnastics, etc.	1 per 100 sq. ft. floor area
Sports Arenas, Stadiums	1 per 4 seats
Parks, Recreation Areas	1 per 800 sq. ft. of developed space (ball fields, etc.)
Golf Course	5 per hole + 1 per 400 sq. ft. floor area in pro shop

USES	SPACES
<b>PUBLIC (GOVERNMENTAL) AND SEMI-PUBLIC</b>	
Libraries, museums, art galleries, etc.	1 per 400 sq. ft. floor area
Homes for Senior Citizens	2 per 2 beds
Kindergarten, Daycare	2 per classroom (minimum 6)
Elementary and Middle Schools	2 per classroom + 1 per 8 auditorium seats
High Schools	1 per 10 students + 1 per teacher/staff
Civic Clubs, related	1 per 5 seats

USES	SPACES
<b>INDUSTRIAL</b>	
Manufacturing/Warehousing	1 per 400 sq. ft. floor area

### 203.4 PARKING LOT IMPROVEMENTS

The required number of parking and loading spaces, together with driveways, aisles, and other circulation areas, shall be improved with an acceptable impervious material to provide a durable and dust free surface as provided in Sections 203.1 General. Pervious concrete may be used if used over an approved drainage collection basin. The collection basin shall be constructed to meet all local, state and federal regulations. The collection basin shall be designed by a State of Kentucky Licensed Engineer.

All parking lots and loading areas shall provide for proper drainage of surface water. Parking lots shall be designed to collect, retain and release the water in a method which will not increase the flow of the original pre-construction flow. Surface water shall be channeled or piped into the municipal storm drainage system. If a municipal storm drainage system does exist the developer shall construct a storm drainage system which shall collect and contain the run-off of the parking lot. The water collected by the drainage system shall be released in a manner to not increase the original flow. To calculate the amount of run-off the Engineer shall estimate the amount of flow which could occur in a 25 year flood for a period of 24-hours. Curbs and gutters may be required to channel the water towards the storm drainage system inlet box. When required by this ordinance the storm drainage system shall be designed by a State of Kentucky Licensed Engineer.

The owner of the property used for parking and loading shall maintain the area in good condition, without holes, and free from dust, litter and other debris. Any parking area that is intended to be used beyond daylight hours shall be properly illuminated. Any lights to illuminate the parking lot shall be so arranged so as to reflect light away from adjoining property.

Parked vehicles shall not be permitted to hang over a landscape buffer or interior landscaped area more than two and one half (2 ½) feet. A three ft. (3) ft. area shall be left on the sidewalk for a pedestrian walking space between the parked vehicle and the opposite edge of the sidewalk. Curbs or wheel stops shall be provided to prevent excessive overhang. Sidewalks in which vehicles are parked against and the vehicle will overhang shall be wide enough to maintain a three (3) ft. walkway to allow pedestrians to walk between the vehicle and the building or landscape area.

### **203.5 DIMENSIONAL REQUIREMENTS AND ACCESS**

A parking space shall provide a minimum rectangular area of one hundred eighty (180) to two hundred (200) square feet, dependent upon the angular orientation of the parking space:

	Length	Width
Parallel Parking	23	9
90 Degree Parking	20	9
60 Degree Parking	19	10
45 Degree Parking	19	12

These dimensions are exclusive of driveways, aisles, and other circulation areas. Circulation areas within the parking lot, as well as entrances/exits, shall have a minimum width of twenty-four (24) feet for two-way traffic and fourteen (14) feet for one-way traffic. Parking lots shall be clearly marked with painted spaces, directional arrows, stop signs, etc, needed to insure orderly traffic flow. All parking lots shall provide parking spaces for person with disabilities located as close to the main entrance as possible. The parking spaces meet the requirements of the Commonwealth of Kentucky Building Code.

All parking lots shall be designed in such a way that any vehicle entering or leaving the parking area from the street shall be traveling in a forward motion. Access points shall be located so as to be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access point from the street. Access points shall be approved by the Authority having Jurisdiction.

## **204 LANDSCAPE REQUIREMENTS**

### **204.1 GENERAL**

All landscaping shall be approved by the London Board of Adjustments, when it is required as one of the conditions in a Conditional Use Permit. Landscaping shall not be designed to obstruct the view of traffic. The property owner shall be responsible for the continued maintenance and replacement of all landscaping materials. Landscaped areas shall be kept free of refuse and debris. Any dead material shall be replaced during the following planting season.

## **205 SIGNS**

### **205.1 PURPOSE**

The purpose of this section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, billboards, and outdoor signs of all types consistent with all applicable law including published decisions of the federal and Kentucky courts. The City of London recognizes signage can involve rights pursuant to the First Amendment of the U.S. Constitution. Accordingly, the City does not impose content-based regulation of signs which would violate the precedential decisions of the judiciary. It is further the intent of this section to protect property value, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas.

The City recognizes that signage can be an important component of business success which should not be subject to overbearing regulation. At the same time, the City seeks to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-way, and enhance overall community development.

The purpose of this section is also to provide sign standards and restrictions which allow for the legitimate needs for identification of agricultural, residential, professional office, business, and industrial activities while at the same time promoting signage which does not unduly detract from the overall aesthetics of the community; which reduces intrusions and which provides for improved public safety by minimizing the undue distraction of the motoring public; which provides for the protection and enhancement of the tourist industry by promoting a more harmonious and pleasing community image; which is equitably provided in terms of the nature and scale of the activities to be identified and of non-conforming signs; and which generally enhances and strengthens the economic stability of the City of London.

Ultimately, sign regulation involves a balancing of rights of property owners, business interests, the general public, and the City.

## **205.2 PERMITS REQUIRED / SUBSTITUTION EXCEPTION**

No sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with provisions of this section. Mere repainting or changing the message content of a sign shall not, in and of itself, be considered a substantial revision as long as the replacement sign is the same size and approximate weight as the sign it is replacing.

Please note: signs which are constructed of heavier material which weigh more than ten percent 10% more than the existing sign shall be evaluated by the authority having jurisdiction before it may replace an existing sign. Heavier signs may require strengthening of the supporting structure. The authority having jurisdiction has the authority to require the owner or contractor to submit complete construction documents to his/her office for review before a sign permit shall be issued. Free standing signs shall have construction plans prepared by a structural engineer stamped and signed by the engineer which prepared the construction documents.

The owner of any sign which is otherwise allowed by this chapter may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision in this Ordinance to the contrary.

### **205.3 SIGNS EXCLUDED FROM PERMITTING**

The City does not seek to regulate signage to the maximum extent of its authority. Accordingly, in the interest of reserving significant freedom of expression and from regulation for businesses and other persons, while still protecting safety and aesthetics, certain "safe harbor" sign categories have been established below which do not require sign permits under Section 205. The following signs are exempt from regulation under this section:

1. Signs not exceeding four square feet in area that are normally associated with residential use, such as used for property identification, signs on mailboxes, signs related to private parking, trespassing, etc.
2. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal authorization of a governmental body, including legal notices, and informational signs.
3. Official signs of a noncommercial nature erected by public utilities.
4. Flags, pennants, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.
5. Integral decorative or architectural features of a building (not containing letter, trademarks, moving parts, or lights.)
6. Properties with Buildings Used for Religious or Educational Activities.

(a) One sign that shall not exceed thirty-two (32) square feet in area and eight (8) feet in height if free-standing. If the property is two or more acres in size and has frontage on two or more streets, then a second sign of the same dimensional

requirements is permitted, provided the signs are located a minimum of one hundred fifty (150) feet from each other.

(b) One bulletin board that shall not exceed twelve (12) square feet in area and eight (8) feet in height if free-standing. If the property is two or more acres in size and has frontage on two or more streets, then a second sign of the same dimensional requirements is permitted, provided the signs are located a minimum of one hundred fifty (150) feet from each other.

7. Signs painted on, attached magnetically, or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs. A vehicle with signage which does not move from its location within a thirty ("30") day period is deemed to be primarily used as a sign.
8. Signs proclaiming religious, political, or other non-commercial messages that do not exceed one per abutting street and 20 square feet in area and are not internally illuminated.
9. Real estate signs indicating property for sale, rent or lease. Such signs may not exceed four square feet in area and shall be removed immediately after the transaction is complete.
10. Construction site identification signs. Not more than one sign is allowed per site, and it may not exceed 32 square feet. Such signs shall not be erected prior to issuance of a building permit and shall be removed within 10 days after occupancy.
11. Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within 10 days following the holiday.
12. Signs erected in connection with elections or political campaigns. Such signs shall be removed within seven days following the election or conclusion of the campaign. No such sign shall exceed 16 square feet in surface area.
13. Signs indicating a special event such as a grand opening, fair, carnival, circus, festival or similar event that is to take place on the lot where the sign is located. Such signs shall not exceed 32 square feet. They may not be erected sooner than two (2) weeks before the event and must be removed not later than three days after the event.
14. One sign for a farm or estate equal to or exceeding five (5) acres in size, not exceeding ten (10) square feet in area.
15. One sign for a permitted kindergarten, nursery school, day nursery, or child care center, wall mounted not more than seven (7) feet above ground level; not exceeding two (2) square feet in area.
16. Signs not legible beyond the boundaries of the property upon which they are located and/or from any public thoroughfare or right-of-way.
17. Change of copy on any sign where the framework or other structural elements are not altered.
18. Canopy or awning signs, limited to fifteen percent (25%) of the area of the surface to which they are attached.

19. One Menu Box per restaurant use, not exceeding four (4) square feet. A Menu Box is a wall-mounted sign, primarily designed for the display of menu items and prices in conjunction with a restaurant.
20. A-frame or Sandwich Board type signs for restaurants, retail businesses or non-profit entity in compliance with the following:
  - (a) Maximum size of eight (8) square feet per panel, maximum height forty-eight (48) inches, maximum width twenty-four (24) inches;
  - (b) One sign per street front, maximum two signs;
  - (c) Placement of sign shall allow for four (4) clear feet of sidewalk width;
  - (d) Sign shall be in place only when business is open;
  - (e) Placement of sign not to restrict egress from parked cars, and not over curb line;
  - (f) Shall be maintained in good condition;
  - (g) Shall not be attached to any public utility pole, street light standard or tree;
  - (h) Non-illuminated.

[An A-Frame or Sandwich Board sign is a free-standing, movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. A-frame signs shall not include trailer signs with or without wheels affixed.]

22. Restrictions:

- (a) One free-standing sign per building; not to exceed forty (40) square feet in area, with a minimum Sign Setback of (10) feet. The Sign Setback is the horizontal distance between any street right-of-way and a sign. The measurement shall be taken at the closest point between the right-of-way and any part of the sign.
- (b) One wall-mounted sign for buildings with one street frontage, not to exceed five percent (5%) of the wall area to which it is attached. When a free-standing sign is not utilized on a lot with only one street frontage, a second wall-mounted sign on a different building face shall be permitted as regulated above in place of the permitted free-standing sign.
- (c) Two wall-mounted signs for buildings with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached.
- (d) One wall sign per tenant or lessee, not exceeding two (2) square feet in area; nonilluminated or indirectly illuminated only.

(e) When associated with agricultural or residential use of the property, such sign area shall not exceed six (6) square feet and six (6) feet in height. Such sign shall be nonilluminated.

(f) When associated with business, commercial or industrial use of the property, or a Planned Unit Development, such sign area shall not exceed thirty-two (32) square feet in area and ten (10) feet in height; except such a sign may be permitted up to, but not exceed, sixty-four (64) square feet in area when: (a) The building to which such a sign pertains contains 100,000 or more square feet; or (b) The site to which such a sign pertains contains two (2) or more acres. [Such signs shall be non-illuminated or indirectly illuminated.]

(g) This exemption does not allow stacking of the thirty ("30") days period with less than a twenty-one ("21") day gap between placement of an initial limited duration sign and a second or further limited duration sign.

## **205.4 SIGN STANDARDS**

Signs not exempt from permitting pursuant to Section 205.3 are subject to permitting and shall meet the following standards:

### **205.4.1 Purpose**

The purpose of this section is to regulate the location, size, construction, design, and architectural compatibility with the surrounding areas and manner of display of signs and outdoor advertising in a manner which will prevent annoyance, disturbance, or nuisance to the citizens of the City of London.

### **205.4.2 Responsibilities**

The Office of Code Enforcement staff shall provide guidance and education of the policy and procedures of the sign ordinance to the general public. The Office of Code Enforcement and/or Building Inspection staff shall educate the public on the location, type, and size of the sign that are required in each zoning district. Building Inspection shall create and administer a sign application.

### **205.4.3 Enforcement**

The City of London Building Inspection Department shall enforce the provisions of this Ordinance and shall utilize its powers to ensure compliance with its provisions and the provision of any approved permit. The Building Inspection Department/Code Enforcement shall maintain written records of enforcement actions taken.

#### **205.4.4 Permit Application and Expiration**

##### **1. Permanent Signs**

To obtain a sign permit, the applicant shall file an application on a form furnished by the Building Inspection Department. The applicant shall follow all regulation and standards set forth by Building Inspection and this Ordinance.

##### **2. Temporary Signs**

Such signage is subject to the following general requirements for temporary signs and the listed standards for specific types of temporary signs.

###### **a. Permit Application**

To obtain a permanent or temporary sign permit the applicant shall file an application on a form furnished by Building Inspection. All applications shall be accompanied by the written consent of the owner, lessee, agent or trustee having charge of the property on which the sign is proposed. All sign permit applications shall be submitted at the office of the Mayor with payment of an application fee to the City of London as established below. Mayor has right to deny or approve permit.

###### **b. Duration**

A temporary sign shall be removed within six (6) months of the date of approval unless otherwise specified by this ordinance. Building Inspection may approve an extension of time upon receipt of a written request from the applicant.

###### **c. Location**

Applicant shall verify that the sign is located outside of the public right-of-way.

#### **205.4.5 Changes to Signs**

No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, not until a proper permit, if required, has been secured. The changing or maintenance of movable parts or component of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign face, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

#### **205.4.6 Permit Fees**

Permit fees schedules are available in the Office of Code Enforcement office. Where work for which a sign permit is required by this ordinance is begun before a permit has been obtained, the sign permit fees shall be doubled. The payment of such double fee shall not relieve any person from complying fully with the requirements of this ordinance in the execution of the work or from any penalties prescribed herein.

#### **205.4.7 Non-conforming Signs**

1. Any sign that was legal at the time of adoption of this Ordinance but finds itself illegal under this ordinance shall be given Legal Non-Conforming status and shall be subject to the Non-Conforming Use standards.
2. Any sign that was illegal at the time of adoption of this Ordinance and finds itself illegal under this ordinance is subject to immediate removal following the Enforcement standards in this Ordinance.

#### **205.4.8 Revocation of Permits**

The Office of Code Enforcement shall have the authority to revoke any permit authorizing the erection of a sign which has been constructed or is being maintained in violation of the permit.

1. Notice of the Building Inspector decision to revoke a sign permit shall be served upon the person to whom the permit was issued:
  - a. By delivering in person a copy of the notice to the holder of the permit, or to one of its officers; or
  - b. By leaving a copy of the notice with any person in charge of the premises on which the sign is to be constructed or maintained; or
  - c. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mail delivery by the U.S. Postal Service of another copy of the notice to the last known address of the permit holder.
1. The holder of the permit may appeal the decision to revoke the permit to the Code Enforcement Board, in writing, fourteen (14) days from the date when the notice was served.

2. If no appeal has been filed by the permit holder at the end of fourteen (14) days, the permit is revoked. The Code Enforcement Board shall then initiate the process for the removal of the illegal sign.

#### **205.4.9 Removal of Signs**

1. The Office of Code Enforcement is hereby authorized to require the removal of any illegal signs. Removal shall be accomplished through the Code Enforcement Official.
2. Whenever the Office of Code Enforcement determines a sign to be structurally unsafe through lack of proper maintenance or for other reasons, or endangers the safety of the building or endangers the public safety, the Building Inspector shall order that such sign be made safe or removed. Such order shall be complied with within thirty (30) days of the receipt thereof by the person owning or using the sign or the owner of the building or premises on which such a sign is affixed or erected. If the Building Inspector considers the unsafe situation to be an emergency, the order shall be complied with within twenty-four (24) hours.
3. Removal of Temporary Signs located on Public Property or Public Right-of-Way
  - a. The Office of Code Enforcement may cause the immediate removal (without notice to the owner of the sign, or the property on which it is located) of any unsafe or defective sign that creates immediate hazard to persons or property.
  - b. The cost associated with the removal of a temporary sign by the Office of Code Enforcement shall be borne by the sign owner and/or the property owner on which it is located.
4. Removal of an Abandoned Sign
  - a. Notwithstanding the above, the Office of Code Enforcement may cause the immediate removal or repair of any unsafe or defective sign that creates immediate hazard to persons or property without notice to the owner of the sign, or of the property on which it is located.
  - b. The costs of removal or repair of a sign by the Office of Code Enforcement shall be borne by the owner of the sign and of the property on which it is located.

#### **205.4.10 Right to Appeal**

Any person who has been ordered to alter or remove any sign, or whose application for a sign permit has been denied because of conflict with regulation stated herein, may, within 14 days of service of such order, appeal to the Code

Enforcement Board. A courtesy copy of such notice of appeal shall also be contemporaneously sent to the Mayor of the City of London.

#### **205.4.11 Liability for Damages**

The provision of this ordinance shall not be construed to relieve or to limit in any way, the responsibility or liability of any person, firm, or corporation which erects or owns any sign, for personal injury or property damage caused by the sign; nor shall the provisions of this ordinance be construed to impose upon the City of London its officers or its employees, any responsibility or liability by reason of the approval of any sign under the provision of this ordinance.

#### **205.4.12 Requirement of Permit**

1. Nothing contained herein shall prevent the erection, construction, and maintenance of official traffic, fire and police signs, signals, devices, or marking of the City of London, the Commonwealth of Kentucky, or other public authorities, as may be identified by the Office of Code Enforcement staff, or the posting of notices required by law.
2. A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this ordinance. Where signs are illuminated electrically, a separate electrical permit shall be obtained as required by the National Electric Code.

#### **205.4.13 Violation**

Any person or persons found to be in violation of this Sign Ordinance shall be liable to and held to the standard of any and all Remedies and/or Penalties as described in this Zoning Ordinance.

#### **205.5 TYPES OF SIGNS**

1. Wall or façade sign: a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure or sign surface, and that does not project more than 12 inches from the building or structure.
2. Freestanding Sign: a sign that is attached to, erected on, or supported by some structure (such as a pole or frame) that is not an integral part of or attached to a building or other structure whose principal function is other than for support of a sign.
3. Internally illuminated sign: a sign where the source of illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.
4. Off-Premise Sign: a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity

that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located.

5. On-Premise Sign: a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.
6. Temporary Sign: a sign that is used in connection with a circumstance, situation or event that is designed, intended, or expected to be completed within a reasonably short time (not in excess of fifteen (15) days).

### **205.6 NUMBER OF SIGNS**

For the purpose of determining the number of signs, a sign shall be considered to be a display surface of a display device containing elements organized, related, and composed to form a sign unit.

Property having more than one street frontage shall be allowed one freestanding sign per street frontage. A shopping center or other multiple business building shall be limited to one freestanding sign per street frontage. An outlet within a shopping center shall be allowed a separate freestanding sign only if written permission has been given by the owner's of the shopping center in an affidavit form.

Each individual business shall be allowed one wall sign per street frontage.

### **205.7 SIGN DIMENSIONS**

In commercial and industrial zones, each business or industry shall be permitted one wall sign per street frontage. The dimensions of the wall sign shall not exceed 20% of the wall façade for the individual business or industry. Where two street frontages are involved, the total area of wall signs shall not exceed 250 square feet.

The maximum surface area of a freestanding sign shall be 250 square feet, with the exception of a commercial area that abuts the interstate highway right-of-way, where the maximum sign surface shall not exceed 300 square feet.

The maximum height of freestanding signs shall be 40 feet, except in a commercial area that abuts the interstate right-of-way, where the maximum height shall be 60 feet.

### **205.8 SETBACK REQUIREMENTS**

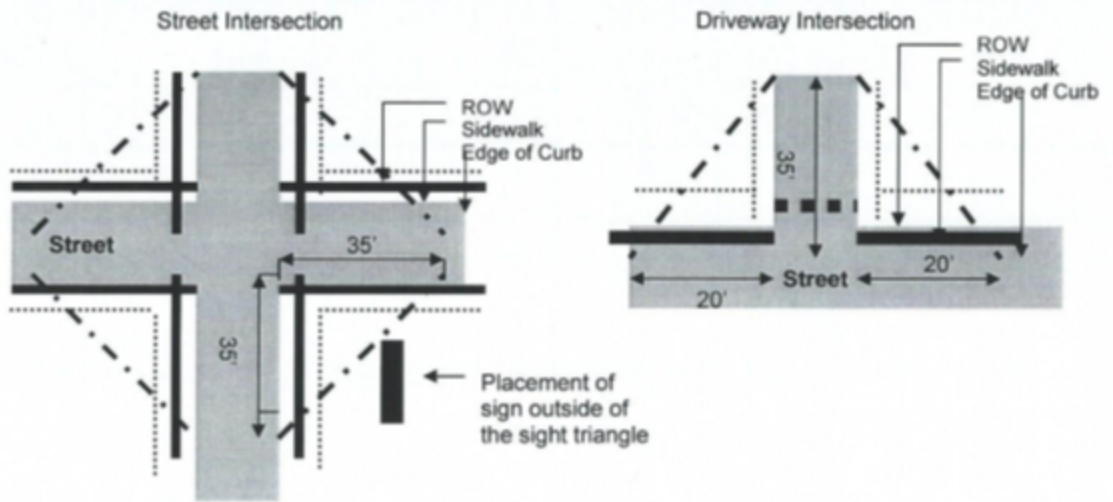


Figure 6: Street Intersection Sight Triangle and Driveway Intersection Sight Triangle

A freestanding sign shall conform to the appropriate setback requirements of the zoning district in which it is located. If there is not minimum yard requirement indicated, the minimum setback from the street curb (if applicable) or pavement edge if no curb is constructed shall be twenty (20) feet. At the intersection of two streets, the minimum setback for signs will be twenty (20) feet from the right-of-way line of each street. In no manner shall any sign or advertising device be erected or placed as to materially impede vision in the area bounded by the street lines. The City's personnel when maintaining the street right-of-ways may remove and dispose of illegal signage. All illegal signage may be removed by the authority having jurisdiction in order to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents.

All signs shall meet the details of Figure 6: Street Intersection Sight Triangle and Driveway Intersection Sight Triangle.

## 205.9 TEMPORARY SIGNS

All temporary signs not excluded in Section 205.3 shall require a permit.

No temporary sign shall exceed fifty (32) square feet in display area.

Mobile or portable signs are a special type of temporary sign and must meet the following requirements:

1. Mobile signs shall be permitted in C-1, C-2, C-3, I-1 and I-2 districts only.
2. Mobile signs shall not extend higher than eight (8) feet above the surface on which they are located.

3. Mobile signs shall not be placed in such a way as to create a safety hazard or impede traffic flow. They shall not be placed any closer than twenty (20) feet to the edge of the pavement.
4. Each individual business or individual parcel of property shall be permitted only one mobile sign.
5. Mobile signs shall meet all requirements of other sections of this ordinance and related codes as applicable.
6. Mobile signs may be allowed by permits, for a period not to exceed sixty (60) days.
7. Mobile signs shall be anchored in a manner to meet the requirements of the Kentucky Building Code latest addition adopted by the Commonwealth of Kentucky.

### **205.10 GENERAL REQUIREMENTS**

In addition to the requirements above, all permitted signs in the city shall adhere to the following regulations:

1. All wiring, fittings, and materials used in construction, connection, and operation, of electricity illuminated signs shall be in accordance with the provisions of the National Electric Safety Code (most recent edition). All wiring shall be inspected by a State of Kentucky certified inspector.
2. Illuminated signs shall emit light of a constant intensity or may change the copy electronically.
3. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than one foot. No sign shall be placed on the roof of any building so as to project beyond the front or face of the building.
4. No sign, banner, ribbon, streamer, spinner or similar moving devices shall materially impede vision of a motorist when entering or exiting a street or highway. Signs impeding the vision of motorist shall be immediately removed and disposed of by city personnel.
5. Signs allowed in conjunction with the observance of holidays, blinking lights shall not be placed in such a manner as to create a safety or traffic hazard.
6. No sign shall be installed, erected, or attached in any form, shape, or manner to a fire escape, or door so as to interfere with access.
7. Any sign that is found to be nonconforming with these regulations at the time of their adoption shall meet the requirements of Section 102 dealing with nonconforming uses and structures.
8. The only signs allowed in residential districts are those described in Section 205.3. One sign may be used to identify a home occupation, and shall not exceed four square feet in size.
9. New Off-premise signs shall not be allowed within the city limits of London pursuant to London Ordinance No. 991, which is incorporated herein by reference. See also Ordinance 2024-01, which is incorporated by reference as well.
10. Canopies shall be allowed in commercial areas, provided they are at least 8 feet above the sidewalk, and do not extend any closer than three ft. (3) ft. to the pavement edge or curb

if curb has be constructed. If a support is used, it shall not obstruct or interfere with pedestrian travel.

