

**A SUMMARY OF CITY OF LONDON ORDINANCE NO. 2016-01 ENTITLED  
DEVELOPMENT ORDINANCE FOR THE CITY OF LONDON, KENTUCKY.**

This Summary is prepared pursuant to KRS 83A.060(4).

The following is intended to be a summary of Ordinance No. 2016-01 as herein above stated. This summary is prepared by Larry G. Bryson, the attorney for the City of London, Kentucky, who is authorized to practice law in the Commonwealth of Kentucky and who further states that this document is a true and correct summary of Ordinance No. 2016-01.

The general purpose of this ordinance is to regulate the use of land and structures, and their development within the City of London, all for the purpose of protecting the public health, safety, and general welfare of the Citizens of London. In this Ordinance, the City formally adopts the Comprehensive Plan which serves as the general guide for future development.

The Planning Commission and the Board of Zoning Adjustment each consist of five (5) members, all of whom are required to be residents of the City of London. Upon adoption of this ordinance the Mayor of the City of London will appoint members to the Planning Commission and the Board of Zoning Adjustment. Future appointments are to be made in keeping with these requirements. Removals from either the Board or Commission may be made for inefficiency, neglect of duty, malfeasance or conflict of interest.

Both the Commission and the Board have the legal authority to employ planners and other persons and payments are authorized, although each are required to be self-supporting. Members of both the Commission, the Board, the recording secretary and building inspector are authorized to be paid. Both the Commission and Board have subpoena powers. The powers and duties of both the Commission and Board are set out completely in the full text of the Ordinance.

The Commission is authorized to:

- Prepare a comprehensive plan.
- Review and amend the comprehensive plan as necessary.
- Review all proposed amendments to this ordinance and make recommendations to the City Council.
- File certificates of land use restriction 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 revert to its original designation, unless there has been a public hearing.

- Review all Conditional Use Requests.
- Review all requests for amending zoning map and text regulation (Zone Changes or Text Amendments)
- Review all subdivision developments with the City of London.

The Board of Adjustment is authorized to hear and decide applications for conditional use permits and variances. The procedures for each are outlined in the Ordinance as well as notice requirements, the review process, role of the Administrative Official and factors considered in granting each. 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 will revert to its original designation, unless there has been a public hearing granting otherwise.

Appeal procedures from decisions of both the Commission and the Board are outlined in the full text of the Ordinance.

Within the districts established by this ordinance and the prior Ordinances, there existed 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, but not to allow their expansion, enlargement, or extension.

The Codes Enforcement Office is responsible for the review/revision and adoption 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. An Administrative Official administers and enforces this ordinance and is given specific duties and responsibilities in the Ordinance.

Building Permits requirements, fees, charges and expenses are established in the Ordinance.

Classifications of Uses and uses allowed are outlined in the Ordinance. The manner of amending this Ordinance is described in the ordinance. Zoning Districts are described in the Ordinance; they are

1. Residential
2. Business (Commercial)
3. Industrial
4. (MP) Mobile Home Park
5. Planned Development District
6. Governmental Districts

Parking lots and improvements, landscape requirements, signs (on and off premises), and telecommunication facilities and the requirements for each are outlined in the Ordinance, as well as the enforcement procedures.

Flood Damage and prevention and planning, Special Flood Hazard Areas, flood insurance, floodplain management and certification and enforcement, violation and notices are addressed in the ordinance and definitions related thereto. The Building Inspector is authorized to administer the Plan.

Dumpster enclosures and Knox box requirements are addressed in the Ordinance. Replacement and interpretation of the official zoning map are outlined in the Ordinance.

Land division and development, subdivisions, and improvements with authority to the London Planning Commission are particularly addressed in the Ordinance.

Design and Development standards for streets, blocks, lots, utilities, recreation areas, other public facilities, and hazardous areas including land subject to flooding within the City of London is addressed particularly in the Ordinance. Drainage and Erosion controls are specifically addressed.

Landscape Requirements 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 is addressed in the Ordinance.

Public Utilities/Facilities and the administration of these regulation by the Planning Commission or city officials with regard to new development and the adopted community plans for utility systems is particularly addressed in the Ordinance. Sanitary sewage treatment service, storm water drainage, water supply system, and fire hydrant bonding are specifically addressed.

The schedule of fees, charges, ad expenses with regard to the collection procedure for building permits, certificates of occupancy, appeals, and other items is addressed in the Ordinance.

Development of structures and code references are outlined in the Ordinance. This includes the procedures for obtaining a building permit.

The Ordinance addresses complaints and penalties. This Ordinance adopts present Zoning Classifications that were established by the London-Laurel County Joint Zoning and Planning Commission.

Any Ordinances or parts of Ordinances in conflict with this Ordinance are repealed and this Ordinance is effective on publication.

This Summary is certified as a true and accurate summary of Ordinance No.2016-01 by Larry G. Bryson, City Attorney for the City of London.

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LARRY G. BRYSON  
ATTORNEY FOR THE CITY OF LONDON

**THIS SUMMARY OF ORDINANCE WAS READ ONE TIME BUT WAS NOT READ THE SECOND TIME AND WAS NOT PUBLISHED.**

**COMMONWEALTH OF KENTUCKY  
CITY OF LONDON ORDINANCE NO.  
2016-01**

**DEVELOPMENT ORDINANCE FOR THE  
CITY OF LONDON, KENTUCKY**

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

This Ordinance is adopted under the authority granted in Kentucky Revised Statutes (KRS) Chapter 100.

The general purpose of this ordinance is to regulate the use of land and structures, and their development within the City of London, all for the purpose of protecting the public health, safety, and general welfare of the Citizens of London.

## **ARTICLE I ADMINISTRATION AND ENFORCEMENT**

### **100 RESPONSIBILITIES**

The City of London's specific responsibilities related to planning and development activities are generally in two categories:

1. The development, adoption, and administration of laws, regulations, and rules (ordinances, resolutions, orders, etc.) for conduct of the City's affairs. In this 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 to oversee the planning and development process to include the Planning Commission, Board of Adjustments, planning consultants, and legal counsel.

### **101 PLANNING COMMISSION**

The Planning Commission shall consist of five (5) members, all of whom shall reside in the City limits of London. Upon adoption of this ordinance the Mayor of the City of London shall appoint members to the Planning Commission. No person shall be eligible to be a member of the Planning Commission or continue to serve as a member of the Planning Commission if he/she is the owner, employee, agent, or relative of a realtor or building contractor. No person shall be eligible to continue to serve as a member of the Commission if he/she becomes interested, directly or indirectly, in any matter before the Commission. As used in this section, "relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law. Future appointment shall be in keeping with requirements of this section.

**APPOINTING AUTHORITY**- The Mayor of London shall appoint the city members of the Planning Commission.

**TERM OF OFFICE**-The term of office of all elected public officials shall be the same as their official tenure in office. The terms of office for other members shall be four years, but the term of office of members first appointed shall be staggered so that a proportional number serve one, two, three and four years respectively, and later appointments shall continue the staggered patterns.

**VACANCIES**-Vacancies shall be filled within sixty (60) days by the Mayor. 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 with approval of the appropriate governmental body, for inefficiency, neglect of duty, malfeasance, or conflict of interest.

**MEETINGS PROCEDURES**-The Planning Commission shall elect a chairman and vice