11. Should any sign be or become unsafe or be in danger of falling, or be in need of repainting or other repair, the owner thereof, or the person maintaining the sign, shall upon receipt of written notice from the Administrative Official proceed at one to put said sign in a safe and secure condition, or remove the sign. Signs which are non-conforming at the time of this ordinance shall be allowed to remain. However, no non-conforming sign shall be enlarged or expanded. Once a non-conforming sign has been removed, falls; or is destroyed; it shall be replaced only with a sign conforming to the requirements of this ordinance.

#### **SIGN PERMITS SCHEDULE OF FEES, CHARGES, AND EXPENSES WITHIN THE CITY LIMITS OF THE CITY OF LONDON, KENTUCKY**

The cost of a sign permit shall be \$2.00 per square foot for larger signs with a minimum one hundred dollar (\$100.00) charge for smaller sign under fifty (50) square feet or for any temporary sign.

The square footage is determined by the total area of all display surfaces of a display device on all sides of the sign unit.

#### **205.11 OFF PREMISE SIGNS-GENERAL**

Governed by City of London Ordinance 991 and City of London Ordinance 2014-01.

#### **206 SUPPLEMENTARY REGULATIONS**

##### **206.1 GENERAL**

The purpose of supplementary regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

##### **206.2 RESIDENTIAL AREAS**

Visibility at Intersection-On corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision in the area bounded by the street lines of such corner and a line joining points along said street lines twenty feet (20 ft.) from the right-of-way. Corner lots shall be graded to proper elevations in order to comply with the provisions.

Fences/Walls/Hedges- Not withstanding other provisions of this ordinance, fences, walls and hedges may be permitted in any required yard or along the edge

of a yard provided they are not permitted to impair traffic visibility. When a solid screen fence has been listed as a condition on a Conditional Use Permit, or is being constructed, or has been constructed the construction of the fence shall meet the requirements of the Kentucky Building Code.

1. No fence shall at any point extend across the property lines.
2. A solid screen fence shall be constructed in a manner as to conceal or to prevent the viewing between each property owner divided by the fence.
3. No fence shall in any way obstruct the safe movement of traffic, or obstruct the vision of vehicular or pedestrian traffic in any way.
4. All fence material shall be approved by the authority having jurisdiction.
5. No fence shall be constructed of used material, including used roofing material such as galvanized metal roofing.
6. A solid screen fence shall be constructed in a good structural manner so as to withstand the pressure which corresponds with the current edition of the Kentucky Building Code.
7. The maximum height for a solid screen fence may vary according to each individual project, or property. To determine the maximum height of a solid screen fence, an on-site inspection shall be made by the authority having jurisdiction.
8. All solid screen fences shall be maintained structurally sound and in good repair and appearance, and shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.
9. At no time shall a solid screen fence be altered in any form, so that it does not meet the requirements set forth in these guidelines.

**ACCESSORY BUILDINGS-** Accessory buildings shall be located in the rear and side yard of a principal structure and shall not be erected within ten (10) feet of any property line. The side yard includes the yard extending parallel with the front of the house. Accessory buildings shall not be allowed in the front yard area. No more than two (2) accessory structures shall be allowed per lot, unless the lot exceeds .75 acres and the Administrative Official has approved additional accessory structures for the side and/or rear yards area in writing for good cause shown.

**STRUCTURES TO HAVE ACCESS-** Every building hereafter erected or moved shall be on a lot adjacent to a public street which meets the requirements of the zone or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

**PARKING AND STORAGE OF VEHICLES-** No recreational equipment, boxes, cases or crates as defined below shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved by the authority having jurisdiction. Such equipment

includes boats and trailers, travel trailers, pickup campers, coaches, motorized dwellings, tent trailers, buses, and boxes or cases used for transporting such equipment. Abandoned vehicles shall be regulated by London City Ordinance No. 2003-19. This does not pertain to a business which has a valid license to sale the above-mentioned items on their business sales lot.

### **206.3 INDUSTRIAL AREAS**

In addition to regulations specified above for commercial areas, industrial areas shall meet the following requirements:

**PROTECTION STANDARDS-** Any manufacturers locating in the industrial district shall be required to submit information regarding storage, use, and disposal of any materials or substances which might be detrimental to public health, safety, and welfare. Agencies to be consulted include the fire department, county health department, and city utilities (as applicable). No materials or wastes shall be stored in such a way as to be transferred off the site by natural forces or causes. No fire, explosion, or related safety hazard shall be created or maintained on the site that could create a safety or health hazard beyond the site. There shall not be emitted from the site any excessive noise (beyond average noise levels in the area) nor shall any objectionable heat, glare, vibration, dust, smoke, dirt vapors, gases, or toxic/noxious matter be emitted from the site. If an Industrial Business has dangerous items stored on their property the area shall be enclosed with a protective fence to prevent accidental exposure to such items.

### **206.4 TELECOMMUNICATIONS FACILITIES**

#### **206.4.1 GENERAL PROVISIONS**

- A. **PURPOSE AND LEGISLATIVE INTENT-** The Telecommunications Act of 1996 affirmed the City of London's authority concerning the placement, construction and modification of wireless telecommunications facilities, which authority is limited by state legislation. In order to ensure that the placement, construction or modification of wireless telecommunications facilities is consistent with the applicable law, the city has adopted a single, comprehensive wireless telecommunications facilities application and permit process. The intent of this 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.
- B. **DEFINITIONS:** For the purpose of this chapter the following definitions shall apply unless the context indicates or clearly requires a different meaning.

1. "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.
2. "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.
3. "CELLULAR TELECOMMUNICATION SERVICE." A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
4. "CO-LOCATION." Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.
5. "PERSONAL COMMUNICATION SERVICE." This phrase has the meaning as defined in 47 U.S.C. 332(c);
6. "UNIFORM APPLICATION." An application to construct a cellular antenna tower submitted to the Planning Commission in conformity with KRS 100.985 (3) and (5).
7. "UTILITY." This term has the meaning as defined in KRS 278.010(3).

#### **206.4.2 APPLICATION AND REVIEW PROCESS**

- A. APPLICATION PROCESS. This Section 206.4.2 largely restates state statutory law as to the application process for antenna towers for cellular or personal telecommunications services. The city recognizes the economic and public safety benefit of availability of wireless service if deployed consistent with the Comprehensive Plan and this zoning ordinance. The city does not intend to impose more restrictive requirements on such proposals than imposed by the statutory law of the Commonwealth.

(1) 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 of London must comply with KRS 100.9865 in submitting a Uniform Application for a new cellular antenna tower as term is defined in KRS 100.985. Applicants should be aware that the requirements of KRS 100.9865 are extensive. The Administrative Official shall provide any person making a request with a copy of KRS 100.9865. Any Uniform Application shall include discussion of whether there are any City or Laurel County owned or controlled properties in the search area for the new tower site which are technically feasible, properly zoned,

and meet setbacks and whether the applicant made any effort to negotiate the location of the proposed site on any such property. Such governmental properties often provide for better long-term oversight of compliance with permitting and lease requirements in the interest of the community.

(2) Where the Commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Commission may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

(3) All structures, except fences, shall be located a minimum distance from the property line or lease line of any adjoining property that is equal to one-half (2) the height of the tower, but not less than fifty (50) feet;

(4) A monopole cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred ("200") feet regardless of the maximum height requirements listed in other specific ordinances or regulations as long as it is not required to be lighted by the Federal Aviation Administrative ("FAA"). Lattice-type cellular antenna towers are limited to a maximum height of seventy-five (75) feet. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The planning commission may allow monopole antennas greater than two hundred ("200") feet in height upon review of the applicant's justification that the additional height meets the criteria identified in other subsections herein (regarding co-location, zoning compliance, comprehensive plan agreement, etc.) and a verified report of a radio frequency engineer concluding that the height is necessary to resolve a significant gap in coverage;

(4) Woven wire or chain link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open) shall be used to enclose the site. Such fences shall not be less than 6 feet in height nor more than 10 feet in height. The use of barbed wire or sharp pointed fences shall be prohibited.

(5) All new cellular antenna towers shall be designed and constructed to accommodate a minimum of two (2) service providers.

(6) All option and site lease agreements shall not prohibit the possibility of co-location.

(7) Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten (10) foot setback. For good cause shown, the Planning Commission may approve an alternative screening plan involving a different species of vegetation or other form of screening. For example, a different form of vegetation or screening might be appropriate for a tower site on a large agricultural track on which livestock graze or if the tower site is within a large industrial use property.

(8) 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 local 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, unless the applicant has waived confidentiality in writing. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030. The Applicant and Administrative Official are encouraged to confer early on the in application process on whether confidentiality is to be waived by Applicant and seek to make a timely determination on the issue as far in advance of any review meeting as possible..

(9) Any towers that exist as of the date this chapter was enacted may be replaced in the same structural form as the tower presently exists, subject to the rights for further modification established in Section 6409 of the federal Spectrum Act (47 U.S.C. Section 1455(a)) and Federal Communications Commission implementing regulations (47 C.F.R. 1.6100). Preference and encouragement in replacement situations shall be given in replacement situations to monopole or lattice-type structures. Any new tower shall be either monopole or lattice-type structures.

(10) No guyed towers shall be allowed in new tower construction. No guyed tower replacements shall be allowed except for guyed tower structures being replaced or as otherwise permitted by the federal Spectrum Act

(11) KRS 100.986 prevents a local planning commission from regulating the placement of antennas or related equipment on an existing structure.

Notwithstanding anything in this Zoning Ordinance to the contrary, the Planning Commission shall comply with KRS 100.986.

(12) The federal Spectrum Act and implementing regulations adopted by the Federal Communications Commission as referenced above may preempt local law and govern certain additions or modifications to antenna towers or structures. The Administrative Official is advised to be aware of potential applications of federal law and to consult with the City Attorney on such issues as necessary.

## B. REVIEW PROCESS

- A. After an applicant's submission of the uniform application to construct a cellular antenna tower, the Planning Commission shall:
  1. Review the uniform application in light of its agreement with the comprehensive plan and locally adopted zoning regulations with such review not being required to be equivalent to a trial-type public hearing;
  2. Make its final decision to approve or disapprove the uniform application, which, in the case of an approval, is not required to include formal findings; and
  3. Advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the uniform application is submitted to the Planning Commission or within a date certain specified in a written agreement between the local Planning Commission and the applicant.
- B. If the Planning Commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the local Planning Commission and the applicant to a specific date for the Planning Commission to issue a decision, the uniform application shall be deemed approved.
- C. 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.
- D. The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. A 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

local Planning Commission requires the applicant to attempt co-location, the applicant shall provide the local 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.
- E. 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.
- F. 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.
- G. 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 (10) 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.

C. PLANNING COMMISSION LIMITATIONS:

In regulating the placement of cellular antenna towers, the Planning Commission recognize the application of KRS 100.986 and 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 application to construct a cellular antenna tower up to a maximum of two thousand five hundred dollars (\$2,500.00);
- 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 (3) and (5).

D. APPEAL:

A party aggrieved by a final action of a Planning Commission under the provisions of KRS 100.985 to 100.987 may bring an action for review in any court of competent jurisdiction. Any such action filed in Laurel Circuit Court shall be filed in compliance with KRS 100.347.

E. CONFLICT WITH OTHER LAWS:

Where this chapter differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the city, commonwealth or federal government, this chapter shall apply.

F. AUTHORITY:

This chapter is enacted pursuant to applicable authority granted by the Commonwealth and federal government.

**206.6 FLOOD DAMAGE PREVENTION - SPECIAL PROCEDURES IN SPECIAL FLOOD HAZARD AREAS ("SFHAs")**

**206.6.1 Flood Elevation Certificate Required**

No land shall be used or building or other structure shall be erected, moved, added to, structurally altered, or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground where such lot, parcel or ground contains a Special Flood Hazard Area ("SFHA") without a Flood Elevation Certificate being issued by the Planning Commission or the Administrative Official or other designated Flood Plain Administrator as hereby delegated by the Commission. A Flood Elevation Certificate is required even if no structure lies within the boundary of the flood hazard area. No Flood Elevation Certificate

shall be issued except in conformity with the provisions of this Ordinance, except after written orders from the Board of Adjustments or Court of competent jurisdiction.

**(1). LANDS TO WHICH THIS SECTION APPLIES:** This ordinance shall apply to all SFHAs and, as determined by the Planning Commission or the Administrative Official or other designated Flood Plain Administrator from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City Council of the City of London which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of the City of London.

**(2). BASIS FOR ESTABLISHING THE SFHA AREAS:** The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Laurel County, dated March 16, 2015, with the accompanying Flood Insurance Rate Maps (FIRMS) and other supporting data are adopted by reference and declared to be a part of this Ordinance by the City of London, and for those land areas acquired by the City of London through annexation. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Planning Commission, Administrative Official or Floodplain Administrator and are enacted by the City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRMS are permanent records of the City of London and are on file and available for review by the public during regular business hours at the City of London City Hall at 501 South Main Street, London, Kentucky.

A. Application. All applications for Flood Elevation Certificate shall be accompanied by the following.

1. A completed Application form, which form may be obtained from the Administrative Official or other Flood Plain Administrator.
2. The required fee for a Flood Elevation Certificate payable to the City of London if required by the Planning Commission of two hundred dollars (\$200.00) in an or amount subsequently designated by resolution of the Planning Commission.
3. A Flood Elevation Certificate site plan of the area to be developed, or where development is proposed, in duplicate in hard copy and in digital form as

requested by the Planning Commission or its designee and drawn at a scale of not less than 1 inch to 50 feet, showing the following information:

- a. The location of every existing and proposed building, including dimensions, elevations in relation to mean sea level of the lowest floor, including basement, of all structures, and number, size and type of dwelling units.
- b. All property lines, shape and dimensions of the lot to be built upon.
- c. Lot width at building setback line.
- d. Minimum front and rear yard depths and side yard widths.
- e. Existing and proposed topography with a maximum of one-foot contour intervals.
- f. Total lot area in square feet.
- g. Location and dimensions of all access points, driveways, off-street parking and unloading spaces.
- h. A topographic survey of the project area and its relationship to adjacent properties and the flood hazard area,, and provisions for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction. Upon review of the Topographic Survey, the Planning Commission or its designee may require a Drainage Plan.
- i. All sidewalks, walkways and open spaces.
- j. Location, type and height of all walls, fences and screen plantings.
- k. Location of all existing and proposed streets, including rights-of-way and pavement widths.
- l. All existing and proposed water and sanitary and storm sewer facilities to serve the lot, indicating all pipe sizes, types, and grades.
- m. Nature, location and dimensions of all fill or excavation on the lot.
- n. Description of the extent to which any water course will be altered or relocated as a result of this development.

o. Certificate by licensed engineer or land surveyor that all structures are located outside of any flood-prone or flood hazard area.

B. State and Federal Permits and Local Coordination.

1. Prior to granting a Flood Elevation Certificate, the Planning Commission or its designee shall advise the applicant that additional federal or state permits may be required. If specific federal or state permits are known, the Planning Commission shall require that copies of such permits be provided and maintained on file with the flood elevation certification.

2. The Planning Commission or its designee shall notify the affected local government and the Kentucky Department of Natural Resources of the proposed development prior to issuance of a Flood Elevation Certificate which authorizes any alteration or relocation of a watercourse.

3. Prior to granting a Flood Elevation Certificate, the Planning Commission or its designee shall determine that the proposed development will not diminish or overburden the carrying capacity of any altered watercourse.

C. Issuance of Flood Elevation Certification.

1. The Planning Commission or its designee shall either approve or disapprove the application. Notwithstanding the foregoing, based on the size of the property involved or other complicating factors, a designee, within five business days of filing of an application may refer the matter back to the Planning Commission for decision rather than making a decision on the application under delegated authority. Should a designee make such referral back to the Planning Commission, the applicant shall be contemporaneously notified of such in writing.

2. If disapproved, one copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon.

3. If approved, one copy of the submitted plans shall be returned to the applicant, marked "Approved." Such approval shall be attested to by the Administrative Official or other Flood Plain Administrator's signature. The other copy similarly marked, shall be retained by the Planning Commission. The Planning Commission or its designee shall also issue a Flood Elevation Certificate to the applicant at this time and shall retain a duplicate copy for the record.

D. Failure to Comply. Failure to obtain a Flood Elevation Certificate shall be a violation of this Ordinance.

E. General Standards Applicable in SFHA.

All Uses: No fill (including fill for roads), deposit, obstruction, storage of materials or

equipment, or other use may be allowed which, acting alone, or in combination with

existing or future uses, would cause any decrease in the capacity of the floodway or would cause any increase in flood heights, cause erosion or obstruction of water course, natural drainage crevices, sinkholes, ditches and known subterranean water channels. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the watercourse. The following additional general standards are also applicable in the SFHA:

1. Electrical, heating, ventilation, plumbing, air conditioning equipment, ductwork, and other service facilities shall be located at least 1.5 feet above the regulatory flood-projection elevation.
2. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters;
4. On-site waste disposal systems shall be located outside the base flood elevation and constructed so as to avoid impairment to them or contamination from them during flooding.

F. Records. All records pertaining to the provisions of this Ordinance shall be maintained in the Codes Enforcement Office and shall be open for public inspection.

G. Review and Special Procedures in Floodplain District, Any person, firm or corporation

affected by this Floodplain District may request a written interpretation or review.

The

Administrative Official shall:

1. Verify and record the actual elevation (in relation to mean sea level) of the lowest flood (including basement) of all new or substantially improved buildings.

2. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood proofed.

3. Make any necessary interpretation 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). Any person contesting the location of the boundary shall have the opportunity to appeal the interpretation to the Board of Adjustments in the same manner and in compliance with the same provisions of this Ordinance as appeal of any other decision of the Administrative Official. Such persons are forewarned that such appeal must be timely.

4. When base flood elevation data or floodway data have not been provided in accordance with the herein Special Procedures in the SFHA, then any base flood elevation and floodway data available from federal, state or other sources shall be reviewed and reasonably utilized.

#### 206.6.2 Amending the Special Flood Hazard Area

##### A. Evidence Required.

1. No Official Zoning Map amendment may be granted which removes the floodplain designation unless it can be established by evidence:

a. That the designation is in error; or

b. That the area can be filled to or above the elevation of the regulatory Flood Protection Elevation without causing on-site or off-site property damage or otherwise adversely affecting other properties within any watershed and shall not result in any increase in flood levels during occurrence of the base flood discharge; and

c. That the area in question is contiguous to lands outside the SFHA and that access to such areas in question is provided over lands outside the SFHA.

2. Items 1(a) or 1(b) above shall be supported by technical data certified by a Kentucky registered professional engineer that has proven each of the required stipulations.

B. Amendment Process. Any amendment shall be processed in the same manner as all other zoning map amendments.

C. FEMA Approval Required. No Official Zoning Map amendment which removes the floodplain designation under this section shall become effective until approved by FEMA or Authorized State Agency.

### 3.16.3 Encroachments

Encroachments, including fill, new construction, reconstruction, expansion and other developments which in any way shall disturb or propose to modify the existing area designated as being in the SFHA are prohibited until approved by the Planning Commission or its designee coordination with the City public works department. The Planning Commission or its designee's approval shall be based on satisfactory evidence produced by the applicant as follows:

A. There shall be prepared by a Kentucky registered professional engineer a drainage plan which will show the existing conditions, proposed modifications or encroachments and what mitigating actions will be required in order to demonstrate that the proposed modifications or encroachments will comply with this Section.

B. The following information shall be contained in the drainage plan:

1. Background computations for sizing drainage facilities.
2. Depiction of the drainage area on a topographical map of at least 1 inch equals 50 feet scale and a 2 foot contour interval with acreage of the site, the development, and development coverage indicated. Other scales or contour intervals may be used if approved by the Planning Commission or its designee.
3. Indication of the peak discharge and volume of surface water currently entering and leaving the subject property due to the design storm.
4. Indication of the peak discharge and volume of runoff which will be generated due to the design storm within the subject property if the development or proposed activity is allowed to proceed.
5. Determination of the peak discharge and volume of water that will be generated by the design storm at design locations of culverts, channels, and impoundments on the subject property.
6. Proposed measures for handling the computed runoff at the detail level specified by the

Planning Commission.

7. Proposed measures for controlling runoff and erosion during construction.

8. Additional elements may be required at the discretion of the Planning Commission or its designee in special cases requiring more information.

9. Notwithstanding the foregoing, the Planning Commission itself, by vote of a majority of a quorum, may waive in whole or in part or for a temporary period the requirements of 1-7 above for good cause shown.

### 206.6.3 Appeals Within SFHA

#### A. Engineering Studies Recommended

Appeals are recommended to include engineering studies which adequately address each of the items contained in paragraph B below. The Board of Adjustments is unlikely to be persuaded by claims of lay persons unsupported by engineering studies or other engineering or scientific testimony when technical issues are involved.

#### B. Factors to be Considered

In reviewing an administrative appeal within the SFHA, the Board of Adjustments shall consider all technical evaluations, all relevant factors, all standards specified herein and in other sections of this Ordinance, and:

1. The danger to life and property due to flooding or erosion damage;
2. The danger that storage materials may be swept onto other lands to the injury of others;
3. The danger that storage materials may be swept into the underground stream system and cause pollution or injury to others;
4. The availability of alternative locations, not subject to flooding or erosion damage;
5. The relationship of the proposed use to the comprehensive plan and storm water management program for that area;

6. The safety of access to the property in times of flood for emergency vehicles;
7. The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

#### 206.6.4 Disclaimer of Municipal Liability.

The degree of flood protection required by this Ordinance is found to be reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section 206.6 does not warrant, directly or indirectly, that areas outside the SFHA or land uses permitted within such district will be free from flooding or flood damages. This Section shall not create liability on the part of the City of London or any agency, department, officer, contractor, or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made there under.

#### 206.5 No Municipal Obligation for Maintenance of Property.

This Section 206.6 does not obligate the City of London, Kentucky or any agencies or sub-agencies to any assumption of maintenance of any area designated as a SFHA. Nor does it assume any maintenance obligation for storm drainage systems approved by the Planning Commission or its designee or the City of London or its agencies, departments or employees.

#### **206.7 DUMPSTER ENCLOSURE**

Every building hereafter erected, or moved onto a lot shall have an approved “Herbie Curbie” or shall have dumpsters containers, open-tops, or compactors owned by the City of London for garbage pickup by the City of London and shall be charged a monthly rental fee for the use of said equipment. Whenever the City of London Public Works Department requires the business to have a dumpster, the dumpster shall be enclosed in a proper dumpster enclosure approved by the City of London Public Works Department. A copy of these standards is available at the City of London Public Works Department and the City of London Building Inspector’s Office as is a Dumpster Enclosure Detail drawing which is incorporated herein by reference and in the aforementioned standards.

#### **206.8 KNOX BOX REQUIREMENTS - AT NEW BUILDINGS AND CERTAIN MULTI-FAMILY RESIDENTIAL BUILDINGS**

Installation of Knox Boxes provide immediate emergency access to firefighters leading to increasing Fire Department efficiency; preventing costly forced entry damage and allowing undamaged doors to be re-secured after the emergency; and protecting property, inventory, equipment and supplies as well as protecting firefighters against possible injuries.

A. Knox Box Required for New Commercial, Industrial, Institutional, and Storage Buildings.

All new commercial, industrial, institutional and storage buildings shall have installed a Knox Box, of a UL type and size approved by the City of London, Fire Official in a location specified by the Fire Official prior to the issuance of the permit of occupancy.

1. Knox Box for access to all doors located on the exterior or interior of the building which will allow the fire department to gain access to the automatic fire suppression systems control valves and alarms.
2. Knox Box Fire Department Connection (FDC) guard.
3. Knox Box Secure Cap Locking Standpipe/Hydrant Cap.
4. Knox StorzGuard

B. Knox Box Required for Multi-Family Residential Structures.

All new multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units shall have installed a Knox Box, of a UL type and size approved by the City of London, Fire Official, in a location specified by the Fire Official.

C. Knox Box Locking Devices of UL Type Required for New Commercial, Industrial, Institutional and Storage Buildings equipped with automatic fire detection and/or suppression system.

All new commercial, industrial, institutional and storage buildings equipped with automatic fire detection and/or suppression system shall have installed the following locking protection products of a UL type on the building and the buildings fire suppression system in the locations specified by the Fire Official before a Certificate of Occupancy will be issued.

1. Knox Box for access to all doors located on the exterior or interior of the building which will allow the fire department to gain access to the automatic fire suppression systems control valves and alarms.
2. Knox Box Fire Department Connection (FDC) guard.
3. Knox Box Secure Cap Locking Standpipe/Hydrant Cap.
4. Knox StorzGuard

D. Knox Box Contents.

All Knox Boxes shall contain labeled keys, easily identified in the field to provide access into the property and/or building, and to any locked areas within the said building as the City of London, Fire Official may direct.

E. Definitions.

**KNOX BOX-** A secure rapid entry system that is designed to be used by Fire Department Personnel in the event of an emergency to gain entry into a structure by using the enclosed owner provided key(s). This box is usually mounted on the exterior of the building in a location that is specified by the local Fire Official. All boxes shall be UL (Underwriters Laboratories) certified and approved by the City of London, Fire Official.

**FIRE OFFICIAL-** The City of London Fire Chief or the Fire Chiefs duly authorized representatives including all persons empowered with the administration and enforcement of this Code.

## **207 ZONING BOUNDARIES**

### **207.1 REPLACEMENT OF OFFICIAL ZONING MAP**

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret due to the number of changes made, the City Council may by resolution adopt a new official zoning map which shall supersede the prior map. The new map may be electronically generated and may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The official zoning map shall be adopted by the Planning Commission, identified by the signature of the Mayor attested by city clerk, and bear the seal of the city under the following words: "This is to certify that this official map being replaced" with this map as part of the Development Ordinance for the City of London.

### **207.2 INTERPRETATION OF BOUNDARIES**

The following rules shall apply with respect to determining the location of zoning boundaries:

When uncertainty exists in the approximate location of a zoning district boundary, the boundary shall be constructed as following the center line of streets, highways, alleys, streams, canals, lakes, and railroad lines. It will also be constructed as following the city limits boundary, and platted lot lines. A boundary indicated as parallel to or extensions of features shall be so construed, with distances indicated on the map or determined by use of the map scale. Where physical or cultural features existing on the ground are at variance with those shown on the map, or in other circumstances not covered above, the Planning Commission shall interpret the district boundaries. Zoning boundaries should not divide a single parcel of property in the same ownership into different zones. Where this was done prior to the adoption of this ordinance, the Planning Commission may initiate a map amendment to extend the zone comprising the majority of the property to include the entire parcel. The Planning Commission shall also consider what zone the parcel fronts at the street right-of-way. Notwithstanding the foregoing, a single parcel

of property may contain more than one zone in different parts of the property if the property is subdivided and different zoning classifications are assigned to separated platted lots in the subdivision which are under the same ownership. The subdivision plat shall conspicuously identify the different zoning classifications at the time of recording of the plat.

### **ARTICLE III LAND DIVISION AND DEVELOPMENT**

#### **300 PURPOSE**

The purpose of this Section is to provide for orderly and planned development of land in the City of London. This includes individual lots, parcels of record, subdivisions and lots located within subdivisions. (See Section 300.1 for subdivision definition)

Land subdivision is the first step in process of the community development. Once land has been divided into streets, blocks, lots, and open spaces, a pattern has been established which usually determines how well community needs will be met for residential, business, commercial and industrial development. It also determines, to a great extent, how well it will be able to meet the demand for home sites, and how efficiently and economically it will be able to provide the many services demand of it. After land has been subdivided and publicly recorded. It is very difficult and costly to correct defects and deficiencies in the subdivision layout and in the facilities provided. In addition, a subdivided area, sooner or later, become a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. The guidance of land development in harmony with community objectives is, therefore, a manner of serious public concern, and it is in the interest of the public, the developer and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards. These Subdivision and Development Regulations for the City of London will be filed in the Office of the London City Clerk's Office. These regulations are designed to provide for the orderly and planned development of the subdivided and developing areas within the City of London. This Development Ordinance is designed for a coordinated layout; for the proper arrangement of streets; for adequate and convenient open spaces; for traffic, utilities, recreation, light, air, and access of fire-fighting equipment; for avoidance of population congestion through requirements for minimum lot widths and lot areas: for adequate provision of water, drainage, sewer, and other sanitary facilities; and for reducing flood damage potentials to the greatest extent possible.

AUTHORITY AND ADMINISTRATIVE AGENCY- This Section of this Ordinance is pursuant to the authority of Chapter 100, Section 100.273 through 100.291 of the Kentucky Revised Statutes.

AREA JURISDICTION – The London Planning Commission, and the Administrative Official, as delegee, through the Subdivision and Development Regulations, shall have authority to grant or deny the development of land and the subdivisions of all land within the corporate limits of London:

A. For all divisions which fall under the definition of Subdivision set forth in section 300.1 below;

B. EXCEPT

1. Division of land for agriculture use and not involving a new street shall not be deemed a subdivision (allowed)

2. Two tracts or parcels of less than five (5) acres per calendar year (allowed) (explanation) Parcels of land can be divided once in a 12 month period.

3. Individual dividing their estate between immediate family (Children, Siblings, Parents or Grandparents) and said division is not intended for future development (allowed)

**DELEGATION:** Notwithstanding any provision in this Ordinance to the contrary, pursuant to authority of KRS 100.281(1), the Planning Commission hereby delegates to the Administrative Official the authority to grant or deny the development of land and the subdivisions of all land within the corporate limits of London, unless, within five business days after receipt of a proposed preliminary plat, the Administrator refers the plat back to the Planning Commission because of the size of the property involved, number of lots, or other complexity with the Administrative Official contemporaneously summarizing in writing the reasons for referral back to the Planning Commission. Notwithstanding any other provision of this Zoning Ordinance, such delegated authority may be exercised without public hearing on the division. The Administrative Official shall provide the Chair of the Planning Commission with reports on or about January 1 and July 1 on the number of proposed divisions approved and denied, the location and ownership of the subject properties, and the size of the properties divided pursuant to such delegation.

### **300.1 DEFINITIONS**

**DEVELOPER** - A developer is an individual, partnership, cooperation, or other legal entity or agent, therefore, which undertakes the activities covered by these regulations. The term "developer" includes subdivider, developer, owner, and builder.

**SUBDIVISION** -

“Subdivision” means the division of a parcel of land into three (3) or more lots or parcels except in a county containing a city with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census or in an urban-county government or consolidated local government where a subdivision means the division of a parcel of land into two (2) 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 (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section.

SUBDIVISION OF A PORTION OF A LARGER TRACT - Whenever a part of a tract is proposed to be subdivided and it is intended that additional parts of the tract be subdivided in the future, a sketch plan for the entire tract shall be submitted to the planning commission at the same time the Subdivision Plat for the first tract to be platted is submitted.

IMPROVEMENTS - Improvements are physical changes made to raw land, including structures placed on or under the land surface, in order to make the land more usable for man's activities. Typical improvements in these regulations include grading, street paving, curbs, gutters, drainage ditches, storm and sanitary sewers, utility lines of all types, street name signs, and property number signs.

LOT - A lot is a portion of a Subdivision plan or the basic unit thereof intended for transfer of ownership or for building development. Note: A lot may be an individual parcel of land within the City of London that is not located in a subdivision. The Laurel County PVA Office issues a parcel number for each lot.

### 301 PROCEDURES

The review of subdivision plats and development plats within the City of London shall follow the procedures described in the following text.

Developer (applicant)	Submits application to the Planning/ Codes Office
Administrative Official	Reviews application. Performs Plat/Plan review. The Administrative Official reviews all developments for compliance with the requirements of the Development Ordinance. If the Development is not a Subdivision the Administrative Official may not be required to review the Development. The regulations in this ordinance will determine if the Administrative Official should review the development.
Administrative Official	If the development is a subdivision, schedules plat for review and approves or disapproves plat and provides notice to Developer and proceeds with other documentation per these regulations.

### 302 INFORMAL ADVISORY MEETING

The subdivider may submit an informal proposal to the Administrative Official as designee of the Planning Commission holding delegation of authority to determine the reasonableness of proceeding with a formal subdivision application. The request for an informal meeting should be filed with the Codes Office.

The subdivider should submit a sketch plat of the proposed project with the following information included as a minimum:

1. Name of subdivision date scale north arrow
2. A vicinity sketch map showing general location, surrounding property, existing roads, and major physical features
3. Generalized layout of property showing shape, approximate dimensions, and total acreage
4. Generalized layout of proposed lots, streets, and utilities
5. Intended land uses
6. Relationship to services (parks, schools, etc.)

The Administrative Official or other Codes Officer shall review the proposal and try to provide enough guidance to allow the applicant to decide whether or not to proceed any further. It is not the purpose of this meeting for the Administrative Official or Codes Officer to commit to any specifics of the proposed subdivision.

### **303 PLAT DETERMINATION / DETERMINATION OF ACTION UNDER DELEGATION OR REFERRAL TO PLANNING COMMISSION**

At the time an application for subdivision is filed (including a request for an informal meeting), the Administrative Official shall determine whether the proposal constitutes a preliminary or a final plat. All plats shall be prepared by a qualified registered engineer or land surveyor authorized by law to prepare plats in Kentucky.

The Administrative Official may refer a filed preliminary plat to the Planning Commission within five business days of its filing for further determination at a public meeting based on novel issues, complexity, impact on neighboring properties or the city as a whole, economic impact or magnitude of the proposal, or if such official determines he or she has a conflict of interest in making a decision on the plat. Absent such referral, the Administrative Official will make a decision on the plat under delegated authority.

#### **303.1 PRELIMINARY PLATS**

The preliminary plat is designed to provide the Administrative Official (as designee of the Planning Commission under delegated authority) with a detailed graphic statement of lot layout and proposed improvements. The preliminary plat is a very important document because it serves as the basis of initial construction of public improvements. No modification (cutting, filling, etc.) shall be made to the land in question prior to final plat approval. The processing of a preliminary plat shall follow the steps indicated below:

The subdivider (or authorized representative) shall file a preliminary plat with the Codes Office. Contemporaneously with such filing, the subdivider (or authorized representative) shall provide documentation it has submitted a request for local

newspaper of record publication identifying the owner of property for which a plat is submitted and address and/or adjoining streets/highways for the subject property and the number of lots created by the division. Said notice shall indicate that such plat may be viewed in the Codes Office during regular business hours and identify the phone number of such Office and that prompt public comment may be made telephonically or in writing to the business address of the Codes Office. The Administrative Official in his or her discretion may post one or more signs along public roadways adjoining the property indicating a preliminary plat proposal has been filed and referencing the opportunity of the public to make comments. These procedures are to provide adequate opportunity for due process in the absence of public meeting consideration by the planning commission in circumstances in which the Administrative Official will be making a delegated decision on the preliminary plat.

The Administrative Official shall review the preliminary plat and shall consider the following items in its review process:

- a. Conformance with this ordinance and KRS Chapter 100.
- b. Conformance with the Comprehensive Plan.
- c. Comments from other public officials and agencies and from the public in general.

Upon the completion of the review by the Administrative Official, the copy of the review shall be provided to the subdivider with a written statement regarding the conditions to be met, or the reasons for disapproval.

Within thirty (30) days of the filing of a proposed preliminary plat and the Administrative Official deeming the information provided to be complete, the Administrative Official shall take one of the following actions:

- a. Approve the plat unconditionally
- b. Approve the plat subject to conditions being met
- c. Disapprove the plat and give reasons for disapproval
- d. Postpone taking action for twenty-one (21) days with specific stated reasons for the action,
- e. Require the applicant to submit additional information as required by this ordinance prior to the proposed plat being deemed complete, or

Approval of the preliminary plat by the Administrative Official does not constitute approval of the subdivision but is merely an authorization to proceed with preparation of the final plat.

If the preliminary plat is approved, one copy shall be returned to the subdivider for compliance with final plat requirements. Such approval is effective for eighteen months from the date of approval. During that time, the general terms and conditions under which the plat was approved will not be affected by any changes to these regulations. The subdivider may receive a six month

extension on approval provided he/she submits a written request to the Administrative and such official approves the request.

**WAIVERS** - The Administrative Official (or Planning Commission if the plat has been referred to it) may waive the requirements in any individual case where in its judgment such a waiver would be in the public's interest and would eliminate an undue hardship. No waiver shall be granted which will have the effect of nullifying the intent and purpose of these regulations. Waivers shall not be permitted to override the subdivision setback lines or setback line stated on the deed of record.

In granting such a waiver, the Administrative Official or planning commission shall require such conditions as are necessary in its judgment to substantially secure the objectives of the standards or requirements being waived. Any waiver of these regulations shall be submitted in writing at the review of the final plat with reference to the particular section of the regulations being waived and with a statement of the reasons for the request. No property owner or developer shall sell a lot subject to any such waiver prior to expiration of the KRS 100.347 appeal period for contesting such waiver. A property owner or subdivider receiving such waiver shall contact the Laurel Circuit Clerk to determine whether a KRS 100.347 appeal has been filed on the first business day after the expiration of the appeal period. The property owner or developer shall notify in writing the prospective purchaser of any lot subject to a waiver of any timely KRS 100.347 appeal contesting the validity of a governing plat prior to sale of such lot. Property owners and/or subdividers are advised to consult their legal counsel prior to sale of lots subject to one or more waivers prior to final resolution of a KRS 100.347 appeal.

### **303.2 PLAT AMENDMENT**

If the preliminary plat has been approved by the Administrative Official and the subdivider desires to make changes, it will be necessary to file the amended preliminary plat for review as described in Section 303.3 (Plat Amendment).

#### **303.2.1 FINAL PLATS**

The final plat serves as the plat of record for public recording and transfer of land and as a check to assure that all subdivision requirements have been met. 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 purposes to record and develop.

### **REQUIRED IMPROVEMENTS PREREQUISITE TO APPROVAL**

A perfectly prepared and recorded subdivision or plat means little to a prospective lot purchaser until he/she can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community a potential tax liability. The following tangible improvements are required in order to assure the physical reality of as subdivision which approved and recording will establish legally.

- a. MONUMENTS

1. Concrete monuments at least thirty-six (36) inches in length and four inches in diameter of four inches square shall be set at all corners on the plat.
2. All other monuments set (lot corners, etc.) shall conform to the requirements of the Kentucky State Board of Licensure for Professional Engineers and Surveyors.

The final plat shall be submitted to the Administrative Official for review under authority delegated by the Planning Commission and action within eighteen months of approval of the preliminary plat. Failure to do so will result in an expiration of the preliminary plat, making it null and void and requiring resubmission of a new preliminary plat. An extension of six (6) months may be granted, provided the subdivider submits a written request for the extension and it is approved by the Administrative Official or Codes Officer or Planning Commission.

Three (3) copies of the final plat shall be filed in the Codes Office in hard copy and digital format to the satisfaction of the Administrative Official. The Final plat shall include all of the information required on the final plat checklist. (The Administrative Official shall maintain hard and digital copies of the final plat checklist and timely provide any initial or revised such checklist to the Chair of the planning commission, the Mayor, the City Council and the City Attorney. Plat size shall not exceed 18" x 24", for final plat. Final Plats must be the original; no "Blue-line" copies will be acceptable.

The Administrative Official shall review the final plat to assure that all requirements of this Ordinance are met. The subdivider has the option of completing all of the required improvements prior to final plat submission or posting some form of good and sufficient surety (bond, cash, certified check, in the name of the City of London, etc. for immediate deposit into a City account) to adequately cover the cost of improvements not completed. The estimated costs of improvements pending must be provided by an engineer registered and/or licensed in the Commonwealth of Kentucky and must be approved by the Administrative Official. The subdivider shall submit an itemized list with the total cost of improvements. The bond shall be in the amount of the total cost of improvements. A copy of the itemized list shall accompany the bond. The bond shall be submitted along with final plat. Failure to submit a bond at the same time of the review of the final subdivision plat will prevent final plat approval.

Following review of the final plat, the Administrative Official, acting under delegation from the planning commission, shall take the appropriate action:

- a. Approve the plat unconditionally.
- b. Approve the plat with conditions.
- c. Disapprove the plat.
- d. Delay action on the plat for twenty-one (21) days.
- e. Refer the final plat to the Planning Commission within ten days of its filing for further determination based on novel issues, complexity or magnitude of the proposal, impact on neighboring properties or the city as a whole, economic impact or if such official determines he or she has a conflict of interest in making a decision on the plat.

The reason for the action taken shall be provided to the subdivider in writing.

Failure of the Administrative Official or Planning Commission to act upon the final plat within forty-five (45) days shall be deemed approval of the plat. Approval of the plat shall not constitute acceptance by the public of the dedication of any street, other public ways or ground. The City Council of the City of London is the legislative body which accepts the dedication of any street, other public ways or grounds.

Following approval of the final plat, the Administrative Official or Planning Commission shall return one (1) copy of the plat to the subdivider with the Planning Commission certification thereon for filing with the County Clerk as an Official plat of record. A final plat must be recorded within one (1) year of approval by the Planning Commission or else the approval is considered null and void. The subdivider shall provide the Administrative Official with evidence of the plat being recorded within thirty (30) days of the action. The subdivider may request an extension of six (6) months. Such written request must be submitted to the Administrative Official prior to the plat's expiration for review and approval. The Administrative Official may approve an extension up to three months under delegation, but a longer extension requires Planning Commission approval.

### **303.3 PLAT AMENDMENT**

Substantial changes to the final plat will require the submission of an amended final plat in accordance with procedures indicated previously. Changes not determined to be substantial are changes made which do not alter the basic subdivision plat. For example, the adjustment or alteration of the property lines between two adjoining property owners is not considered a substantial change in the subdivision plat but will need approval by whichever of the Administrative Official or the Planning Commission originally approved the plat. The amended plat shall meet all of the requirements of the ordinance and shall be filed in the same manner as a final plat.

### **303.4 PLAT REVIEW CHARGE**

A charge shall be made for the examination and approval or disapproval of every plat reviewed by the Administrative Official or Planning Commission, the subdivider shall deposit with the Planning Commission checks payable to the Planning Commission in the amount of One Hundred Dollars (\$100.00) non-refundable for each plat and an additional Five Dollars (\$5.00) for each lot shown on such plat, there is a One Hundred and Fifty Dollar (\$150.00) minimum fee for review of a plat.

If the subdivider does not appear at a planning commission meeting in which the plat is reviewed, and the plat is disapproved, the subdivider shall be required to pay a charge of \$250.00 to the Planning Commission within thirty days of written notice from the Administrative Official unless due cause for absence can be shown considering the effort and time involved in review of a proposed plat by staff and the planning commission.

### **303.5 PLAT REVOCATION**

The Planning Commission may revoke the approval of a subdivision plat, including all dedications of the public facilities, easements and right-of-way under the following conditions:

- a. An application for revocation is made by the Planning Commission or all persons owning land comprising the subdivision.
- b. No person has purchased a lot shown on the plat.

A revocation shall become effective only upon:

- a. A revocation document being appended to the record plat stating that such plat has been revoked and the date of such vote of revocation; such document shall be signed by the Chairman of the Commission; and
- b. A written approval of such revocation filed with the Commission, duly signed by each entity to which an offer of dedication of any public facility, easement or right-of way was on the plat.

The remedy provided in this section is in addition to all other remedies provided by law and shall not impair the right of the Planning Commissioner any interested party from filing an action in circuit court for such relief as may be appropriate.

### 303.6 PLAT CHECKLIST

#### SUBDIVISION PLAT CHECKLIST

1.	Name of Subdivision	
2.	Date of Plat	
3.	Plat Type (Preliminary/Final)	
4.	Graphic Scale	
5.	North Arrow	
6.	Acreage being Subdivided	
7.	Name of Address of Property – Owner/Sub divider	
8.	Name, address and seal of registered Professional Engineer or Land Surveyor Who prepared the plat	
9.	Names of adjacent property owners	
10.	Names of abutting streets	
11.	Vicinity sketch map, subject property and land within ½ mile to include roads, etc.	
12.	Proposed subdivision layout at approximate scale	
13.	Approximate distances	
14.	Final bearings and distances	
15.	Location of monuments and pins	
16.	Physical features (streams, sinkholes, ponds, etc.)	
17.	Contour lines at intervals not greater than ten (10) feet	
18.	Streets Existing and Proposed:	

	Location Pavement width Right of Way <i>Radii points of Curvature</i> <i>Arcs (proposed only)</i> <i>Finish grades</i> Names (Approved by 911 Center) Length of Cul-de-Sac Drawing of Street Section	
19.	Utilities Water Lines Water lines: location and size Fire Hydrants Sewer lines: location and size Electric lines: location, size and use	
20.	Drainage Curb & gutter: location specifications (required in the City of London) Culverts: location and size Ditches Easements: location and dimension Location and description of Receiving stream or pipe on adjacent property	
21.	Erosion controls Drainage features	
22.	Date submitted for preliminary	
23.	Zoning District	
24.	Copies Submitted ten working days prior to meeting	
25.	Notification of hearing to subdivider and adjoining property owners	
26.	Copies sent to City Engineer at London Utility Commission	
27.	Copies of private deed restrictions	
28.	Copy of completed subdivision plat	
29.	Statement of deed restrictions and protective covenants	
30.	Typical street cross-section	
31.	Certification showing street approval	
32.	Copies sent to City Utilities Commission of London, Ky. For recommendation	
33.	Proposed lot lines and lot numbers	
34.	All dimensions to the nearest 100 <sup>th</sup> of a foot and all angles to the nearest Second	
35.	Lot lines, street lines and street names	
36.	Building Setback lines	
37.	Lots Numbered	
38.	Certification on plat of water system and fire hydrant approval	

39.	Certification of ownership of property with reference to deed book and page number	
40.	Certification of accuracy by Engineer/Surveyor	
41.	Certification that sub divider has complied of the following: a. Has completed all improvements b. Has posted sufficient bond for completion of all improvements	
42.	Certification on plat by Chairman of the Planning Commission that the plat has been approved for recording	
43.	Certification on the plat by County Clerk that the plat is accepted for filing and recording	
44.	Original print or final plat returned to owner	
45.	Flood Plain Information	
46	Any Additional Information	

- NOTE: Items shown on a Final Plat:
- a. Plans for sanitary facilities
  - b. Water supply system
  - c. Storm sewer system
  - d. Erosion control plan
  - e. All other utilities to be furnished to the development

### 303.7 SUGGESTED FORMS FOR FINAL PLAT CERTIFICATION

#### CERTIFICATE OF OWNERSHIP AND DEDICATION

##### FORM 1 (On Plat)

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines and dedicate all streets, alleys, walks, park and other open spaces to public or private use as noted.

Date

Owner

Owner

Must Include Notary Statement

**303.8 CERTIFICATE OF ACCURACY**

FORM 2  
(On Plat)

I hereby certify that the plan shown and described hereon is a true and correct survey to the *precision* required by the London Planning Commission and the monuments have been placed as shown hereon, to the specifications of the City Engineer.

Date

Registered Engineer/Surveyor

**303.9 CERTIFICATE OF APPROVAL FOR RECORDING**

FORM 3  
(On Plat)

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations for the London Planning Commission with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the County Clerk.

Date

Chairman or Secretary of the Planning Commission

**303.10 CERTIFICATION OF THE APPROVAL OF FIRE HYDRANTS**  
FORM 4  
(On Plat)

I hereby certify that fire hydrant(s) have been installed in an acceptable manner according to the City specification in the subdivision entitled

or, (2) that a performance bond in the amount of \$ \_\_\_\_\_ has been posted with the City to assure completion of all fire hydrant(s) installations in case of default.

Date

City Representative

**303.11 CONTRACT FOR SUBDIVISION IMPROVEMENT**  
FORM 5  
(On Plat)

I, \_\_\_\_\_, owner/subdivider of a subdivision in London, Kentucky, within the London City Limits, do hereby certify that the streets, utilities and other improvements have been installed to meet the City and state regulations, except for the blacktop binder and surface for the streets.

Further, in consideration of initial approval of the subdivision plat by City of London, I acknowledge myself indebted to the City of London, Kentucky in the sum of \$ \_\_\_\_\_ to guarantee that I will install binder and surface blacktop subject to approval of the City on all roads in the subdivision, prior to the roads being accepted into the City road system and according to the subdivision regulations for London, Kentucky.

I agree that the roads are my responsibility until accepted by the City Council, which I understand may be after approval of the roads with a surface coat of pavement when the lots are fifty percent (50%) occupied by dwellings or after three (3) years from the original approval of the subdivision plat by the Planning and Zoning Commission.



All streets, gutters and sidewalks remain the responsibility of the developer until and accepted by the London City Council which may be after fifty percent (50%) of the lots are occupied or three (3) years from approval of this plat.

\_\_\_\_\_  
\_\_\_\_\_  
City Representative  
\_\_\_\_\_

**303.13 CERTIFICATION LAUREL COUNTY COURT CLERK**  
FORM 7  
(On Plat)

STATE OF KENTUCKY, COUNTY OF LAUREL, SCT, I

\_\_\_\_\_  
(NAME OF CLERK)  
CLERK OF THE LAUREL COUNTY COURT, CERTIFY THAT THE FOREGOING  
\_\_\_\_\_ WAS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ AT  
\_\_\_\_\_  
(PLAT) (DAY) (MONTH & YEAR) (TIME)

LODGED IN MY OFFICE, TOGETHER WITH THE CERTIFICATE THEREON  
ENDORSED

GIVEN UNDER MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
(DAY) (MONTH & YEAR)

BOOK PAGE  
\_\_\_\_\_  
(PLAT) BOOK NO. PAGE NO.

**304 DESIGN & DEVELOPMENT STANDARDS**

**304.1 PURPOSE**

The Planning Commission shall specify design requirements for streets, blocks, lots, utilities, recreation areas, other public facilities, and hazardous areas including land subject to flooding within the City of London. The Commission shall require these standards are enforced during development as a condition of subdivision plat approval.

## **304.2 STANDARDS**

The standards for public improvements shall be utilized to assure the conformance of subdivisions in London and developments within the corporate limit of London to the Comprehensive Plan.

MINIMUM STANDARDS- The standards set forth in this section are considered to be minimum acceptable standards of design for safe, efficient, and economical community development.

DEVELOPER'S RESPONSIBILITY- The developer shall be responsible for providing the land and constructing those public improvements required to serve the development. It is also the developer's responsibility to notify the proper governmental agency when improvements are underway so that the work can be inspected to insure compliance with this ordinance. Similarly, the developer is required to notify the appropriate governmental agency when work is completed so that a final inspection can be conducted.

DEVELOPMENT PLAN- Commercial, industrial, residential developments, and new subdivisions shall submit a development plan to the Administrative Official to insure compliance with the design and improvement standards described in this ordinance. The development plan will be reviewed by the Planning Commission keeping with the procedures indicated in the Development Ordinance Section 301. KRS 100.275, as adopted in 2025, provides ordinances, rules, and regulations governing development plans may allow for discretion to be applied by the approving authority in circumstances where: (a) An applicant seeks a deviation from the established objective standards; or (b) The approving authority determines, based on substantial evidence, that a strict ministerial application of the established objective standards would pose a specific threat to public health, safety, or welfare in the affected area. The Planning Commission is authorized to exercise the full discretion now allowed by KRS 100.275 in connection with review of development plans.

LAND SUITABILITY- If the Commission finds that land proposed to be subdivided or developed is unsuitable for subdivision or development due to flooding, poor drainage, topography, or other such conditions which may endanger health, life or property, the Commission shall not approve the land for subdivision or development unless adequate methods are proposed by the subdivider or developer for solving problems that will be created by the development. For land in located in the SPECIAL FLOOD HAZARD AREA (SFHA) shall meet the requirements of London City Ordinance No. 2015-03 A FLOOD DAMAGE PREVENTION ORDINANCE FOR THE CITY OF LONDON

The Planning Commission or Administrative Official as its delegee may refuse to approve what it considers to be scattered or premature subdivision or development of land which would involve danger or injury to public health, safety, welfare, by reason of a lack of water supply, schools, proper drainage, adequate roads or transportation facilities or other public services, or which would necessitate an excessive expenditure of public funds for the supply of such services.

NATURAL FEATURES-The street plan and lot arrangement of a proposed subdivision or development shall be so designed as to preserve natural features such as trees, streams, natural lay of the land, and disposition of the topsoil.

### **304.3 DRAINAGE AND EROSION CONTROLS**

Significant erosion results from rainfall and runoff and over unprotected soil. Erosion is increased by intense rainfalls, long slopes, steep slopes, and lack of vegetative cover. These conditions are in part caused or aggravated by improper construction, grading, or excavation practices which fail to adequately provide erosion control.

This section of the Regulation is designed to reduce soil erosion, and to provide procedures for submission, review, and approval of the subdivision and development plans.

#### **304.3.1 SCOPE OF COVERAGE**

The following are included within the scope of these regulations:

All persons submitting subdivision or development plans for property in the City of London must include a statement that no grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to approval of subdivision or development plan. The plan to control erosion shall be submitted along with the subdivision or development plan.

EXCEPTIONS-No erosion control plan shall be required for the following:

1. Accepted agricultural land management practices such as plowing, cultivation, construction or agricultural structures, nursery operations such as transplanting of cultivated sod, shrubs, and trees, tree cuttings at or above existing root mat intact.
2. Grading, as a maintenance measure, or for landscaping purposes on existing developed lots or parcels.
3. Installation of lateral sewer lines, telephone lines, electricity lines, gas lines, or other public service facilities.

#### **304.3.2 PROCEDURES AND STANDARDS FOR APPROVING SOIL EROSION CONTROL PLANS AND FOR ISSUING PERMITS AND LIMITED WAIVERS**

Prior to any excavation, grading, stripping of land or other surface land disturbance, the property owner shall notify the London City Building Inspector in writing at least forty eight (48) hours in advance of his/her plan of excavation, grading or stripping of the land of its natural ground cover and stating the approximate area of land that will be disturbed. However, no written notification to the London City Building Inspector shall be required for the following:

- a. Any emergency activity, which is immediately necessary for the protection of life, property, or natural resources.

- b. Agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations such as removal and /or transplanting of trees.
- c. Installation of lateral sewer lines, telephone lines, electric lines, gas lines or the installation of similar public service facilities. This exception is for utility companies serving the City of London only. Contract construction companies shall adhere to the requirements of the ordinance when installing contracted utilities within the City of London.
- d. Excavation at cemeteries for human or animal burial.

ADMINISTRATIVE PROCEDURES- The proposed erosion control plan shall accompany the development plan. The plan shall be designed as suggested in the “Soil Erosion and Sediment Control Guidelines for London” which was adopted by the City of London in Ordinance No. 2006-23. The London City Building Inspector shall review the erosion control plan for compliance with this ordinance and his/their recommendation shall be presented to the Planning Commission before the development plat is approved. The erosion control plan shall be submitted to the Building Inspector:

CONTENTS OF THE SOIL EROSION PLAN-The following information must be included in the Soil Erosion Plan:

- 1. The erosion control plan shall be drawn at a scale of 1” – 100” (or less) as indicating:
  - a. The site location as well as the adjacent properties.
  - b. Identification of any structure or natural feature on the land adjacent to the site and within 250’ which has a significant impact on drainage or siltation controls. If the development is to be in stages, the plan shall cover the entire tract to be developed.
- 2. Property boundary bearings and distances for the site on which the work is to be performed.
- 3. A soil survey or description of the main soil types (available from the Laurel County Soil Conservation District).
- 4. The anticipated time of exposure of each area prior to the completion of effective erosion and sediment control measures.
- 5. Existing topography at contour intervals not exceeding ten (10) feet; five feet where conditions warrant.
- 6. Location and identification of any proposed additional structures or development on the site, except single-family and two family residential structures and their accessory structures in a subdivision (if applicable).
- 7. Plans and specifications for all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices or other protective devices (whether temporary or permanent) to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site and a statement explaining the amount of estimated runoff used to determine the design characteristics of any drainage device. Upstream drainage must be considered and explained if any adverse effect is possible.

#### Required Stabilized Construction Exit

1. The entrance must be constructed at a location that minimizes the impact to streams and storm drains and maximizes public safety
2. The aggregate size must be 2-3 inch stone, at a minimum (KYTC No. 1 or No. 2, not 57s or DGA)
3. The thickness of the pad must not be less than 6 inches
4. Use geotextile fabrics below the rock to improve stability of the foundation
5. The width of the entrance pad shall be 20 feet and flared to 24 feet at street
6. Allow for necessary turning radii for trucks and equipment
7. The length of the pad must be at least 50 feet

#### Required Emergency Spillway Requirements

1. Must be designed to pass the 100-year, 6-hour post development peak flow
2. Crest elevation must be at least one foot above the tip of the riser pipe
3. Minimum one foot freeboard during the 100-year, 6-hour storm to the top of the embankment required
4. Rock used for the emergency spillway must be KYTC No. 2 or larger, depending on flow volumes and spillway slope
5. Emergency spillway energy dissipater must be extended at least 4 feet beyond the toe of the dam

#### Required Topsoil Stockpiling

1. Consider the quality & amount of topsoil available & needed
2. Locate stockpiles in an area that will not erode, block drainage, or interfere with work on the site
3. Topsoil stockpiles should be on flat ground if possible
4. Protect with silt fence or other sediment barrier on the down gradient sides
5. Topsoil that will not be used for more than 21 days should be mulched or seeded
6. When using topsoil, scarify or rip subsoil to a depth of 8-12 inches; do not compact during topsoil placement
7. Do not apply topsoil to slopes steeper than 2:1 to avoid slippage, or to a subsoil of highly contrasting texture (Water can creep between sandy topsoil over clay subsoil and cause the topsoil layer to slip or slough)

#### Required Temporary Seeding

1. Area must be protected from excess run-on from upgradient areas with diversions or berms
2. Plant species must be selected on the basis of quick germination, growth, and time of year
3. Fertilizer, lime, seedbed preparation, seed coverage, mulch, and irrigation must be used as necessary to promote quick plant growth. Mulch should be specified for sites with slopes greater than five percent (20H:1V) and slope lengths greater than 100 feet

### Required Permanent Seeding

1. Area must be protected from excess run-on from upgradient areas with diversions or berms
2. Plant species must be selected on the basis of quick germination, growth, and time of year
3. Fertilizer, lime, seedbed preparation, seed coverage, mulch, and irrigation must be used as necessary to promote quick plant growth
4. Mulch should be specified for sites with slopes greater than five percent (20H:1V) and slope lengths greater than 100 feet
5. Fertilizer should be applied at a rate of no more than 800 pounds per acre of 10-10-10 analysis. For best results, test soil
6. In limestone areas with streams and rivers impacted by high algae concentrations, use 10-0-10 fertilizer
7. Work the lime and fertilizer into the soil with a disk harrow, springtooth harrow, or other equipment to a depth of 4 inches
8. On sloping land, the final operation must be on the contour

### Required Silt Fence or Other Sediment Barriers

Sediment barriers-silt fences or rock filters- are required below (downhill from) areas of bare soil. Hay or straw bales must not be used as sediment filters due to their inherent weakness and tendency to fall apart.

### Sediment Fence Installation

- Note the location & extent of the bare soil area.
- Mark silt fence location just below bare soil area.
- Leave room for sediment removal/maintenance.
- Make sure fence will catch all flow from area.
- Dig trench 6 inches deep across slope.
- Unroll silt fence along trench.
- Join fencing by rolling the end stakes together.
- Make sure stakes are on downhill side of fence.
- Drive stakes in against downhill side of trench.
- Drive stakes until 8 to 10 inches of fabric is in trench.
- Push fabric into trench; spread along bottom. Fill trench with soil and tamp down.

### Best Management Practices (BMP)

A final statement shall be made concerning the BMP stating the person who is responsible for day to day maintenance of the erosion control devices. Maintenance includes:

- Inspecting sediment collection behind silt fences
- Removal of sediment when it is 1/3 the height of the fence
- Relocate collected sediment to a place where it will not wash into ditches, channels, or streams
- Replace broken or bent stakes
- Inspect where fences are joined to make sure joint is solid
- Install J-hooks where water flows along silt fence if necessary

- Remove all silt fences and grade, seed, and mulch the area when grass is established, before the project is completed
- Inspect construction entrances
- Clean road if tracking of mud or dirt on pavement has occurred. Temporarily stabilize all portions of the erosion control devices
- Plans for removal, recontouring, or other final disposition of sediment basins or other structural improvements or devices included in the plan.
- If a sedimentation basin is required, it should be designed by certified engineers in accordance with the Soil Erosion and Sediment Control Guidelines for London.

### Required Basin Outlet Design Requirements

1. Basin design specifications. During the construction phase performance goal is to reduce total suspended solids by 80 percent for the 10-year, 24-hour storm, or provide a detention time of 36 to 48 hours for the 10-year, 24-hour storm.
2. Operational design goal for permanent stormwater basins is to reduce the peak flow to predevelopment levels for a 10-year, 24-hour storm
3. Design outlet structure or pipe to drain top of the pool farthest away from muddy inflows
4. Basins often require modification of permanent stormwater pond outlet risers to increase detention time during construction
  - Use filter fabric, stone trap, or check dam
  - Pipe risers should have ½ to 1 inch holes spaced 3 to 6 inches apart
  - No large holes or slots should appear in the lower two-thirds of the riser
  - Anti-seep collars around discharge pipe are required
  - Minimum diameter of pipe outlet is 12 inches
  - Anti-vortex baffle and trash rack are required
  - Minimum one foot freeboard required from top of riser to crest of emergency spillway

### PRINCIPALS TO BE CONSIDERED IN REVIEWING APPLICATIONS

1. The erosion control plan should relate to the specific site conditions.
2. The plan should keep land grading and land disturbance to a minimum under the circumstances.
3. Both surface and storm water drainage systems should be integrated to accommodate the increased runoff incurred during land grading. The calculations shall include the following:
4. Berms and ditches shall be designed to carry the 10-year, 24-hour peak flow.
5. To prevent soil erosion existing, temporary and future protective vegetative cover should be emphasized.
6. The plan shall coordinate grading operation and sediment control measures so as to minimize land exposure to erosion.

7. Sediment basins below high sediment producing areas should be planned, installed, and maintained as safety devices to catch and trap excessive sediment from the development site.
8. The plan should utilize available technology to keep soil erosion to a minimum level.

SPECIAL CONDITIONS ATTACHED TO PLANS- Upon consideration of the factors listed above and for the purposes of this ordinance, conditions may be attached to the approval of erosion control plans. It is intended that these conditions be added to a plan for certain areas or problems to provide two basic results: (1) that during project construction, off-site and on-site siltation and erosion be minimized; and (2) that after project completion, the total erosion control plan will be effective so as to preclude all significant on-site erosion.

No special conditions shall be attached to the plan which imposes duties or liabilities upon the subdivision of development after a lot or the development has been sold. In the event of failure to comply with all requirements, conditions, and terms of the permit or plan, the Codes Officer may order the stoppage of work.

#### **304.4 LANDSCAPE REQUIREMENTS**

It is the intent of this section to provide for the use of landscape techniques within the City of London that will improve the aesthetic and functional quality of new development and minimize the friction between different urban land uses.

This section will govern the use of trees, shrubs, plants, ground covers, walls, fences, and earth mounds to achieve the following objectives: retard erosion, channel vehicular and pedestrian circulation, protect surrounding property values, reduce the effects of air, odor, visual, and noise pollution, reduce glare from artificial lighting, separate certain land use activities from vehicular movement, screen unsightly activities, and separate different land use activities.

**LIMITED WAIVER.** Upon good cause shown by an applicant, the Building Inspector may reasonably waive any of the foregoing requirements for Soil Erosion Control Plans consistent with applicable health, welfare, and safety standards and if such waived requirement is found by the Building Inspector to be excessively burdensome or not feasible based on circumstances applicable to a particular property.

#### **304.4. \_\_\_\_ BUFFERS**

When an application for a development plan or a Conditional Use Permit has been submitted within the City of London, a buffer area may be required by the zoning regulations. When a buffer area is required to screen unsightly activities; and separate different land use activities, trees, shrubs, plants, ground cover, walls, fences, and earth mounds, may be required. Section 304.4.2 shall be the guidelines for the landscape requirements.

Landscape area buffers shall be included in the development plans for large scale residential, commercial, & industrial developments. The Codes Office, the Planning Commission, the Board

of Adjustments, and the City Council shall endeavor to be consistent and non-arbitrary in requiring buffers for similarly situated developments in the same zone classification.

Any buffering requirements shall be sufficiently specific to provide guidance to the developer as to what is required under the zoning ordinance and/or any conditional approval imposed by local government.

### 304.4.2 ENFORCEMENT

Landscape requirements will be enforced by the Administrative Official. No building permit shall be issued until the landscape requirements have been approved as part of the final development plan. No occupancy permit shall be issued until the landscaping is complete.

### 304.4.3 LANDSCAPE BUFFERS

The following table describes the landscaping requirements for buffer areas required between different land-use activities.

#### MINIMUM LANDSCAPE EASEMENT REQUIREMENTS

Category	Adjoining Uses	Width	Trees	Ground Cover	Intervals of Planting
I	Single or two-family and multi-family or mobile/manufactured home	10'	1 small or medium tree within 40 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' Continuous intervals
II	Single or two-family and Commercial or industrial	15'	1 medium or large tree within 40 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' Continuous or interval planting
III	Multi-family and Mobile/manufactured Home and Commercial and Industrial	10'	1 medium or large tree within 40 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' Continuous or interval planting
IV	Multi-Family And Mobile/manufactured Home	10'	1 medium or large tree within 40 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' Continuous intervals

V	Commercial And Industrial	10'	1 medium or large tree within 40 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	4' continuous intervals
VI	All Residential Zones and Freeways, Highways, and Railroads	20'	1 medium or large tree within 30 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' Continuous intervals
VII	Commercial and Freeways and Highways	10'	1 medium or large tree within 30 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' Continuous intervals
VIII	Industrial and Freeways and Highways	10'	1 medium or large tree within 30 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' Continuous intervals
IX	Vehicular Use Areas and (all zones) and Any public Right-of-way (excl. freeways)	5'	1 medium or large tree within 40 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' Continuous intervals
X	All Zones and Utility Substations, Landfills, Junkyards, Sewage Plants and Dumpsters	15' to all boundaries (5' for substations)	1 medium or large tree within 30 ft. intervals (or part thereof)	Choice of grass, low shrubs, or mulch	6' Continuous intervals

#### 304.4.4 INTENT

The intent of this article is to improve the appearance of vehicular use areas (VUAs) and property abutting public rights-of-way; to require buffering between incompatible land uses; to protect, preserve and promote the aesthetic appeal, character and value of the community, and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

#### 304.4.5 SITES AFFECTED

Landscape area buffers shall be included in the development plans for large scale residential, commercial, and industrial developments and subdivisions.

### 304.4.6 AUTHORITY

The authority to administer these landscape regulations is granted to the Planning Commission under KRS Chapter 100, Sections 201, 203 and 281.

### 304.4.7 JURISDICTION

The area for which these regulations apply shall coincide with the jurisdiction of the zoning ordinance of which they are made a part.

### 304.4.8 CONFLICTING REGULATIONS

Should the requirements set forth in this section be found in conflict with other provisions of these regulations, the more stringent regulations shall apply.

### 304.4.9 WHERE LANDSCAPE MATERIALS REQUIRED

This section describes the minimum requirements that shall be met in regard to interior and perimeter landscaping for vehicular use areas, perimeter landscaping for incompatible land uses, and landscaping for service areas.

### 304.4.10 PROPERTY PERIMETER REQUIREMENTS

A. When the following...	B. adjoins the following...	C. a minimum buffer area	D. which will contain this material
1. Any mobile/ <u>manufactured</u> home park	Any other property	15' adjacent to side yards and rear yards, and 20' from street right-of-way *1, *2, *3	Minimum Landscape Easement Requirements per Section 304.4.3
2. Any commercial or office zone	Any residential zone	15' adjacent to all common boundaries except street frontage shall be 20' from street right-of-way *1, *2, *3	Minimum Landscape Easement Requirements per Section 304.4.3
3. Any light industrial zone	Any residential, office or commercial zone	15' adjacent to all common boundaries except street frontage shall be 20' from street right-of-way *1, *2, *3	Minimum Landscape Easement Requirements per Section 304.4.3
4. Any heavy industrial zone	Any residential, office or commercial zone	30' adjacent to all common boundaries except street frontage (may be reduced to 15' where VUA on	Minimum Landscape Easement Requirements per Section 304.4.3

		subject property adjoins side and rear yard, except street frontage shall be 20' from street right-of-way). *1, *2, *3	
5. Utility substation, landfills, sewage plants, sewage pump stations, or similar uses	Any property boundary including street rights-of-way	15' adjacent to all boundaries, except only 5' for sewage pump stations measured adjacent to the enclosure *1, *2, *3	Minimum Landscape Easement Requirements per Section 304.4.3
6. Any multi-family zone except when developed as buildings for single family or two-family occupancy	Any single-family zone	15' adjacent to all side and rear yards, except street frontage shall be 20' from street right-of-way *1, *2, *3	Minimum Landscape Easement Requirements per Section 304.4.3
7. All new Residential, Commercial & Industrial Subdivisions	All other zones	15' adjacent to all side and rear yards, except street frontage shall be 20' from street right-of-way *1, *2, *3	Minimum Landscape Easement Requirements per Section 304.4.3

\*1 Grass or ground cover shall be planted on all portions of the landscape buffer area not occupied by other landscape material.

\*2 The 15' Landscape Buffer Area (LBA) may be reduced to 5' when used in conjunction with a 6' high opaque wall or fence, if the Planning Commission determines such reduction to meet the intent of this ordinance.

\*3 When a wall is used to buffer any zone or VUA from a residential zone, it is to be constructed of precast concrete, precast concrete sections, or constructed of/faced with natural stone or brick.

### **304.4.11 RESPONSIBILITY FOR PROVIDING LBAs (LANDSCAPE BUFFER AREAS)**

The LBA shall be provided as a condition of development by the person in charge of or in control of the property, whether as owner, lessee, tenant, occupant, or otherwise. The buffer area shall be provided as a condition of the approval of any future subdivision.

#### **304.4.11.1 INCLUSION OF SUBDIVISION PLAT AND DEVELOPMENT PLANS**

Areas to be set aside for LBAs shall be shown on preliminary subdivision plats and development plans. Illustrations including trees, shrubs, ground covers, and barriers shall be shown on final subdivision plats and development plans.

#### **304.4.11.2 EASEMENT CONFLICTS**

Where LBAs are required in the same location as utility easements, the landscape requirements shall be waived upon written request, from the developer, and approval of the planning commission

#### **304.4.11.3 PROVISION OF PLANTING MATERIALS AND BARRIERS**

Such trees, shrubs, ground covers, and barriers as shall be required and/or shown on the final subdivision plat shall be provided by the owner or developer and considered as any other site improvement.

1. Trees required as a part of the landscaping plan may be placed on the right-of-way adjoining such vehicular use area only when approved by the Planning Commission and governing agency responsible for right-of-way maintenance with maintenance agreement.

#### **304.4.12 REQUIREMENT CONFLICTS**

Whenever a parcel or activity falls under two or more of the landscape requirements, the most stringent requirements will be enforced.

#### **304.4.13 LANDSCAPING AT DRIVEWAY AND STREET INTERSECTIONS**

To assure that landscape materials do not constitute a driving hazard, a “sight triangle” will be observed at all street intersections or intersections of driveways with streets. At street intersections, the sight triangle shall be formed by measuring from the intersection of the curb lines at least 35’ in each direction along the curb lines and connecting these points. At driveway intersections, the sight triangle shall be formed by measuring at least 15’ back into the driveway and 20’ in each direction along the curb line (forming two triangles). No landscape materials shall be placed within the sight triangle that is greater than 18” in height. Trees having at least 5’ of clear trunk (no limbs) or otherwise not presenting a traffic visibility hazard shall be permitted within the sight triangle.

All Landscaping at driveway and street intersections shall meet the requirements of Figure 6: Street Intersection Sight Triangle and Driveway Intersection Sight Triangle.

#### **304.4.14 EXISTING LANDSCAPE MATERIAL**

Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy

these requirements in whole or in part when, in the opinion of the Landscape Inspector such material meets the requirements and achieves the objectives of this article.

#### **304.4.15 VEHICLE OVERHANG**

Parking vehicles may hang over the interior landscaped area no more than two and a half feet, as long as concrete or other wheel stops are provided to insure no greater overhand or penetration of the landscaped area.

#### **304.4.16 LANDSCAPE MATERIALS**

The landscaping materials shall consist of the following, and are described in more detail in the Minimum Landscape Easement Requirements (Section 304.4.3) of this Zoning Ordinance and Plant Materials List available at the Planning and Building Inspection Departments.

##### **304.4.16.1 WALLS AND FENCES**

Walls shall be constructed of natural stone, brick or other weatherproof materials; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Fence posts shall be structurally stable based on the material used and shall have a maximum spacing of 8' o.c. If wood is used, the posts shall be 4" x 4" minimum. Posts shall be set in or anchored to crowned concrete footers at least 6" larger in each direction than the post it supports. The base of the footer shall be at least 24" below finished grade. If wood is used for any member, it shall be softwood treated with water-borne preservative to the American Wood Preservers Institute standard LP-2 for above ground use or LP-22 for ground contact use, or all heart redwood, or all heart cedar. All cut surfaces of pressure treated lumber shall be water-proofed. If another material is used, it shall be weatherproof. Slats are to be minimum ½" in thickness and are to be placed on the outside of the fence unless the design is two-sided (shadow-box, etc.). All hardware is to be galvanized or otherwise rustproofed. Wood horizontal members shall be installed bark-side up. Chain link fencing may not be used to meet the requirements of this Article. Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous plating, hedge, fence, wall or earth mound. In industrial zones, there shall be no height limitation on walls or fences; in all other zones, however, there shall be a six (6) foot height restriction for walls and fences in front yards and side street side yards, and an eight (8) foot height restriction in side and rear yards. All walls or fences shall have a minimum opacity of eighty (80) percent. Walls and fences allowed to meet the requirements of this Article shall not be used for the erection or display of any sign or other advertising device.

##### **304.4.16.2 EARTH MOUNDS**

Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence, or wall. Mounds shall be constructed with property and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an earth mound. Maximum slope shall be 3 in 1.

### **304.4.16.3 PLANTS**

All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements;

#### **304.4.16.3.1 QUALITY**

Plant materials used in conformance with provision of this Ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under State regulations.

#### **304.4.16.3.2 EVERGREEN TREES**

Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1 ½) inches immediately after planting.

#### **304.4.16.3.3 SHRUBS AND HEDGES**

Shall be at least 12” with three (3) canes.

#### **304.4.16.3.4 VINES**

Shall be at least 15 inches high at planting, and are generally used in conjunction with walls or fences.

#### **304.4.16.3.5 GRASS AND GROUND COVER**

Grass of the fescus (Gramineak) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in the City of London, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic materials shall be planted not more than 15” on center and in such a manner as to present a finished appearance and have 75% of complete coverage after two complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar approved materials.

### **304.4.17 VEHICLE OVERHANG**

Parked vehicles shall not be permitted to overhang a landscape buffer area or an interior landscaping area more than two and one-half feet. Curbs or wheel stops shall be provided to permit no greater overhang.

### **304.4.18 MAINTENANCE AND INSTALLATION**

All landscaping materials shall be installed in a sound, workmanship-like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this Article at the time of installation shall be removed and replaced with acceptable materials. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this Article. Violation of these installation and maintenance provisions shall be grounds for the Building Inspection Department to refuse a building occupancy permit, required replacement of landscape material or institute legal

#### **304.4.19 PLAN SUBMISSION AND APPROVAL**

Whenever any property is affected by these landscape requirements, the property owner or developer shall submit a landscape plan to the Office of Code Enforcement. Landscape area buffers shall be included in the development plans for large scale residential, commercial, & industrial developments. For any property where a vehicular use area for twenty (20) or more vehicles, the landscape plan shall be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Kentucky. The requirements of this Article shall be followed in approving or disapproving any landscape plan required by this Article.

#### **304.4.20 PLAN CONTENT**

The contents of the plan shall include the following: (a) plot plan, drawn to an easily readable scale, showing and labeling by name and dimensions all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, etc.) water outlets and landscape material (including botanical name and common name, installation size, on center planting dimensions where applicable, and quantities for all plants used); (b) existing and proposed contours at two (2) foot intervals; (c) typical elevations and/or cross sections as may be required; (d) title block with the pertinent names and addresses (property owner, person drawing plan), scale, date, north arrow (generally orient plan so that north is to top of plan); (e) zone of site and adjacent properties; (f) the location and dripline of any existing significant trees or tree stands, including those in fence rows and drainage areas, a general description of type and size of trees, and any proposed provisions for preserving trees.

#### **304.4.21 ADMINISTRATION**

The enforcement of this ordinance shall be carried out as set forth on the following section.

#### **304.4.22 ENFORCEMENT**

The requirements of this ordinance will be administered by the Planning Commission and enforced by the appointed zoning enforcement officer. It shall be unlawful to occupy any premises unless the required landscaping has been installed.

#### **304.4.22.1 VIOLATIONS**

In cases where the property owner or developer fails to install required landscaping, or where the property owner/tenant fails to properly maintain required landscaping, the Office of Code Enforcement shall notify the responsible party of such violation and order correction of same. If necessary, the City Attorney or any other appropriate authority shall institute appropriate action in court to eliminate the violation.

#### **304.4.22.2 PENALTIES**

Fines and other penalties may be imposed upon violators according to this Zoning Ordinance. After notification of the responsible party, each day of continued violation shall constitute a separate violation.

#### **304.4.23 VARIANCES**

In such individual situations where, by reason of exceptional topographic, dimensional, or shape or other special conditions of the site, the enforcement of these ordinances would create an undue hardship on the applicant, that applicant may appeal to the Board of Adjustments for relief from specific provisions.

#### **304.4.24 DEFINITIONS**

The following terms relate to the Landscape Ordinance and are generally not included in the list of definitions contained in most zoning ordinance.

1. Landscape Buffer Area (LBA) – a strip of land to be set aside to separate incompatible land uses on which shall be placed trees, bushes, ground covers and barriers as necessary to reduce the deleterious effects of the activities.
2. Landscaping – the use of planting material, pavements, walls, fences and earth mounds to enhance the aesthetic and safety characteristics of new and existing development.
3. Earth mounds – ridges of piled earth constructed with proper slopes (not to exceed 3:1) and plant material to prevent erosion.
4. Incompatible Land Uses – any facility or use on a property which is incompatible with the adjacent use. For example, parking areas and dumpsters would be incompatible uses, but drainage facilities most likely would not.

5. Interior Landscaping Areas – planting areas such as islands or peninsulas within a vehicular use area as required by Section 304.4.3 of this Ordinance.
6. Vehicular Use Area – any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more of any type vehicle or mobile/manufactured home including but not limited to parking lots, loading and unloading areas, sales and service area.
7. Ground Cover – planting with a mature height of twelve inches (12”) or less including but not limited to grass, certain juniper, and ivy. Within LBAs next to a public right-of-way, crushed rock, tree bark or process shale may also be used.
8. Low Shrubs – low lying deciduous or evergreen ground covers.
9. Shrubs – planting materials with a functional mature height of two to twelve feet with foliage for its full height.
10. Trees – planting materials with a functional mature height of ten or more feet. When used in conjunction with interior landscaping areas, trees should have a minimum clear height of five feet from the ground to the lowest branch.
11. Hedge – a row of bushes planted at such interval as to create a continuous mass within two years after planting.
12. Fence – a barrier constructed of wood, metal, stone, brick or other weatherproof material for the purpose of restricting movement, or screening conflicting activities from sight. In the case of wood fences, slats are to be a minimum ½” in thickness and are to be placed on the outside of the fence unless the design is two-sided (shadow-box, etc.). Chain link fencing may not be used to meet the requirements of this ordinance. The height of fences shall be governed as set forth in the Zoning Ordinance. Fences shall not be used for advertising purposes.

### **304.5 LOT DEVELOPMENT**

The size, proportions, and orientation of individual parcels of land and the buildings placed on them will vary with intended type of land use and with the geologic characteristics of the land. Many of these characteristics are determined through the zoning regulations governing the use of land (i.e. minimum lot size, yard requirements, building setback, and lot coverage). Other principals of lot use and layout are more generally applicable and are basic to principles of good subdivision and development design.

#### **304.5.1 LOT AREA REQUIREMENTS**

SINGLE BUILDING PER RESIDENTIAL LOT-Each separate use building shall be situated on a separate and single subdivision lot or individual lot of record. In no event shall two principle buildings be located on a residential lot. For the purpose of this section an apartment building

shall be considered a principle building. Apartment buildings shall receive approval under a Conditional Use Permit in order to situate two (2) or more principle buildings per lot. Accessory structures shall meet the requirements of the zone.

NON-RESIDENTIAL LOTS-Lots to be used for commercial or industrial purposes shall contain such area as required by zoning regulations such are necessary to accommodate proposed buildings, necessary parking, off-street loading, landscaping, and buffer areas as required.

### **304.5.2 LOT LAYOUT**

LOT LINES-All side lines of lots should be at right angles to straight streets and radial to curved street lines.

LOT WIDTH-All lots shall front on a public street for a minimum distance as regulated in the dimensional requirements for the zone in which it is located. Lots fronting on a cul-de-sac (turn around) shall have a minimum frontage of forty (40) feet, and have a minimum width of seventy five feet (75) feet at the building line.

CORNER LOTS-Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be review by the authority having jurisdiction to determine traffic conditions and safety.

DOUBLE FRONTAGE LOTS-Lots shall not be laid out so that they have frontage on more than one street except: (a) corner lots, or (b) when the rear of the lot faces an arterial, freeway, or railroad right-of-way and the front of the lot faces on a minor street.

TOPOGRAPHY-All parcels shall be laid out as related to topography and shall provide a building site of adequate size, free from drainage problems.

LAND REMNANTS-If remnants of land exist after subdividing and have no apparent future use which can be properly controlled, they shall be incorporated into the lot pattern of the proposed subdivision.

### **304.5.3 BUILDING SETBACK LINE**

Building setback requirements shall meet the requirements of the zone in which they are located. Building setback lines for residential subdivision lots shall meet the requirements of a R-1 Zone.

YARD REQUIREMENTS-Yard requirements for all new proposed residential subdivisions after the adoption of this ordinance inside the corporate limits of London shall be the same as the yard requirements set forth in the dimensional requirements of the R-1, Residential Zone.

### **304.5.4 LOT IDENTIFICATION**

MONUMENTS-Permanent monuments of concrete or steel rods shall be set at all lot corners, angle points of curves in streets and their location marked on the final plat.

LOT NUMBERS-All parcels of land in a subdivision, other than streets, shall be given a consecutive number. This applies also to lots intended for non-residential use.

PROPERTY NUMBERING SYSTEM-Individual lots shall be given a street address by the 911 addressing department.

### **304.5.5 MOBILE/MANUFACTURED HOME AND PLANNED UNIT DEVELOPMENT**

MOBILE/MANUFACTURED HOME DEVELOPMENT-Development of mobile/manufactured home sites for rental, lease, or sale shall conform to the requirements of the city's mobile/manufactured home park regulations or Kentucky Revised Statute Chapter 219, whichever is more restrictive.

PERMIT APPLICATION-The developer of a mobile/manufactured home park shall apply to the Kentucky Department of Health to obtain a permit to construct or alter a mobile/manufactured home park prior to filing a preliminary or final subdivision plat with the Planning Commission.

CONSTRUCTION PLAN-The complete construction plan as required by the Kentucky Department of Health shall be considered a suitable substitute for all plat requirements of these regulations in regard to mobile/manufactured home parks.

### **304.5.6 PLANNED DEVELOPMENT PROJECT**

Sections of the regulations may be modified by the Planning Commission in the case of plans for complete neighborhoods or other design innovations which, in the opinion of the Commission, achieve the basic objectives of these regulations, and provided they are in keeping with the intent of Section 202.1.2 of this ordinance.

## **304.6 TRANSPORTATION**

The Planning Commission shall assure that transportation improvements conform to the transportation plan. Proposed streets shall be considered in their relationship to existing and planned streets, to topography, public convenience and safety, and in relationship to proposed land uses to be served. Where it is desirable, consideration shall be given to other modes of transportation including pedestrian and bicycle.

### **304.6.1 STREETS**

Streets, as ways for the movement of vehicular traffic, serve two principle functions: first, the movement of people and goods and second, access to adjoining properties. Unfortunately, these two functions are of a conflicting nature because the smooth movement of traffic is interrupted by vehicles entering or leaving traffic from or to adjacent property.

To satisfy the competing street functions of movement and access, sound traffic engineering principles require the use of classification system of several levels. Each street classification serves a combination of the two functions.

BITUMINOUS CONCRETE OR MACADAM BASE-Plats containing subdivision or development streets located within the city limits of London, may not be acceptable to or initially approved by the Building Inspector until:

1. All grading and drainage is completed and approved by the Building Inspector, and a contract and performance bond is entered into whereby the subdivider or developer agrees to complete all street improvement as requested by the (city),
2. In order to allow for a time of adjustment, the black base of binder shall be applied not earlier than twelve (12) months not later than eighteen (18) months after the initial approval of the plat or when the lots are fifty (50) percent occupied with dwellings or commercial buildings, whichever first occurs. The sand-mix based blacktop surface shall be applied not earlier than thirty-six (36) months not later than forty-two (42) months after initial approval of the plat, or when the lots are fifty (50) percent occupied with dwellings or commercial buildings, whichever first occurs.
3. The binder and surface on subdivision or development streets may be applied at any time; at the risk of the subdivider or developer maintains the binder and surface in a good condition, subject to inspection and approval by the Building Inspector at all times set out herein.
4. The performance bond shall be in an amount determined by the city, and shall be filled by property bond with certified appraisal of real estate attached, and approved by the or by cash, cashier's check, or other written guaranty from a local bank in the name of the City of London.
5. No subdivision or development street may be accepted into the city road program for maintenance or become the responsibility of the City of London until all improvements have been completed as set out herein, and until officially accepted by the City Council at a regular or special meeting.

**304.6.1.1 STREET CLASSIFICATION STANDARDS**

Type of Street	Minimum Right-of-Way	Minimum Pavement Width
Cul-de-sac (a)	60' 50' (Radius)	20 foot pavement width forming a circle within a Cul-de-sac 45' Radius from center

ACCESS EASEMENT STANDARDS-No private approach or driveway shall be constructed or maintained from any subdivision street or development, which is or may become a city street maintained road, unless the approach method of construction is inspected by and approved by the Building Inspector, prior to construction. Tile for driveways within subdivisions and developments shall be at least fifteen (15) inches in diameter and shall be reinforced concrete.

### 304.6.1.2 STREET CLASSIFICATION SYSTEM

STREET CLASSIFICATION SYSTEM-The following functional street classification shall be considered in the planning of a subdivision or development and the implementation of the Comprehensive Plan.

1. INTERSTATE HIGHWAYS-For the purpose of moving vehicles intercity or between major parts of a city at high speed. Access is limited to continuous flow, grade-separated interchanges with arterial streets. Directional flow is served by two or more lanes each direction and is separated by a grass or barrier median.
2. ARTERIAL STREETS-Primarily for the purpose of moving vehicles intercity (highways) and connecting sections of a city at moderate speeds. Directional flow may be separated by mountable, non-mountable, or barrier medians and served by one to three lanes in each directions. Additional lanes may be designated for left and right turns. Access from adjacent properties is controlled and where arterial streets are, state highways, require an access permit from the State Department of Transportation. Where a subdivision fronting on a highway with a potential for fifty (50) or more lots is proposed for development, the developer shall be required to provide turn lanes on the highway to serve the proposed development. Entrances to subdivisions fronting on highways will be required to provide adequate site visibility for highway traffic. Access from adjacent residential development should be limited to intersections from collector streets. Residential development should back up to arterial streets and have deeper back yards and provisions for buffering.
3. COLLECTOR (MAJOR) STREET-For the purpose of “collecting” traffic from local streets for distribution to arterial streets and to provide access to adjacent property. Directional flow may be served by one or two lanes in each direction with additional turning lanes as needed. Parking may be permitted.
4. LOCAL (MINOR) STREET-For the purpose of providing vehicular access to adjacent properties. Directional flow is served by one lane in each direction. Posted speed limits are low. Parking is not permitted and may require additional roadway width. Layout should discourage through-traffic.
5. CUL-DE-SAC STREETS-A local street with only one end open to vehicular traffic and the other end terminated by a permanent vehicular turn-around. The length of cul-de-sac streets shall not exceed six hundred (600) feet.
6. FRONTAGE (MARGINAL ACCESS) ROADS-For the exclusive purpose of providing access to properties adjacent to arterial streets and expressways. Frontage roads provide for two-way traffic at a slow rate of speed and parallel the arterial street with limited access points. The commission may require frontage roads as a condition to approval of development along designated or proposed arterial or expressways.
7. ALLEYS-For the purpose of providing secondary vehicular access to adjacent properties along the rear or side lot lines in commercial or industrial areas. Alleys shall not be used for residential subdivision.
8. DEAD END STREETS-A street having an outlet at only one end and terminated at the other end by underdeveloped property. Dead end streets that extend beyond the corner lot shall be served by a turn-around (cul-de-sac) facilities.

## STREET CLASSIFICATION STANDARDS

Type of Street	Minimum Right of Way (ft)	Minimum Pavement Width (ft)	Minimum Lane Width (ft)	Grade Max.	Min.	Lanes
Interstate Highways	Variable	24 + 24	12	4%	0.5%	4
Arterial	100	48	12	6%	0.5%	2-4
Connector (Major)	60	40	10	8%	0.5%	2-4
Local (Minor)	40	20	10	12%	0.5%	2
Cul-De-Sac (a)	50	20	10	12%	0.5%	2
Frontage (Marginal Access)	40	20	10	8%	0.5%	2
Alley	20	20	10	10%	0.5%	2

\*Does not include parking on both sides

CUTS IN CITY STREETS-Any person desiring to place a water, sewer, gas or oil conduit within the right-of-way of any street or alley within the city limits of London, Kentucky, shall first make written application to the Mayor or Building Inspector of the City of London for a permit to do so. The application shall be accompanied with a permit fee of five hundred ("500.00") dollars, [changes to this paragraph inserted per Bryson email of 03-12-24] together with a scaled drawing of the street or alley to be cut. Upon issuance of the permit to cut the surface of the street or alley, the contractor or person cutting the street or alley shall execute a bond in an amount to assure the same will be repaired in as good a condition as it was prior to the cut. The Mayor or Building Inspector shall approve the repair to the street or alley prior to the release of the bond.

Barricades, warning lights, and flagmen (when necessary) shall be provided by the person cutting the city street or alley. One-half of the traveled portions of the street or alley shall be opened to travel at all times; any exception to this, must be approved by the Mayor of London in advance of the street cutting.

CONSTRUCTION MATERIAL ON CITY STREET RIGHT-OF-WAYS-It shall be unlawful for any truck to place or unload any type of construction material or construction equipment within the right-of-way of any city street, unless approved by the Mayor of the City of London in advance. If such circumstances do exist to warrant the same, the person shall notify the City Police and place flagmen and warning lights or signs for the purpose of warning drivers of the obstruction. The flagmen and warning devices shall not be removed until the obstruction is cleared from the street or alley.

CONSTRUCTION TRUCKS WITHIN CITY LIMITS-No vehicle hauling construction material shall transport any item on a city street or subdivision street in a total gross weight, including the load, in excess of eighty thousand (80,000) pounds. Any person violating this portion of this ordinance shall be responsible for the repair of the street upon which the operator was operating the overweight truck.

There shall be a legal presumption that any damage to the street that becomes known within six (6) months of the operation of the overweight truck was caused by the violation of this portion of this ordinance.

CONFORMANCE WITH PLAN-The arrangement, location, character, width, grade, and construction of all streets shall conform to the Comprehensive plan and shall be considered in relationship to existing and planned streets, topography, access to adjacent land, and public convenience and safety.

RESPONSIBILITY FOR STREETS-The developer shall construct streets including all clearing, grading, laying of subbase, base, pavements, curbs, and gutters, culverts, bridges, sidewalks, storm sewer mains and structures in accordance with current city standards.

To achieve the purpose of the Comprehensive Plan, the city may require that certain streets serving a subdivision or planned development be constructed to higher standards than would be necessary to serve the particular subdivision or planned development.

GENERAL STREET DESIGN CRITERIA-The following guidelines shall be used in the review of subdivision or development layout:

BLOCKS-The width of a residential block should accommodate two tiers of lots. Block length should be at least five hundred (500) feet but not exceed twelve hundred (1200) feet. Where a block exceeds nine hundred (900) feet in length, a through sidewalk on a ten (10) foot right-of-way may be required.

PRIVATE STREETS AND RESERVE STRIPS

- a. There shall be no private streets platted within a subdivision or development.
- b. There shall be no reserve strips in a subdivision except where their control is definitely vested in the city under conditions approved by the Planning Commission, as authorized in these regulations.

STREET INTERSECTIONS-Multiple intersections involving the junction of more than two main streets shall be avoided. Street intersections shall be aligned opposite one another, otherwise offsets between intersections shall be reviewed and regulated by authority having jurisdiction (city/state highway officials). Streets shall intersect as nearly as possible at right angles.

STREET GRADE AND ELEVATIONS

- a. Street grades shall conform to the following:

PERCENT GRADE

Street Types	Allowable Maximum	Desirable Maximum
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Arterial	12	4
Collector	12	5
Minor	12	8

b. All streets shall be designed to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than one-half (1/2) of one (1) percent.

c. The Planning Commission or city street official shall not approve streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free so that portions of the subdivisions or development will not be isolated by floods.

Minimum safe sight distance at an intersection shall be determined as a straight line of unobstructed view measured in each direction across the corner between points, each fifty (50) feet back from the theoretical intersection of the centers of the pavement extended and between two and one-half (2 ½) and ten (10) feet above the surface of the pavement. The space so described shall not be blocked by bushes, trees, structures, or other obstructions.

MULTI-FAMILY AREAS-Streets serving multi-family areas shall connect to collector or arterial streets to avoid generating large volumes of traffic on local streets. Such streets should also be of adequate width.

STREET NAMES-Street names shall be selected which will not duplicate or be confused with names of other existing streets in the city of London. Proposed streets, which are clearly in alignment with existing streets, shall bear the name of the existing street. Generally, no street should change direction by more than ninety (90) degrees without a change in name.

STREET SIGNS-Subdivisions or developments shall have permanent street signs installed by the developer according to city requirements.

DEDICATION OF RIGHT-OF-WAY FOR NEW STREETS

a. The dedication of right-of-way for new streets measured from lot line to lot line shall meet the following standard: A minimum of forty (40) feet right-of-way. In no case shall the flat surface of the road be less than twenty-four (24) feet and the pavement width less than twenty (20) feet. A sketch of a typical section is shown.

b. Through proposed business areas, street widths shall be increased ten (10) feet on each side if needed to provide normal traffic movement.

c. In cases where topography or other physical conditions make a street of the required minimum width impracticable, the City Council may modify these requirements.

d.

## DEDICATION OF RIGHT-OF-WAY FOR EXISTING STREETS

Subdivisions or developments platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements:

- a. The entire minimum right-of-way shall be dedicated where the subdivision or development is on both sides of an existing street.
- b. Dedication of one-half (1/2) of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

DEAD-END STREETS-Dead-end streets, other than complete cul-de-sac streets, shall only be permitted as part of a continuing street plan. Reserve strips shall be prohibited.

STREET CONSTRUCTION-Streets shall be constructed in conformance with the following requirements.

GRADING AND EMBANKMENTS-The area on which streets are to be constructed should be cleared of all vegetation for a depth of at least three (3) inches and disposed of outside of the limits of the typical section. Prior to the construction of embankments, any unsuitable material on which the embankment will be superimposed should be removed and the area should be stabilized by conventional methods. The embankments shall be formed by placing material in successive horizontal layers of not more than twelve (12) inches in thickness (loose depth). Each layer shall be thoroughly compacted by rolling with a ten ton three wheel roller, sheep-foot roller, or other approved type roller.

CUT SECTION EXCAVATION-Cut sections should be excavated to the required typical section and any unsuitable material encountered shall be removed and the area backfilled in six (6) inch horizontal layers and thoroughly compacted before successive layers are placed.

SOLID ROCK EXCAVATION-If solid rock is encountered in connection with the grading operation, the solid rock shall be removed to a depth of six (6) inches below subgrade elevation and back filled to meet the requirements above.

SUBGRADE PREPERATION-Prior to the construction of either rigid or flexible type surface course construction, the subgrade shall be shaped to the required typical section and thoroughly compacted. Any subgrade found to be unstable or irregular shall be corrected ahead of the various types of base or pavement construction.

CONCRETE SRTREET PREPARATION-Shall meet requirements for Class "A" Kentucky Department of Transportation Bureau of Highways, Standard Specifications, Current Edition.

BITUMINOUS CONCRETE ON MACADAM BASE-The macadam base shall consist of four (4) inches of #3 stone and four (4) inches of D.G.A., or eight (8) inches of D.G.A., for total after compaction of eight (8) inches. Upon this base apply .35 gallons per square yard of RT-2 light prime emulsion or equal. Place two (2) inches Bituminous Concrete Class I (black base or binder) and one (1) inch of sand-mix based blacktop after compaction and then compact with a

five (5) to ten (10) ton roller. The developer shall notify the responsible city official in charge of streets at least seventy-two (72) hours before putting down the base of blacktop.

CURBS AND GUTTERS-Box curbs and gutters shall be required for all new developments and subdivisions. Gutters shall be designed to channel surface water into an approved drainage system.

DITCHES-The developer shall provide properly graded ditches for drainage. Existing drainage ditches shall not be filled or tiled without the approval of city street officials.

ACCESS EASEMENT STANDARDS-Access easements shall be permitted to provide sole access to a lot (or lots) only under exceptional circumstances provided the Planning Commission or Administrative Official as its delegee finds that the application of the requirements and standards for public or private streets would clearly be excessive or impossible. Prior to permitting an access easement as sole access to a lot (or lots), the Commission or the Administrative Official as its designee shall first thoroughly review the possibility of utilizing a public or private street as access and shall give specific reasons for permitting the access easement in its action on the proposed subdivision. The Planning Commission or Administrative Official as its delegee shall have the right to fully regulate such access easements as to width, construction standards, use, length, number of lots to be served, and any other relevant factor.

Nothing within this section shall be construed so as to abrogate the power of the Commission to deny a subdivision or planned development proposing to use an access easement as sole access.

### **304.6.2 WALKWAYS**

The purpose of walkways (sidewalks) is to provide pedestrian circulation and safety. They also serve as an important element in the recreational system by providing space for walkers/hikers, joggers, and bicyclists. Generally, the need for walkways will vary, based on such factors as street types, traffic flow, on-street parking, probable volume of pedestrians, proximity to schools, etc.

Sidewalks shall be required according to the following conditions and shall be the responsibility of the developer.

NEW RESIDENTIAL SUBDIVISIONS-In residential areas, sidewalks shall be provided on both sides of the street. Where a residential block exceeds nine hundred (900) feet in length, a through sidewalk in a ten (10) foot easement is required.

NEW COMMERCIAL SUBDIVISIONS-Sidewalks shall be required for all commercial lots.

NEW INDUSTRIAL SUBDIVISIONS-Sidewalks shall be required for all industrial lots.

STANDARDS-Sidewalks shall be constructed of concrete, at least four (4) inches thick and four (4) feet wide, poured over a compacted four (4) inch dense grade gravel subbase. The width of side walks within a subdivision shall be four (4) feet

ACCESSIBILITY- In order to provide adequate access for all citizens, the following requirements apply to all new sidewalk development. All public areas shall be accessible to persons with disabilities and meet the requirements of the American National Standards Inc. The developer shall be responsible for providing accessible features to meet this requirement.

Curb ramps in compliance which meet the requirements of the Americans with Disabilities Act shall be provided wherever an accessible route crosses a curb. Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes.

If a curb ramp is located where pedestrians must walk across the ramp or where it is not protected by handrails or guardrails, then it shall have flared sides.

Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

### **304.7 PUBLIC UTILITIES/FACILITIES**

The administration of these regulations by the Planning Commission or Administrative Official as its designee shall take into account the relationships between new development and the adopted community plans for utility systems. Proposed development shall be considered in terms of required service by sanitary sewer facilities, water supply, storm water drainage, and energy supply. Where necessary, the Planning Commission or Administrative Official as its designee shall require the provision of exclusive utility easements consistent with the needs to serve the proposed and future development.

#### **304.7.1 SANITARY SEWAGE TREATMENT SERVICE**

Where a public sanitary sewer system is reasonable accessible as determined by the Planning Commissioner city officials, sanitary sewers shall be installed by the developer to adequately serve all lots or parcels with connections to the public system.

INDIVIDUAL DISPOSAL SYSTEMS-Where a public sanitary sewer system is not reasonably accessible, septic tank or other individual systems may be installed in accordance with these Regulations, and subject to the approval and conditions of the County Health Officer and /or Kentucky Department of Health, based on the review of a soil analysis and percolation data or other pertinent data for each lot in the proposed subdivision or development.

FUTURE SERVICE-Where plans exist for extending a public sanitary sewer system into an area that is being subdivided or developed, and it is reasonably expected that the area will be served by a public sewer system within a period of five years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision or development.

GENERAL STANDARDS-Subject to the specific determination to the contrary by the Commission or other agency, the following general standards shall apply. The minimum sewer

pipe connection to any parcel shall be four (4) inches inside diameter (i.d.). The minimum sewer pipe line to be used in a residential subdivision shall be of six (6) inches inside diameter.

**PLANS REQUIRED** - In compliance with this Ordinance the subdivider or developer shall submit plans for the proposed sanitary sewer with the filing of a plat of the development for Commission to the London Utility Commission for approval. Such plans shall be prepared by a registered civil engineer and shall show pipe sizes, type of pipe, the location, type, and size of all lift or pumping stations and treatment facilities, if on site.

Such plans shall be designated as a logical extension of the public sewer system including trunk lines as needed to serve the subject tract and future extensions of the system. Approval of the City of London Utility Commission shall be obtained prior to issuance of a building permit.

### **304.7.2 STORM WATER DRAINAGE**

Provisions shall be made by the developer for the collection and channelization of storm water runoff by means of a storm water drainage system designed to handle the runoff from storms occurring on an average frequency of twenty five years (25). The proposed system shall be subject to the review and approval of the Building Inspector, with the recommendation of the City Utility Commission.

**PLANS REQUIRED**-All subdivisions, developments and all multi-family residential, commercial, and industrial developments in the City of London are required to submit a detailed storm water management plan to the London Utility Commission. Basically, the plan will call for the developer to provide the following information:

1. Name of drainage basin in which property is located.
2. Adjacent land uses.
3. Proposed use of site.
4. Runoff Analysis: Inflow, on-site flow (before and after dev.), outflow (based on plan to mitigate impact)
5. Details for channelizing water on-site (natural/artificial systems) showing location and site of all structures (storm sewers, inlets, catch basins, manholes, culverts, swales, etc.)
6. Details for diverting, detaining, or retaining water on-site showing location, type, and specifications for structures.
7. Certification by engineering that figures are correct, and that design is adequate for minimizing outflow.

**DISPOSAL BEYOND SUBDIVISIONS OR DEVELOPMENTS**-Where an adequate public storm sewer is available at the subdivision or development boundary, the developer shall construct the storm sewer system to connect with such storm sewer line. If such a system is not available, the developer is required to meet all requirements of the ordinance with the requirements of the City of London Utility Commission. This requirement by the Commission or city officials to provide for the construction of necessary storm drainage facilities as may be required beyond the immediate boundaries of the subdivision or development in order to conduct

runoff to an acceptable point of disposal. Approval of the City of London Utility Commission shall be obtained prior to issuance of a building permit.

### **304.7.3 WATER SUPPLY SYSTEM**

Where a public water supply is available, the subdivider or developer shall be required to provide an adequate supply of pure water to all lots in the subdivision or development. The water supply shall be sufficient to satisfy the needs of both domestic use and fire protection. The distribution system shall be so designed and constructed as to form an integral part of the city's water district or associations distribution system, and be in conformity with the Comprehensive Plan. The distribution system shall be in accordance with the current city standards as well as the standards of the Natural Resources and Environmental Protection Cabinet, and the State Fire Rating Bureau.

PLANS REQUIRED-In compliance with the sections of these regulations, the subdivider shall submit plans for the proposed water system to the London Utility Commission for review and approval. These plans shall show location of connections to existing systems, locations and size of proposed mains, and fire hydrants. Approval of the City of London Utility Commission shall be obtained prior to issuance of a building permit.

### **304.7.4 FIRE HYDRANT BONDING**

PLANS REQUIRED-In compliance with these regulations, the subdivider or developer shall submit plans for the proposed water system. These plans shall show location of connections to existing systems, location and size of proposed mains, and fire hydrants. If the proposed development or subdivision does not meet the requirements for the installation of the fire hydrants at the time of construction a performance bond shall be posted with the City to assure completion of all fire hydrant(s) shall be installed in the future. The London Utility Commission shall estimate the amount of the fire hydrant performance bond.

#### **304.7.4.1 RESIDENTIAL SUBDIVISIONS OR DEVELOPMENTS (INCLUDES MOBILE/MANUFACTURED HOME PARKS)**

##### WATER SUPPLY

- a. Water mains shall be not less than six (6) inches in diameter, including fire hydrant breach connections, installed in conformity with the minimum requirements of the City-Utilities. Where size and physical characteristics indicate, the developer may be required to install mains of a larger diameter.
- b. Water mains shall be so arranged that the distance between intersecting mains does not exceed eight hundred (800) feet, eight (8) inch or larger mains must be used.
- c. Eight (8) inch mains shall be used where dead-end and poor circulating gridironing is likely to exist for a considerable period of time, or where the layout of the streets and topographical characteristics are not well adapted to a circulating system.

- d. The distribution system shall be equipped with a sufficient number of valves so located that breakage or other interruption will not cause the shut-down of any portion of a main greater than eight hundred (800) feet.
- e. Approval of the City of London Utility Commission shall be obtained prior to issuance of a building permit.

FIRE HYDRANT INSTALLATION-Fire hydrants shall be spaced to meet the following requirements:

1. In the City of London fire hydrants shall be spaced not farther than one thousand (1,000) feet apart as measured over hard surface roads.
2. In the City of London in no event shall the distance between a fire hydrant and a building exceed five hundred (500) feet as measured on an all-weather road.
3. Where cul-de-sac streets are being developed, a fire hydrant will be located on one of the lots at the beginning of the cul-de-sac street.
4. For Buildings with sprinkler systems a fire hydrant shall be installed within 50 feet of the fire sprinkler system.

FIRE HYDRANT USE

- a. Fire hydrants shall meet all minimum specifications and be installed in conformity with the requirements of the City of London Utility Commission.
- b. Fire hydrants shall be able to deliver five hundred (500) gallons per minute with a friction loss of not more than 2 ½ pounds per square inch in the hydrant, and a total loss of not more than five (5) pounds per square inch between the street main and outlet.
- c. Eight (8) inch mains shall be used where dead-end and poor circulating gridironing is likely to exist for a considerable period of time, or where the layout of the streets and topographical characteristics are not well adapted to a circulating system.
- d. The distribution system shall be equipped with a sufficient number of valves so located that breakage or other interruption will not cause the shut-down of any portion of a main greater than eight hundred (800) feet.
- e. Approval by the Superintendent of the London Utility Commission.

**304.7.4.2 INDUSTRIAL/COMMERCIAL/HIGH DENSITY RESIDENTIAL DEVELOPMENT**

WATER SUPPLY

- a. Water mains shall be not less than eight (8) inches in diameter and fire hydrant branch connections shall be not less than six (6) inches. Water supply and water main sizes will be subject to reasonable additional requirements relative to the degree of density of development and use.
- b. Approval of the City of London Utility Commission Superintendent shall be obtained prior to the issuance of a building permit.

## FIRE HYDRANT INSTALLATION

- a. Fire hydrant spacing shall be not less than that required for residential areas referred to above, and in addition, each building shall have hydrants within the following distances:
  1. 300 feet distance – 1 hydrant
  2. 500 feet distance - 3 hydrants
  3. 1000 feet distance – 5 hydrants
- b. No part of the exterior of the building, other than dwellings, shall be farther than five hundred (500) feet from a hydrant, or must meet state regulations or requirements. Distances are to be measured along the shortest feasible exterior route (never measured through the building) for laying hose.
- c. Fire hydrants must be located at least twenty-five (25) feet from the exterior wall of any masonry building, and at least fifty (50) feet from any exterior wall of frame or equivalent construction, including brick and stone veneer.

## FIRE HYDRANT TYPE

- a. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the City of London Utility Commission.
- b. Fire hydrants shall be able to deliver one thousand (1000) gallons per minute with a friction loss of not more than 2 ½ pounds per square inch in the hydrant, and a total loss of not more than five (5) pounds per square inch between the street main and outlet.
- c. Fire hydrants shall be equipped with not less than two 2 ½ inch outlets and a large pumper outlet of with a 5" STORZ Connection.
- d. A gate valve must be installed between the main and the hydrant.

## ADNIMISTRATIVE PROCEDURE

- a. During the installation of all water lines and fire hydrants, the developer and/or his contractor must notify the City of London Utility Commission and the City of London Building Inspector so they may inspect said improvements. No improvements shall be covered or concealed until they have been approved by both authorities.
- b. Upon completion and approval, the developer and/or his contractor shall obtain in writing for the Superintendent of the City of London Utility Commission that all improvements have been accepted and approved.
- c. No Certificate of Occupancy may be approved until such certification has been obtained.
- d. In order for a fire hydrant to be installed in the City of London by the water district, a professional engineer will have to certify that the system can provide minimum fire flow of two hundred fifty (250) gallons per minutes, and that the

system can provide this flow for a period of not less than two (2) hours plus consumption at the maximum daily rate. The location, installation, and responsibility for maintenance of fire hydrants, public and private protection facilities, connecting mains and their ownership may be subject to negotiation by the utility and, if owned by the utility, shall be subject to conditions the commission may impose, based upon the compensation received for this service. The London Utility Commission will determine the requirements for fire hydrants based on the certification by a professional engineer.

### **304.7.5 PROVISION OF UTILITY AND DRAINAGE EASEMENTS**

The subdivider or developer shall set aside easements for placement and access to maintenance of public and private utilities and drainage as indicated below. The specific use of the easement shall be indicated on the plat.

LOCATION OF EASEMENTS-Where utilities do not follow streets, easements shall follow lot lines in order not to restrict the placement of the building.

DIMENSIONS OF EASEMENTS-The minimum width for utility easements shall be twenty (20) feet to permit access by maintenance vehicles. Where such easements follow lot lines, they may be split with ten (10) feet provided on each lot. Dead-end easements shall not exceed one hundred fifty (150) feet in length. Drainage easements must be at least twenty (20) feet in width.

RESTRICTIONS-No fences, principle or accessory buildings, or other structures shall be permitted within easements. Any overhanging or obstruction limbs, shrubbery, or vegetation may be removed within the limits of the easement at the sole discretion of the appropriate maintenance personnel.

MAINTENANCE AND REPAIR OF IMPROVEMENTS-The developer is responsible for the maintenance and repair of the improvements installed. The developer shall be responsible for any damage done to the improvements by construction traffic, local traffic, or by any other means and shall insure the accessibility to all occupied lots until final acceptance for maintenance by the city. Upon completion of work and before public acceptance, the developer shall clean up all ground occupied or affected in connection with the work. Failure to maintain or repair improvements may result in withholding Certificate of Occupancy.

LIABILITY INSURANCE-The developer shall furnish such insurance as deemed necessary by the City of London which shall indemnify and save harmless the city from any all liability arising from any conditions which may result from the construction or installation of improvements. The insurance shall be of such as determined by the City of London, but in no case shall be allowed to expire earlier than one (1) year from the date that construction or improvements is accepted for maintenance by the city. A copy of the insurance policy shall be filed with the City Clerk.

### **305 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

A schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of occupancy, appeals, and other items shall be posted in the Office of the Administrative Official. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ADVERTISEMENT-Applicants will be responsible for paying the necessary cost of advertisement.

FILING FEES-All variances and conditional use permits approved by the Board of Adjustments shall be recorded at the expense of the applicant in the Office of the County Court Clerk.

## **ARTICLE IV THE DEVELOPMENT OF STRUCTURES**

### **400 CODE REFERENCES**

In the interest of public safety and uniform construction, the Codes Office uses the following Codes:

The Kentucky Building Code (current edition). Kentucky Residential Code (current edition). Please Note: The Commonwealth of Kentucky is continuously upgrading and revising the requirements for Public Safety. This Ordinance shall automatically adopt each revision made by the Commonwealth of Kentucky Board of Housing, Buildings and Construction and all Code referenced in its revisions.

The Kentucky Building Code also encompasses the Kentucky State Plumbing Code, Boiler Rules and Regulations, National Electric Code NFPA 70, International Mechanical Code, International Energy Conservation Code, NFPA 54 National Fuel Gas Code, NFPA 13 Standard for the Installation of Sprinkler Systems, NFPA 72 National Fire Alarm Code.

These codes are considered as minimums and the department encourages construction and safety measures that exceed these if at all possible.

### **401 PROCEDURES**

The following steps are necessary to obtain a Building Permit:

1. Check for appropriate zoning.
2. An erosion control plan.
3. A copy of the deed.
4. Permit must be obtained before work is started.
5. Have application for service and utilities.
6. Have building and site plan which meet all requirements mentioned in Section
7. Fill out building application and affidavit of insurance.
8. Fees are based on the cost of construction minus land cost.
9. Owner/builder is responsible for calling in for inspection.

10. Certificate of Occupancy is given only after the four basic inspections are made.

#### **401.1 PRELIMINARY SITE PLAN**

1. At the time an application for a building permit is made to the Building Inspector of the City of London, the owner of said proposed building or his agent shall file with the Building Inspector a plan that reflects the proposed entrance and/or exit for purposes of ingress and egress to the building. The plan shall reflect the streets or roads into which the entrance or exits connect. The plan shall be drawn to scale and when required by the building inspector the plan shall be stamped by a licensed land surveyor Licensed by the State of Kentucky
2. The Building Inspector shall approve or disapprove the location of such proposed entrance or exits. The Building Inspector shall consider the following:
  - a. The population density of the community and character of the community or surrounding area.
  - b. The width, condition, and other characteristics of the streets and roads into which the ingress or egress is attaching.
  - c. Characteristics of the particular building that may influence in any manner the use of the City Street or public road.
3. The Building Inspector shall approve or disapprove the plan for the proposed ingress and egress based on the above factors and shall refuse to grant the building permit or approve the plan until the plan for ingress and egress is approved.
4. Appeals from an adverse decision of the Building Inspector shall be heard by the Board of Zoning Adjustment (London Appeals Board) in the same manner as other appeals.

#### **ARTICLE V DEFINITIONS**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Zoning Ordinance as well as any other definitions set forth elsewhere in this Zoning Ordinance. Words used in the present tense shall include the future; the word “building” shall include the word “structure”; the word “lot” includes the words “plot” or “parcel”; the word “used” shall include “arranged”, designed, constructed, altered, converted, rented, leased” or intended to be “used”; the word “shall” is mandatory “may” is permissive, and “should” is preferred.

1. Accessory Use of Structure: A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot, serving a purpose customarily incidental to the use of the principal building or land use.
2. Administrative Official: The Administrative Official shall be the Chief Building Inspector, and be the Administrative Official over the Code Enforcement Office, Certified by the

Commonwealth of Kentucky as a Level III -Building Inspector, appointed by the Mayor & City Council which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation. The Administrative Official, when enforcing these regulations, may seek the assistance of the London City Police, London City Fire Department and/or London City Safety Officer. In enforcing this ordinance, the Administrative Official shall also have the title of Authority Having Jurisdiction, Chief Building Official, Code Official, Code Enforcement Official, Local Flood Plain Administrator, and Zoning Official. The Mayor may appoint, with approval of the City Council one or more deputies to the Administrative Official who shall act under the supervision of the Administrative Official and have authority, rights, and responsibilities as identified in the appointment. Such authority may include the right to take action to the same extent as could be taken by the Administrative Official and to act in his or her place as if such deputy was the Administrative Official.

3. Agricultural Use: "Agricultural Use" means the use of:

(a) A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public. For purposes of this subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;

(b) Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;

(c) A tract of at least five (5) contiguous acres used for the following activities involving horses: 1. Riding lessons; 2. Rides; 3. Training; 4. Projects for educational purposes; 5. Boarding and related care; or 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or

(d) A tract of land used for the following activities involving horses: 1. Riding lessons; 2. Rides; 3. Training; 4. Projects for educational purposes; 5. Boarding and related care; or 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations. This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004;

4. Alley or Lane: A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.
5. Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
6. As-Built Plans: Engineering plans of public facilities, particularly water and sewage systems, prepared after construction to show the exact location and dimensions of the systems as they have actually been installed.
7. Automotive Repair, Major: Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.
8. Automotive Repair, Minor: Incidental minor repairs, upholstering, replacing of parts and motor service to passengers cars and trucks not exceeding one and one-half (1 ½) tons capacity, but not including any operation named under “Automotive Repair, Major.”
9. Automotive Service Station: A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease or parts and accessories for operating motor vehicles is offered greasing and oiling on the premises.
10. Automotive Wrecking: The dismantling or disassembling of used motor vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
11. Basement: A story of a structure whose floor elevation meets the requirements of the Kentucky Building Code.
12. Block: In describing the boundaries of a district, the word block refers to the legal description. In other cases, the word block refers to the property abutting one side of a street and a railroad right-of-way or waterway.
13. Board of Adjustment: A body of five citizens appointed by the mayor pursuant to KRS 100.217, and having the following functions: 1) Acting on conditional use permits and dimensional variances, and 2) reviewing and deciding upon appeals regarding errors in interpretation of the zoning ordinance.
14. Boarding or Lodging House: A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for four (4) or more persons for compensation by previous arrangement, but not transients.
15. Buildable Lot Area: That part of the lot not included within the open areas required by this Ordinance.
16. Building: Any structure having a roof supported by columns or walls, used or intended to be used for the support, shelter, protection or enclosure of persons, animals, or property.
17. Building Height of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.
18. Building Permits: A document issued by the Administrative Official authorizing the use of lots, structures, uses of land and structures.
19. Building Setback Line: The line beyond which no building or part thereof shall project, except as otherwise provided by this ordinance.

20. Cemetery: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.
21. Chairperson: The elected chairperson of the Planning Commissioner, in his/her absence, the Vice Chairperson or other delegated representative.
22. City: The incorporated area of the City of London.
23. Commission: The Planning Commission administering these regulations.
24. Community: means a manufactured home, mobile home, and recreational vehicle community.
25. Comprehensive Plan: A plan or any portion thereof, adopted by the Planning Commission and/or the city/county showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities.
26. 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.
27. 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 (2) parts:
  - a. A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and
  - b. A statement of the specific conditions which must be met in order for the use to be permitted.
28. County: Refers to the territory of Laurel County.
29. Court: An open unoccupied and unobstructed space, other than yard, on the same lot width a building or group of buildings.
30. Daycare Center: A facility for child care that meets state requirements.
31. Density: A unit of measurement; the number of dwelling units per acre of land.
  - a. Gross Density- the number of dwelling units per acre of land.
  - b. Net Density-the number of dwelling units per acre of land devoted to residential uses.
32. Developer: Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations, to carry out the development of land as defined herein, for himself or for another.
33. Development Plan: Development plan means written and graphic material for provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.
34. Display Sign: A structure that is arranged, intended, designed, or used as an advertisement, announcement or direction, including a sign, billboard, or advertising device of any kind.
35. Driveway: An improved surface connecting a garage or parking area with the street.

36. Dwelling: A building or structure designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or mobile/manufactured home, camper, boarding or rooming house, hotel or motel.
37. Dwelling, Multi-Family: A building or portion thereof designed or used exclusively as the residence of three (3) or more families or housekeeping units living independently of each other.
38. Dwelling, Single-Family: A detached building occupied exclusively for residential purposes by one (1) family housekeeping unit.
39. Dwelling, Two-Family: A detached residential building containing two (2) dwelling units designed for two (2) families or housekeeping units living independently of each other. (Duplex).
40. Dwelling Unit: One (1) room or a suite of two (2) or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.
41. Easement: Authorization by a property owner for the use by others, of any designated part of his property, for a specified purpose and time as described in the conveyance of land by such easement.
42. Essential Services: The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, boxes, traffic signals, hydrants, and other similar equipment and furnishing of adequate service by such public health or safety or general welfare, but not including buildings.
43. Family: A person living alone, or two (2) or more persons related by blood, marriage or adoption, or not more than five (5) unrelated persons living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, motel, or hotel, fraternity or sorority house.
44. Federal act: means the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. secs. 5401 et seq., as amended, and rules and regulations issued thereunder.
45. Frontage: Frontage shall be that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. Where a lot abuts more than one street, the Administrative Official shall determine the frontage for purposes of this ordinance.
46. Garage, Private: A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principle building.
47. Grade: The inclination from the horizontal of a road, unimproved land, etc. and is expressed by stating the vertical rise or fall as a percent of the horizontal distance.
48. Home Occupation: Professional offices, workshops, studios, and personal services maintained or conducted within a dwelling. Neither the selling of any merchandise nor processing of any product shall qualify as a home occupation. Home occupation includes only those which meet the following: (a) Home occupations shall be incidental to the principal residential use and shall not occupy more than twenty-five percent (25%) of the floor area of the dwelling unit; (b) Home occupations shall result in no exterior evidence, excepting a permitted sign, that the dwelling is used for a non-residential use; (c) Home occupations shall not generate any atmospheric pollution, light flashes, glare, odors, noise, vibration, or truck or other heavy

traffic; (d) No more than one (1) person not a member of the occupant family may be employed in a home occupation.

49. Hospital of Sanitarium: An establishment which provides accommodations, facilities, and services over a continuous period of twenty-four (24) hours or more for observations, diagnosis and care, for two (2) or more individuals suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical, or surgical services.

50. Hotel or Motel: A building in which lodging or boarding are provided and offered to the public for compensation.

51. Improvements: Physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more usable for man's activities. Typical improvements in these regulations would be grading, cutting and filling, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, utility lines of all types, street name signs, property number signs, trees, etc.

52. Industrial Park: An industrial park is a suitable tract of land for industrial use, which has been preplanned and is regulated and administered by a single body or agency.

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

54. Legislative Body: The chief body of a city or county with legislative power.

55. Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

56. Lot: A parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or recorded map, and which is recognized as a separate legal entity for purposes of transfer of title. A lot in the city shall meet all of the appropriate zoning requirements. All lots shall have minimum frontage on a public street or approved private streets as indicated in this ordinance.

57. Lot Area: The amount of surface land contained within the property lines of lot, including the land within easements on the lot, but excluding any land within the street right-of-way or public open space.

58. Lot Corner: A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

59. Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

60. Lot Depth: The average horizontal distance between the front and rear property lines of a lot.

61. Lot Frontage: The front of a lot is that portion nearest to the street, for the purpose of determining yard requirement. For corner and through lots, all sides of a lot adjacent to a street

shall be considered frontage. In this case the developer may choose the street on which the building will front. The front of the building to be constructed on the lot is considered to be the side of the building that includes the main entrance(s) as determined by the Administrative Officials review of construction plans. The front of the building must face the front of the lot and shall meet the front yard requirements.

62. Lot Measurements: A lot shall be measured as follows (Figure 104, Page 96):

a. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

b. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

63. Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

64. Lot-or-Record: A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has also been recorded.

65. Lot, Through or Double Frontage: A lot of which the opposite ends abut on streets.

66. Lot Width: The distance between the two side property lines of a lot measured along the building setback line.

67. Major Street Plan: The portion of the comprehensive plan pertaining to transportation and existing and proposed streets.

68. Manufactured home: means a single-family residential dwelling constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, manufactured after June 15, 1976, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and including plumbing, heating, air conditioning, and electrical systems. A manufactured home may also be used as a place of business, profession, or trade by the owner, the lessee, or the assigns of the owner or lessee and may comprise an integral unit or condominium structure. Buildings, the construction of which are not preempted by the National Manufactured Housing Construction in Safety Standards Act, are subject to the building code requirements of KRS Chapter 198B.

69. Manufactured or mobile home lot: means a parcel of land in a manufactured or mobile home community for the placement of a single manufactured or mobile home.

70. Manufactured or mobile home community: means a parcel of land, under single or multiple ownership and developed specifically for the purpose of leasing two (2) or more residential spaces for the location of manufactured or mobile home dwellings and which contain common facilities and utilities located on the premises as licensed by the cabinet.

71. Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, and ready access to regional transportation.

72. Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet, and free from objectionable or hazardous elements such as smoke, noise, odor, or dust; operation and storing within enclosed structures; and generating little industrial traffic and no nuisances.

73. Minor Subdivision Plat: are considered preliminary plats and shall meet the requirements of 303.1.
74. Mobile home or Modular Home: Definitions of such terms in KRS 132.010 are incorporated herein by reference.
75. Mobile/manufactured Home Park: Any site, tract of land under single ownership, upon which two or more mobile/manufactured homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.
76. Intentionally Omitted.
77. Nonconforming Use or Structure: An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.
78. Noxious or Toxic Matter: Any matter such as dust, dirt, odors, vapors, gases, fumes, smoke, or radiation, which is inherently harmful and likely to destroy life and impair health, or is capable of causing injury to the well being of persons, or damage to property.
79. Nursery, Nursing Home: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.
80. Official Public Properties Map or Official Map: A map prepared in accordance with KRS 100-293 through 100-317 and adopted by the Planning Commission and the city/county, showing the location and extent of the existing and proposed public streets, including right-of-way, water courses, parks and playgrounds, public schools and building sites, and other public facility needs.
81. Open Spaces: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the lake shall not be included.
82. Owner: Any individual, firm, association, governmental agency, or any other legal entity whose name last appears on the tax roles as the owner of a lot of record.
83. Parking Spaces, Off-Street: For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.
84. Planned Unit Development: An area of land in which a variety of housing types and/or related commercial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.
85. Planning Commission: The legally constituted body of five members appointed by the Mayor of London with the approval of the City Council outlined in the responsibilities as described in Chapter 100, KRS.
86. Plat: The map of a subdivision.
- a. Sketch Plat: A preliminary sketch indicating the subdivision's general objectives and desires in regard to the future development of his land, presented to the Planning Commission for its informal consideration.

- b. Preliminary Plat: The drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the County Clerk for recording.
  - c. Final Subdivision Plat: The final map, drawing, or chart upon which the subdivider's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted to the County Clerk for recording.
  - d. Principal Building: The building in which the primary activity on a certain lot is carried out.
  - e. Principal Use: A use which is permitted outright in a district for which a building permit may be issued by the Building Official in accordance with the provisions of this ordinance.
87. Public Facility: Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.
88. Public Use: Public parks, schools, and administrative, and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.
89. Quasipublic Use: Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.
90. Recreational Facilities: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusements parks, stadiums, and bowling alleys.
91. Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporated the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
92. Seat: For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs.
93. Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.
94. Sign: Any device designated to inform or attract the attention of persons on the premises on which the sign is located.
95. Street: A way for vehicular traffic, however designated and regardless of size or ownership, but excluding private driveways serving only one parcel of land.
96. Street Classification: See section 304.6.1.2 of these regulations.
97. Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground.
98. Subdivider: Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations, to create a subdivision of land as defined herein for himself or for another.
99. Subdivision: "Subdivision" means the division of a parcel of land into three (3) or more lots or parcels except in a county containing a city with a population equal to or greater than

eight thousand (8,000) based upon the most recent federal decennial census or in an urban-county government or consolidated local government where a subdivision means the division of a parcel of land into two (2) 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 re-subdivision 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 (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section;

100. Tourist Homes: Establishments which provide lodging and a meal (or meals) for tourists for a prearranged fee. A Bed and Breakfast Homestay is a residence limited to a maximum of three (3) guest rooms. A Breakfast Inn is a commercial establishment with an architectural style of an historic or regional nature and is limited to a maximum of twenty (20) guest rooms. Bed and Breakfast establishments shall not have structural changes made except those required for general maintenance.

101. Townhouse: A single family dwelling unit containing one or more stories, attached on one or both sides to another single family dwelling unit and usually arranged in rows of three (3) or more units.

102. Unit: A portion of a subdivision selected for development as one (1) of a series of stages.

103. Use: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

104. Variance: A departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of the yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

105. Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those are in the need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/ or recuperation.

106. Walls and Fences: Walls shall be constructed of natural stone, brick, or other weatherproof materials arranged in a linear, serpentine, or other alignment; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous planting, hedge, fence, wall, or earth mound. In industrial zones, there shall be a minimum height for walls or fences in front yards and side street side yards, and in rear yards. All fences and walls erected on an industrial development shall be reviewed by the London Board of Adjustments. A complete set of construction plans showing all details of the wall/s or fence/s shall be submitted to the London Board of Adjustments for review. All walls or fences shall have a minimum opacity of eighty percent (80%). Walls and fences allowed to meet the requirements of this article shall not be used for the erection or display of any sign or other advertising device.

107. Yard: A required open space other than a court occupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. In the case of

irregularly shaped lots, the Administrative Official shall be responsible for interpretation of the type yard. Refers to figure 2 for types of yards,

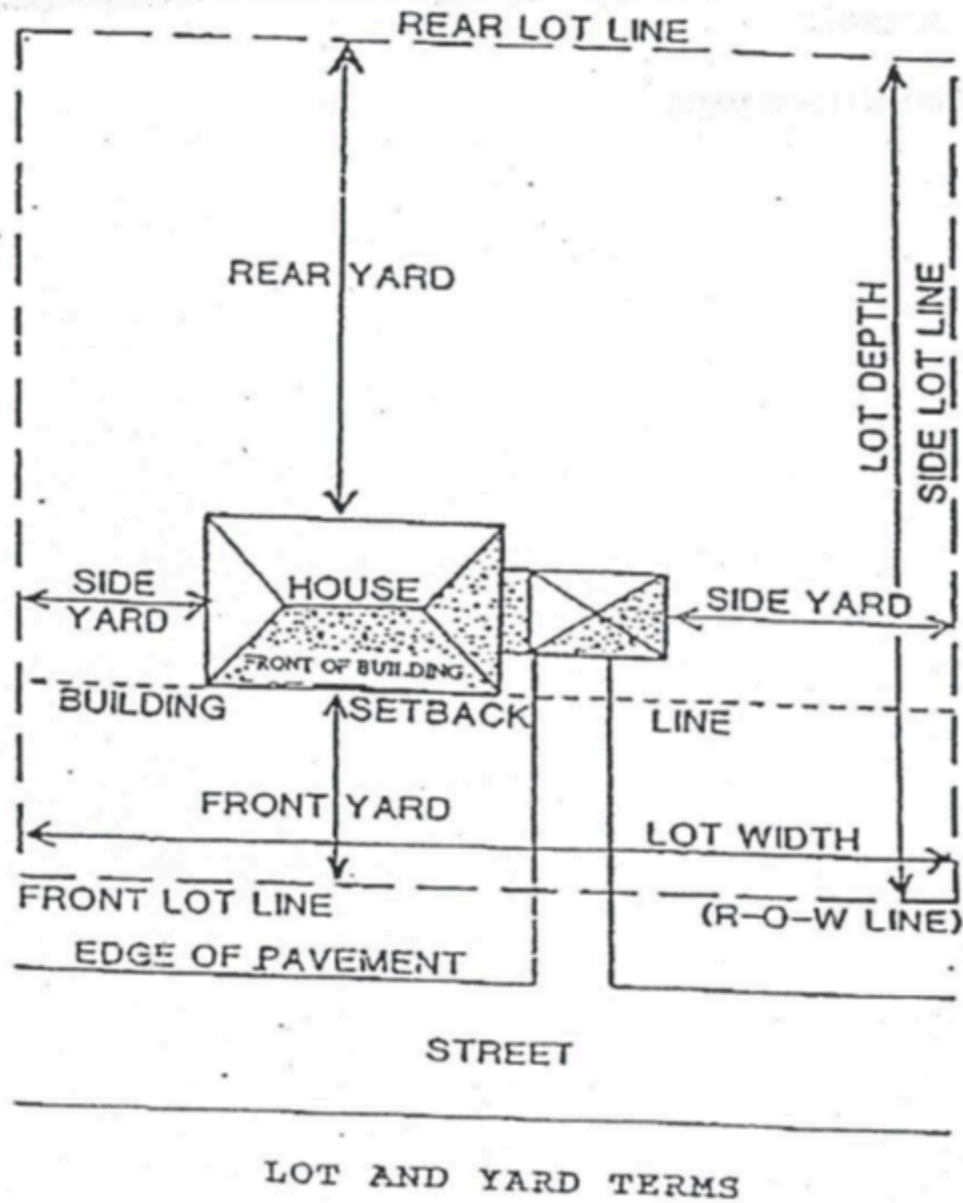
a. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

b. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

c. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

See Figure on next page for yard detail

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## ARTICLE VI

### 600 ZONING CLASSIFICATIONS

This Ordinance adopts present Zoning Classifications that were established by the London-Laurel County Joint Zoning and Planning Commission that existed at the time of the adoption of this Ordinance and any new Zone Classifications included herein.

### 601 VIOLATIONS

## 601.1 COMPLAINTS REGARDING VIOLATIONS, ENFORCEMENT, APPEALS TO THE JUDICIARY

1. Any person may file a written complaint with the Administrative Official alleging a violation of this Ordinance. The Administrative Official shall record properly such complaint, immediately investigate, and take action thereof as provided by this Ordinance.
2. The Planning Commission has a cause of action under authority of KRS 100.337 for all appropriate relief including injunctions against any governmental bodies or any aggrieved person who violates KRS Chapter 100 or this Ordinance.
3. The City of London and its City Council exercised rights to establish a statutory Code Enforcement Board by adoption of Ordinance 2020-07. KRS 65.8801 details the authority for creation of the Code Enforcement Board:

*"Purpose of KRS 65.8801 to 65.8839. It is the intent of KRS 65.8801 to 65.8839 to protect, promote, and improve the health, safety, and welfare of the citizens residing within the local governments of this state by authorizing the creation of administrative boards with the authority to issue remedial orders and impose civil fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force in local governments. KRS 65.8801 to 65.8839 is intended and shall be construed to provide an additional or supplemental means of obtaining compliance with local government ordinances, and nothing contained in KRS 65.8801 to 65.8839 shall prohibit the enforcement of local government ordinances by any other means authorized by law."*

All persons owning real property or conducting activities on real property in the City of London shall be aware of the existence of the Code Enforcement Board and its powers under Ordinance 2020-07 and the above-referenced statutes. Alleged Ordinance violation may be reported in writing to the Code Enforcement Officer, Administrative Official, or City Clerk at London City Hall.

4. Any appeal of a Planning Commission action granting or denying a variance or Conditional Use Permit authorized by KRS 100.203(5) shall be taken pursuant to KRS 100.347(2).
5. Appeals from any other final action of the Planning Commission shall be made in keeping with KRS 100.347(2).
6. Any entity claiming to be injured or aggrieved by any final action of the City Council relating to a map amendment shall appeal from the Council action to the Laurel Circuit Court pursuant to KRS 100.347(3). The Planning Commission and

subject property owner shall be a party in any such appeal filed in the Circuit Court pursuant to such statute.

7. KRS 100.347(5) requires any of the above-referenced appeals to be filed within 30 days after the vote is taken to approve or disapprove the matter pending before the body, not 30 days after approval of meeting minutes.

8. Neither the Administrative Official nor other City Officials may advise persons as to the requirements for the above-referenced appeals to the judiciary. Any such persons should seek timely advice of their own legal counsel in that the judiciary reviews the filing of such appeals on a strict compliance standard and considers compliance with KRS 100.347 a jurisdictional matter.

## **601.2 PENALTIES**

Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a Class B misdemeanor.

Any person who so violates this ordinance or fails to comply with any of its requirements adopted by this ordinance, and pursuant to KRS 532.020 and KRS 534.040, a violation of this Ordinance is a Class B misdemeanor which is punishable by a maximum of not less than ninety (90) days sentence of imprisonment and not more than two hundred and fifty dollars (\$250.00) fine. Each day of violation after notice by the Code Official shall be deemed a separate violation. The Code Official may seek the assistance of the London City Police, London City Fire Department, and/or City of London Safety Officer in providing notices and citations.

## **602 SEVERABILITY**

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

## **603 EFFECTIVE DATE AND CONFLICT**

This Ordinance shall be effective immediately upon publication in accordance with the applicable provisions of Kentucky law. Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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**Mayor Randall Weddle**

**ATTESTED:**

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Print Name)

City Clerk

**FIRST READING DATE:** \_\_\_\_\_, 2025

**SECOND READING DATE:** \_\_\_\_\_, 2025

**PUBLICATION DATE:** \_\_\_\_\_, 2025

**APPENDIX I**

**CONDOMINIUMS**

**DEFINITIONS** (As used in KRS 381.805 to 381.910, unless the context otherwise requires):

1. “unit” means an enclosed space consisting of one or more rooms occupying all or part of a floor in a building of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare.
2. “Condominium” means the ownership of single units in a multiple unit structure with common elements.
3. “Condominium Project” means a real estate condominium project; a plan or project whereby four (4) or more apartments, rooms, office spaces, or other units in existing or proposed buildings or structures are offered or proposed to be offered for sale.
4. “Co-owner” means a person, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof who owns an apartment within the building.
5. “Council of Co-owners” means all the co-owners as defined in subsection (4) of this section.
6. “Developer” means a person who undertakes to develop a real estate condominium project.
7. “General Common Elements” means and includes:
  - a. The land whether leased of in fee simple, on which the building stands
  - b. The foundations, main walls, roofs, halls, lobbies, stairways, and entrances and exits or communication ways
  - c. The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated
  - d. The premises for the lodging of janitors or persons in charge of the building except as otherwise provided or stipulated

- e. The compartments or installations of central services such as power, light, gas, cold and hot water, refrigeration, reservoirs, water tanks and pumps, and the like
  - f. The elevators, garbage incinerators, and in general, all devices or installations existing for common use
  - g. All other elements of the building rationally of common use or necessary to its existence, upkeep, and safety
- 8. “Limited Common Elements” means and includes those common elements which are agreed upon by all of the co-owners to be reserved for the use of a certain number of apartments to the exclusion of the other apartments, such as special corridors, stairways and elevators, sanitary services common to the apartments of a particular floor, and the like.
  - 9. “Majority of Co-owners” means fifty-one percent (51%) of the co-owners.
  - 10. “Master Deed” or “Mater Lease” means the deed or lease recording the property of the horizontal property regime.
  - 11. “Person” means an individual, firm, corporation, partnership, association, trust, or other legal entity, or any combination thereof.
  - 12. “Property” means and includes the land whether leasehold or in fee simple and the appurtenances belonging thereto.
  - 13. “To Record” means to record in accordance with KRS Chapter 382, or other recording statutes.
  - 14. All pronouns used in KRS 381.805 to 381.910 include the male, female, and neuter genders and include the singular or plural numbers, as the case may be. (KRS 381.810).

## CONDIMINIUM PROJECT APPLICATION PROCEDURES

A developer, owner, or co-owner of a proposed condominium project shall make application for project approval to the City of London Codes Enforcement Officer. Since a condominium involves ownership of single units in a multiple unit structure, the applicant shall adhere to appropriate sections of the zoning regulations dealing with planned development. 16. The Kentucky Condominium Act, KRS 381.9101 to 381.9207, as it may be amended, shall be complied with for any residential construction to which such Act is applicable.

The application shall be accompanied by following the procedure of a Planned Development District, Section 402.1.2.

- 1. The description of the land, whether leased or in fee simple, and the building, expressing their respective areas.
- 2. The General description and the number of each apartment, expressing its area, location, and any other data necessary for its identification.
- 3. The description of the general common elements of the building.
- 4. The common elements, both general and limited, shall remain undivided and shall not be the object of any action for partition or division of the co-ownership. Any covenant to the contrary shall be void.

5. A set of floor plans of the building or buildings, showing the layout, location, apartment numbers and dimensions of the units, stating the name of the property or that it has no name, and bearing the verified statement of a registered architect or professional engineer certifying the accuracy of the plans. (KRS 381.835)

The owner of a unit designed for office, industrial, or business use may divide his unit into two (2) or more smaller units. No interest in the unit shall be conveyed until the master deed and floor plans have been modified as provided in this section.

Prior to subdividing this unit, the owner shall prepare a set of floor plans which shall show the changes being made in the unit involved. The plans shall bear the verified statement of a registered architect or professional engineer that they accurately portray the unit involved and the changes being made, and the unit owner shall attach to the plans a verified statement which shall contain:

1. The name which the property is known.
2. A reference to the book and page of the recorded master deed and floor plans of the property and any amendments thereto in the office of the county clerk of the county in which the land described in the master deed is situated.
3. The original unit number of each unit involved in the division; a description number of each unit being formed.
4. A statement of the location, approximate area, number of rooms, and the structural changes in the perimeter and interior walls, floors, ceilings, windows, and doors of the unit being formed and the immediate common element or limited common element to which the unit has access, and any other data necessary for the proper identification of the units being formed by changes to the original unit.
5. A description of the percentage of interest of the original unit in the common elements, and a description of the new percentage or percentages of interest in the common elements of the units being formed. The percentage of interest in the common elements of the unit being formed shall be in proportion to the floor area of the original unit and shall, when taken cumulatively, total the same percentage of interest in the common elements as that of the original unit.
6. Any further provisions that would serve to clarify the changes being made.

The floor plans and verified statement shall be approved in writing by a majority, unless otherwise provided by the mater deed, or the council of co-owners, and by any person holding a lien on such units, and shall be filed for record with the county clerk in the county in which the land described in the master deed is situated as provided in KRS 381.835. The floor plans and verified statement shall be considered as an amendment to the original master deed and floor plans for the sole purpose of dividing a unit and the corresponding percentage of interest in the common elements. (KRS 381.827)

The City of London Codes Enforcement Officer shall complete his review within thirty (30) days of the receipt of the application. If the project is disapproved, the grounds for disapproval shall

be given in writing. The City of London Codes Enforcement Officer shall provide the Planning Commission with information on condominiums for planning purposes. Following approval, the applicant: expressly declares, through the recordation of a master deed or lease (enumerating the particulars state above), (1) through (5), the desire to submit the property in question to the regime established by KRS 381.805 to 381.910. When this declaration is duly recorded by the County Clerk, a condominium property regime is created. (KRS 381.815)

Once the property is submitted to the condominium regime, an apartment in the building(s) may be individually conveyed and encumbered and may be the subject of ownership, possession or sale and of all types of juridic acts inter vivos or mortis causa, as if it were sole and entirely independent of the other units in the building(s) of which they form a part, and the corresponding individual titles and interest shall be recordable. (KRS 381.820)

Any unit may be jointly or commonly owned by more than one person. (KRS 381.825)

A unit owner shall have the exclusive ownership to his unit and shall have a common right to share, with other co-owners, in the common elements of the property, equivalent to the percentage representing the value of the individual unit, with relation to the value of the who property. This percentage shall be computed by taking as a basis the floor area of the individual unit in relation to the floor area of the property as a whole.

The percentage shall be expressed at the time the condominium property regime is constituted, shall have a permanent character, and shall not be altered without the acquaintance of the co-owners representing all the units of the building(s), except as may be otherwise provided in KRS 381.810 to 381.910. The master deed may, however, contain provisions relating to the appropriation, taking or condemnation be eminent domain by the federal, state, or local government, or an instrumentality thereof, including, but not limited to, reapportionment or other change of the common interest appurtenant to each unity, or part thereof remaining after a partial appropriation, taking or condemnation. The master deed of a regime under construction may further provide that by later amendment thereto and upon completion of all units, percentage of common interest shall be redistributed on an as-built basis; provided, however, that the number of units originally constituted in the regime may not be increased during construction.

Each co-owner may use the general common element in accordance with the purpose for which they are intended, without hindering or encroaching upon the lawful rights of the other co-owners. (KRS 381.830)

If a condominium does not contain any unit which is designed for occupancy by only one (1) family or household, or if the floor area of all those units which are designed for occupancy by only one (1) family or household does not in the aggregate exceed ten percent (10%) of the floor area of all units in the condominium, than the following provision shall be applicable not withstanding any other provisions of this chapter.

The master deed may provide:

1. That to any extent specified in the master deed, the common profits shall be distributed among, and the common expenses shall be charged to the unit owners in proportions other than according to their respective percentages of the undivided interest in the common areas and facilities.

2. That to any extent specified in the master deed, the unit owners shall not be personally liable for sums assessed for their share of common expenses, but such provisions shall not adversely affect any lien for said share.

3. That the priority provided in KRS 381.883 (2) shall not prohibit subordination of a mortgage lien to the lien for common expense.

4. A procedure for submitting the disputes arising from the administration of the condominium to arbitration or other impartial determination.

5. Provision giving a particular unit owner or owners voting rights with respect to election of directors, trustees, or members of a managing board less than, or in excess of, the voting rights which such owner or owners would otherwise have specifies category of categories of matters, by a proportion greater than a majority, which proportion may be as great as one hundred percent (100%).

6. Terms and conditions differing from those set forth in KRS 381.830 to 381.890 regarding rebuilding made necessary by fire or other casualty loss, the making of improvements and allocation of the costs of such rebuilding and improvements, and the removal of the condominium or portion thereof from the provisions of this chapter; and in such case the terms and conditions of the master deed shall take precedence over the provisions of KRS 381.830 or 381.890 to the extent they are inconsistent. (KRS 381.837)

The deed of each individual unit shall describe such unit by making reference to the applicable master deed and floor plans required under KRS 381.835, designating the letter or number or other appropriate designation of the unit, followed by the words "a condominium unit." Any conveyance of an individual unit shall be deemed to also convey the undivided interest of the owner in the common elements, both general and limited, appertaining to said unit without specifically or particularly referring to same. (KRS 381.840)

All of the co-owner or the sole owner of a building constituted into a horizontal property regime may waive this regime and request the county clerk to regroup or merge the records of the filial estates with the principal property; provided, that the filial estates are unencumbered, or if encumbered, that the creditors in whose behalf the encumbrances are recorded agree to accept as security the undivided portions of the property owned by the debtors. (KRS 381.850)

The merger provided for in KRS 381.850 shall in no way bar the subsequent constitution of the property into another horizontal property regime whenever so desired and upon observance of the provisions of KRS 381.805 to 381.910. (KRS 381.855)

The administration of every building constituted into a condominium property regime shall be governed by bylaws approved and adopted by the council of co-owners. The bylaws may be amended from the time to time by the council. (KRS 860)

Other legal requirements pertaining to bookkeeping, maintenance, liens, foreclosures, insurances, and related business matters can be found by referring to KRS 381.865 through 381.900 the provisions of KRS 381.805 to 381.910 shall be in addition to and supplemental to all other provisions of the Kentucky Revised Statutes; provided, that wherever the application of the provisions of KRS 381.805 to 381.910 conflict with the application of such other provisions KRS 381.805 to 381.910 shall prevail. (KRS 381.905)

## **APPENDIX II**

### **PATIO HOMES**

DEFINITION: PATIO HOME. The term Patio Home includes a zero lot line patio home as well as a non-zero lot line Patio Home. The term "zero lot line patio home" shall mean a detached, single-family dwelling located on an individual lot with one side of the foundation slab coincident with a side lot line, save and except, specific corner lots and plat boundary lots which abut other private property as established in this ordinance. The lot includes a patio or side yard oriented toward the opposite side of the dwelling entirely enclosed by the dwelling wall, zero lot line wall or privacy wall of a neighboring dwelling and other fences or walls. A nonzero lot line Patio Home means a detached, single-family dwelling located on an individual lot with one side of the foundation slab not more than twenty-four (24) inches from a side lot line, save and except, specific corner lots and plat boundary lots which abut other private property. The lot includes a patio or side yard oriented toward the opposite side of the dwelling entirely enclosed by the dwelling wall, zero lot line wall or privacy wall of a neighboring dwelling and other fences or walls.

### **DEVELOPMENT STANDARDS**

Patio Homes are permitted as specified in this Zoning Ordinance in multiple residential zone classifications, subject to requirements of particular zones which include different minimum lot size, setback, and other express requirements. The City wishes to encourage quality Patio Home development but believes certain development standards are appropriate because of the density of such developments and the potential impact of each unit on neighboring Patio Homes and other residences and structures in the vicinity of the Patio Home development. Additional requirements which apply to all new Patio Homes in any zone classification are:

- a. A Patio Home may not exceed two (2) stories above finished floor level.
- b. Patio Homes shall be oriented so that the side facades are proportionally longer than the front and rear facades. This requirement may be modified or waived when it is impractical due to physical limitations inherent in the site such as topography or shape of the development's parent tract.
- c. A uniform architectural program which must be followed by all Patio Homes within the same development shall be submitted and approved at the Preliminary

Development Plan stage. The program shall include standards for consistent building massing, roof design, materials, and colors.

d. Not more than three contiguous Patio Homes shall be connected if there is one-car garage for each Dwelling or if only one Dwelling has a two-car garage and the other two have one-car garages. No more than two contiguous Patio Homes shall be connected if there is a two-car garage for each Dwelling. Two contiguous Patio Homes may be connected if one has a two-car garage and the other has a one-car garage. No more than three contiguous Patio Homes without garages may be connected.

e. Each patio home shall be constructed on its own lot

f. A fireplace and chimney may be placed in the side or rear yard setback, provided they do not project beyond the 30-inch permitted roof overhang and provided they do not restrict or obstruct any drainage or drainage easement, either existing or proposed.

g. Any side yard must be kept perpetually free of permanent obstructions, accessory structures, walls and fences without gates.

h. Privacy fences or walls may be placed on or along any lot lines provided that such fences or walls are not constructed in such a manner as to block any local lot drainage and provided gates or other openings are provided that will not restrict access for fire protection. An six-foot maximum height limit will be permitted for privacy fences or walls located on or along any required side or rear yard.

i. Each patio home shall have on its own lot one yard reasonably secluded from view of streets or neighboring property.

j. Off-street parking shall be provided at the rate of two spaces per dwelling unit and shall be located within the interior of the lot. Garages shall not be credited toward the parking requirements, if said garage is a part of the main dwelling or attached to the main dwelling.

k. The exterior walls of the patio home, or any accessory structures located on the zero roof side yard setback shall not project over the property line. Roof overhang may penetrate maintenance and drainage easement of the adjacent lot a maximum of 30 inches, provided the roof shall be so designed that water runoff shall be restricted to the drainage easement area.

l. No windows, doors, or other openings shall be permitted on the zero foot side line of any Patio Home unit. Where adjacent zero lot line dwellings are not constructed against or along a common lot line, a perpetual wall maintenance easement of three feet in width along and a parallel to the adjacent lot shall be provided.

m. No accessory structures shall be erected in a required front, side, street side yard or open space. Accessory structures shall be permitted in the rear yard and shall not exceed 1½ stories in height and shall not cover more than 35 percent of the required rear yard, and shall be permitted a zero foot setback from the rear yard and side property lines and five feet from any other structure on the same lot. These requirements shall not apply to unattached open carports and garages.

n. Unattached garages and carports shall be permitted in addition to the 35 percent coverage for accessory structures, but shall not exceed 600 square feet in area, and shall not be placed in any required front, side or street side yard or open space and shall not exceed 1½ stories in height and shall be permitted a zero setback from the rear and side property lines and five feet from any other structure on the same lot.

## **APPENDIX III**

### **TOWN HOUSES**

**DEVELOPMENT STANDARDS.** The following special development standards shall apply to Town House (a/k/a Row House) Developments in addition to the above development standards:

1. Subdivision requirements: A Town House Development shall be submitted as a subdivision plat and if it is recorded in sections, each section shall meet all requirements of this regulation and the Subdivision Regulations of the Planning Commission. If there is any conflict, the more restrictive of the two will apply. Each lot shall be located on a separate lot of record fronting on a dedicated public street.
2. Yard Requirements:
  - a. Front Yard: 35 feet from right-of-way line
  - b. Side Yard: For end developments a minimum of 12 feet
  - c. Street Side Yard: a minimum of 20 feet.
  - d. Rear Yard: A minimum of 30 feet
3. Maximum building height: A Town House Development of five (5) or more such Town Houses subject to a single subdivision plat shall provide for the Town Houses subject to the Plat to be no more than two stories.
4. Maximum area requirements.
  - a. No recorded lot in a Town House Development shall contain less than 2,100 square feet.
  - b. Land area requirements:

- 2 units – 8625 square feet
- 3 units -- 10350 square feet
- 4 units – 12075 square feet
- Each additional unit – add an additional ~~2500~~ 2875 square feet.

c. The difference between the total land area required for the entire Town House Development and the total land area of the development's recorded lots for residential purposes shall be provided as one or more Open Lots to be used for parking (if paved pursuant to standards of these Zoning Regulations, the Subdivision Regulations, and plat conditions and subject to reasonable on-going maintenance requirements), recreational, covered school bus stop, scenic views, botanical features, landscaping, gardening, wetlands, retention pond, fishing pond, utility infrastructure or appurtenances, and/or walking or bicycle trails. If any trail is to be paved, it shall be reasonably maintained as specified in conditions on the subdivision plat. Responsibility for repair of erosion of any paved or unpaved trail shall be specified as a condition on the subdivision plat. Responsibility for mowing and maintenance of initial landscaping features such as trees and shrubs shall be specified as condition of the subdivision plat. Open Lot area shall include reasonable lighting whether from fixtures on Town House Buildings or separate light poles. Any light poles installed in an Open Lot area shall be aesthetically consistent with placement in a residential development with any necessary shrouding to prevent them from shining directly into Town Houses. Any light pole locations shall be identified on the subdivision plat or as approved by the relevant electric utility provider. Any fencing in the Open Lot area shall be aesthetically consistent with placement in a residential development and its location shall be identified on the subdivision plat and responsibility for maintenance thereof shall be identified on the subdivision plat. Any responsibility required to be identified on the subdivision plat by this paragraph may be identified in summary form on the plat with cross-reference to more detail description of the responsibility in textual subdivision covenants, conditions, and restrictions to be recorded in the Office of the Laurel County, Kentucky Clerk. At least TEN PERCENT (10%) of the total land are required for the entire Town House Development shall be included in one or more Open Lots.

5. Lot Size: The minimum width of interior lots shall be 20 feet and the minimum width of end lots shall be 30 feet. The minimum depth of any lot shall be 85 feet.

6. Other requirements:

- a. No group of attached dwelling units in a Town House Development shall be longer than 180 feet.
- b. Maximum lot coverage shall be fifty ("50") percent.
- c. A statement shall be included on the plat of the subdivision and in all deeds of transfer of property of any land located therein, which will prevent

the subdivision and resubdivision of land into a greater number of lots than originally approved.

- d. The exterior of each structure, excluding the roof and fascia, shall utilize a minimum of three (3) different building materials.
- e. Each building façade shall include a minimum of two (2) distinct colors.
- f. For every one hundred twenty (180) feet of facade length, there shall be a plane break along the façade comprised of a minimum five (5) feet in depth by twenty-five (25) feet in length, which shall be from grade to the highest story.
- g. Facades of a Town House residential development facing a public street shall incorporate wall offsets, in the form of projections or recesses in the facade plane, spaced no more than thirty (30) feet apart. Such wall offsets shall have a minimum depth of two (2) feet that extend from grade to the highest story of the building.
- h. Facades of a multi-family residential development facing a private street shall incorporate wall offsets, in the form of projections or recesses in the facade plane, spaced no more than one hundred (100) feet apart. Such wall offsets shall have a minimum of five (5) feet by twenty-five (25) feet in length that extends from grade to the highest story of the building.
- i. Compound shaped buildings comprised of building wings including, but not limited to, 'L', 'T', 'U', or 'E' shaped plans shall be articulated into a series of smaller, simple, discrete volumes. Articulation must include a minimum six (6) foot by six (6) foot recess at the intersection of two discrete volumes, accompanied by a minimum five (5) foot difference in height between the roof of each building wing and the recessed portion of the building.
- j. Horizontal eaves longer than forty-five (45) feet shall be broken up by gables, building projections, or other articulation.
- k. Where the side façade at the end of a building is oriented to a street, driveway, or common open space area, massing and level of detailing of the side façade shall be consistent with the front façade. Architectural treatments shall be provided which wrap around the side of the building.
- l. All principal structures shall consist of a minimum of forty-five (45) percent brick or stone. EIFS and Vinyl siding are prohibited.
- m. All roofs shall have a minimum six (6) inch fascia.

- n. Pitched roofs shall have a minimum six (6) inch fascia.
- o. Pitched roofs shall have a minimum six/twelve (6/12) pitch over eighty (80) percent of the roof area, with no pitch flatter than four and one-half /twelve (4.5/12).
- p. Flat roofs shall be concealed by parapet walls that extend at least two and one-half (2 and 1/2) feet above the roof level and have three-dimensional cornice treatments that project at least eight (8) inches outward from the parapet facade plane.
- q. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.
- r. Building entry points shall be articulated with one (1) of the following:

- Open space, plaza, or courtyard.
- Special paving.
- Seating.
- Functional accent lighting.
- Porches.

## **APPENDIX IV**

### **DESIGN STANDARDS FOR NEW APARTMENT DEVELOPMENTS.**

New Apartment Developments in the R-3 District shall comply with the stricter of the numerical requirements in Section 202.3 above and this Appendix IV. Allowance of new Apartment Developments in R-3 as a permitted use rather than conditional use provide a rational basis for the application of the design standards of this Article IV.

The following Design Standards have been prepared to provide minimum criteria for new Apartment Developments in the R-3 District.

"Apartment Development" means one or more buildings arranged, intended or designed to be occupied by five or more individuals, groups of individuals or families living independently of each other and with cooking facilities for the exclusive use of each of the individuals, groups of individuals, or families who occupy the premises. The number which an Apartment Development is designed to accommodate shall be determined by the number of separate dwelling units in such dwelling. "Apartment Development" means a residential development under one control on one parcel or adjoining parcels and consisting of one or more Apartment Buildings erected on a lot which has frontage on and access to a public street through an approved system of private drives. In addition to at

least one building containing five or more dwelling units, an Apartment Development may also include one or more buildings containing one, two, three, or four dwelling units.

A "Fourplex" is a type of residential property consisting of four separate living units within a single building. Each unit in a Fourplex has its own entrance, kitchen, and bathroom, providing individual living spaces for tenants. A single Fourplex residential building on one parcel is not an Apartment Development and is thus exempt from the Design Standards of this Appendix. However, notwithstanding the foregoing, more than one Fourplex on the same parcel or adjoining parcels under common control or ownership in the R-3 District requires compliance with these Design Standards as an Apartment Development.

These standards are intended to establish quality appearance, compatibility of character, variety of design, and enhanced community values as reflected in the Comprehensive Plan and throughout the Zoning Ordinance as well as to improve quality of life in particular for persons with disabilities, the elderly, and for children. New Apartment Developments shall comply with the following Design Standards:

1. Within the required setback areas from the property lines of an Apartment Development, a permanent 10-foot landscaped area shall be provided along each property line. No drives, detention areas, or off-street parking is permitted in this area.
2. No intensive recreation area(s), such as swimming pools, playgrounds, hard-surface courts, etc., shall be permitted within fifty (50) feet of any adjacent R-1 Zone Classification.
3. All internal site sidewalks in a multi-family development in the R-3 Zone Classification shall be a minimum width of four feet.
4. All sidewalks along public streets must be detached from the curb the distance specified in any applicable ordinance of the City of London with jurisdiction and/or the Subdivision Regulations or as a condition of plat approval.
5. Exterior Bicycle parking shall be provided in connection with Apartment Buildings and location of such parking shall be depicted on the subdivision plat.
6. The entrance to an Apartment Development should be designed to provide maximum safety for visibility and turning movements.
7. Site lighting shall be provided throughout any Apartment Development and shall include lighting on buildings, garages, carports, drive aisles, parking lots, pathways, stairs, ramps, and landscaping to ensure visibility and safety for residents within the project.
8. Ground-level site lighting shall be added along all pathways, stairs, and ramps to increase visibility at night in any Apartment Development.

9. All trash containers to be used by multiple residents an Apartment Development shall be contained within permanent, opaque, masonry trash enclosures that match the building materials and colors of the nearest residential buildings and shall have opaque gates.

10. The following standards shall apply to mechanical equipment in Apartment Developments: No mechanical equipment shall be placed on sloped roofs. Ground level mechanical and utility equipment and lines shall be screened with year-round landscaping, or walls that match the materials and colors of the nearest buildings. All electric and communication utility lines and services and all street lighting circuits shall be installed or relocated underground within the Apartment Development, unless the relevant utility with jurisdiction certifies in writing that such underground installation is not feasible.

11. A covered entry area shall be designed as the main entry area of each Apartment building in an Apartment Development.

12. Parking lots for an Apartment Development larger than fifty (50) spaces shall be required to be landscaped with internal landscaped parking lot islands. Landscaped islands shall be no smaller than two standard parking spaces and shall alternative periodically with larger islands for aesthetic variety and interest. Landscaped islands shall occur approximately every twenty-five (25) spaces within parking lots larger than fifty (50) spaces. Landscaped berms are required to screen parking lots exceeding fifty (50) spaces (including covered parking spaces) from adjacent residential developments in the R-1 or R-2 Zone Classification. Maximum slope of landscaped berms shall not exceed 4:1.

14. The owner of any Apartment Development shall file a copy of any final determination or order of a government agency finding a violation of law applicable to any part of such development as to sanitary conditions, environmental conditions, public safety, or air or water quality with the Administrative Official within seven days of receipt by such property owner.

15. A copy of any rules and regulations for any Apartment Development and any subsequent amendments thereto shall be sent to the Administrative Official within seven days of adoption by the property owner.

16. Construction of new Apartment Developments shall meet the Kentucky Housing Corporation (“KHC”) Minimum Design Standards for New Construction of such facilities under the Kentucky Building Code as now in effect or as it may be amended. (The KHC was created by the 1972 General Assembly and is a public corporation of the Commonwealth of Kentucky.) Notwithstanding the foregoing, the more restrictive of the applicable KHC Standards and the Zoning Regulations shall be applicable.

## APPENDIX V

### DUPLEXES

A. *Definition.* A Duplex is a single residential structure that contains two dwelling units for use by two separate families living independent of each other. The two dwelling units within a Duplex dwelling unit structure are separated by a common wall, floor, and/or ceiling.

*Similarity to Single-Family Detached Structures.* Duplexes in any residential zone classification in which they are permitted shall comply with any design criteria for detached single-family dwellings established in this Zoning Ordinance to the extent reasonably possible.

B. *Supplemental Design Criteria.* The following Design Standards shall apply to Duplexes: .

1. *Entry Design.*

- a. Use either a single entry providing access to multiple units with appearance of a single entry to a single-family house or separate distinct covered entries;
- b. For Duplexes located on street corners, entries shall be provided on different sides of the structure so only one entry is visible from any one street.

2. *Location of Garages.* Each dwelling unit of a Duplex shall have an attached garage. Garages for each of the units shall be separated from one another by living units of one or more of the units, except where designed with adjacent single or tandem garages. No more than two single or tandem garages may be placed in a row.

C. *Design Option.* Duplexes can either be designed to look like one single-family house (containing one distinct entry) or designed to look like two distinct dwelling units (each with their own individual covered entry). Both design options shall utilize complementary design elements as described below.

D. *Complementary Design.* Duplexes shall have a design that provides significant architectural interest and is complementary to single-family units in the vicinity. A number of techniques can be used to achieve architectural interest:

1. Roof breaks, use of dormers, masonry chimneys;
2. Modulation of facades and fenestration;
3. Use of balconies, decks and porches.

E. *Landscaping.* Utilize native and drought-tolerant landscaping that complements the architecture of the unit.

F. *Privacy Standards.*

1. *Window Placement.* Placement of windows shall consider privacy so residents from one unit to the next cannot look directly into another unit.

2. Location and orientation of Duplex dwelling units shall consider privacy.

3. *Side Yard Screening Options.* All Duplex developments shall utilize one of the following screening methods in side yards:

- a. Provide reasonable landscaping between adjacent homes.
- b. Provide solid wood fence or masonry wall, or combination of wood and masonry, five to six feet in height and located along the property line.
- c. Provide a zero-lot line configuration or other similar treatment whereby one side of a home does not feature transparent windows or other openings and thus maximizing privacy on the side yard of the adjacent dwelling unit.

G. *Frontage Improvements.* Duplexes shall comply with the street frontage requirements for the Zone Classification in which the Duplexes are located, unless a dimensional variance of such requirement is approved by the Board of Adjustments.

**APPENDIX VI - BUILDING PERMIT FEES**

[TO BE INSERTED]

**APPENDIX VII - USES IN RESIDENTIAL DISTRICTS**

USES ALLOWED	R-1	R-2	MP	PDP
Single-family dwelling (does not include mobile/manufactured homes having a permanent chassis)	P	P	N	P
Two-family dwellings	N	P	N	P
Multi-family dwellings	N	P	N	P
Mobile/manufactured Homes	C	C	P	C
Rooming/Boarding Homes	N	C	N	C
Tourist Homes (includes bed and breakfast homestays)	N	C	N	C
Daycare and Nursery Facilities	N	N	N	C
Home Occupations (1)	N	C	N	C



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P (Principal) C (Conditional) A (Accessory) N (Not Allowed)

9. Home occupations must meet the requirements spelled out in definitions.
10. Storage buildings and related structures shall be limited to two (2) per lot. They must be located in the rear or side yards, and set back at least ten (10) feet from the property lines. Additional such buildings or structures may be located on such buildings or structures may be located outside of rear or side yards on a parcel exceeding 3/4ths acre with written approval of Administrative Official for good cause shown.

**APPENDIX VIII - USES ALLOWED IN BUSINESS DISTRICTS & DIMENSIONAL REQUIREMENTS**

The following table provides information on the uses allowed, and dimensional requirements.

USES ALLOWED	BUSINESS DISTRICT		
<b>A. UTILITIES, TRANSPORTATION &amp; COMMUNICATIONS</b>	C-1	C-2	C-3
1. Trucking/Movers	P	P	N
2. Post Office	P	P	P
3. Telephone Companies	P	P	P
4. Telegraph Office	P	P	P
5. Radio & TV Stations	P	P	C
6. Utility Companies	P	P	P
7. Bus Lines	P	P	N
8. Taxicabs	P	P	P
9. Air Cargo Service; Package Delivery Service	N	P	N
10. Phone and accessories store	P	P	P
11. Car and truck rental facilities	P	P	P
<b>B. WHOLESALE TRADE</b>	C-1	C-2	C-3
1. Durable (motor vehicles, furniture, hardware, etc.)	P	P	P
2. Non-Durable (paper, food, etc.)	P	P	P
<b>C. RETAIL TRADE</b>	C-1	C-2	C-3
1. Bldg. materials, hardware, home improvements, etc.	P	P	P
2. Farm Supplies/Equipment	P	P	P
3. General Merchandise (dept. stores, variety stores, etc.)	P	P	P
4. Food Stores (grocery, bakery, etc.)	P	P	P
5. Vehicle Dealers (auto, boats, trucks, motorcycles)	P	P	P

6. <del>Mobile homes, RV's</del> Recreational Vehicle, All Terrain Vehicle and/or Manufactured Home Sales	N P	P	N P
7. Apparel & Accessories (clothing, shoes, bridal, etc.)	P	P	P
8. Furniture & Appliances	P	P	P
9. Office Supplies & Equipment including Computers and peripherals	P	P	P
10. Eating & Drinking Places (restaurants, cafes, cafeteria)	P	P	P
11. Drugstores (pharmacies)	P	P	P
12. Used Merchandise, Antiques, Pawn Shops, Peddlers' Mall less than 10,000 square feet.	P	P	p
13. Sporting Goods, Gun Shops	P	P	P
14. Bookstores, Computer Game Stores, Newsstands	P	P	P
15. Jewelry	P	P	P
16. Auto Parts, Tire Sales/Installation	P	P	P
17. Florists	P	P	P
18. Pet Shops or Pet Grooming facilities	C	C	C
19. Gift Shops, Coins, Arts & Crafts	P	P	P
20. Bicycle Shops	P	P	P
21. Monument Sales	P	P	p
22. Glass Sales	P	P	p
23. Ice	P	P	p
24. Musical Equipment/Supplies	P	P	P
25. Commercial Nursery	P	P	P
26. Tobacco and/or Vaping Products	P	P	P
26. Peddler's Mall exceeding 10,000 square feet of floor space	C	C	C
27. "Big Box" Retail Store of any type exceeding 25,000 square feet of floor space	C	C	C
28. Federally Licensed Firearms Importer or Dealer (note application of KRS 100.325 limiting authority to regulate location)	P	P	P

P (Principal) C (Conditional) A (Accessory) N (Not Allowed)

<b>D. FINANCE, INSURANCE &amp; ESTATE</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
1. Banks	P	P	P
2. Credit, Savings/Loans	P	P	P
3. Security/Commodity Brokers	P	P	P
4. Insurance	P	P	P
5. Real Estate	P	P	P
6. Investment Offices	P	P	P

<b>E. PERSONAL SERVICES</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
1. Laundry, Cleaners	P	P	P
2. Photo Studios	P	P	P

3. Beauty/Barber Shops	P	P	P
4. Shoe Repair	P	P	P
5. Funeral Services/Morgue	P	P	P
6. Travel Services	P	P	P
7. Health Clubs, Spas, Gymnastics, Etc.	P	P	P

<b>F. BUSINESS SERVICES</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
1. Advertising/Public Relations	P	P	P
2. Credit Bureau	P	P	P
3. Steno/Typing, Answering; Temp. Employment Service	P	P	P
4. Printing/Copying/Graphic Design	P	P	P
5. Janitorial/Maintenance	P	P	P
6. Computer, Data Processing, Consulting, Sales Agent/Services,-	P	P	P
7. Rentals: Merchandise, Equipments	P	P	P
8. Research/Testing	P	P	P
9. Mini Warehouses/Mini Storage	N	PC	C
10. Portable Mobile Storage Containers (PODS)	(1)	(1)	(1)

<b>G. REPAIR, SERVICES</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
1. Garage and/or Oil Change, Brakes, Transmission Service	P	P	P
2. Junkyards ***NOT PERMITTED IN ANY ***	N	N	N
3. Filling Station as defined in and subject to KRS	C	C	C
4. Truck Stop (Primarily to Serve 18-wheel commercial vehicles)	C	C	4 C
5. Car Wash / Auto Detailing or Painting Facility	P	P	P

<b>H. MISCELLANEOUS REPAIR</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
1. Electrical, Electronic	P	P	P
2. Watches, Clocks, Jewelry	P	P	P
3. Reupholstery	P	P	P
4. Air Conditioning, Machines, Etc.	P	P	P

P (Principal) C (Conditional) A (Accessory) N (Not Allowed)

<b>I. AMUSMENT, RECREATION</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
1. Theaters	P	P	P
2. Bowling/Billiards / Video Games	P	P	P
3. Skating	P	P	P
4. Riding Stables	N	C	N
5. Inflatable's or Trampoline Park	C		C
6. Firearms Shooting Range / Archery Facility / Paintball Shooting Facility	C	C	C

7. Recreational Vehicle Park (Short Term vehicle stays less than 60 days)	C	C	C
8. Campground, Country Club, Swimming Pool, Splash Park, Tennis, Baseball/Softball, Football, Basketball, Soccer, Pickleball or Traditional Golf or Disc Golf Facility or Club owned by private person[s] or entity	C	C	C
9. Indoor or Outdoor Go Cart Track, Auto Racing/Testing Track, or Motorcycle Racing/Testing Track	C	C	C
10. Private Fishing Pay Lake	C	C	C

J. HEALTH SERVICES	C-1	C-2	C-3
1. Physicians/Dentists	P	P	P
2. Others (chiropractors, optometrists, physical therapists, etc.)	P	P	P
3. Hospitals, Medical Clinics, Immediate Care Center, Medical Testing	P	P	P
4. Medical, Dental Labs	P	P	P
5. Nursing, Personal Care	P	P	P
6. Non-Residential Behavioral Health Services; Alcohol and/or Drug Treatment; Substance Abuse and Special Health Care Facilities	P	P	P
7. Residential Long Term Care Facility /Residential Rehabilitation Facility / Nursing Home / Assisted Living Facility			
8. Hospitals	C	C	C
Group Homes, Rehabilitation Residences, Sober Living, and/or Halfway Houses and substantially similar facilities are allowed to the extent required to be permitted in business zoning districts pursuant to applicable State or Federal regulations or statutes if a CUP is obtained	C	C	C

K. LEGAL SERVICES	C-1	C-2	C-3
1. Legal Service	P	P	P

L. EDUCATION	C-1	C-2	C-3
1. Including business, professional	P	P	P
2. Dance Studios, Acting, Music	P	P	P
Private Colleges, Universities, Trade Schools, and/or other educational or job training facilities primarily for adult attendance.	P	P	P
Private schools or educational facilities primarily for attendance by minors	C	C	C

M. SOCIAL SERVICES	C-1	C-2	C-3
1. Welfare	P	P	P
2. Nursing Facilities	P	P	P
3. Non-Residential Treatment Centers	P	P	P

N. ARCHITECTS, ENGINEERS,	C-1	C-2	C-3
1. Architects, Engineers, Etc	P	P	P

O. CONTRACT CONSTRUCTION	C-1	C-2	C-3
1. Contract Construction / Contract Administration	PE	PE	PE

P. BUSINESS, CIVIC, PROFESSIONAL CLUBS	C-1	C-2	C-3
1. Business, Civic, Professional Clubs	P	P	P

Q. VETERINARY OFFICES	C-1	C-2	C-3
1. Veterinary Office	C	C	C

P (Principal)    C (Conditional)    A (Accessory) N (Not Allowed)

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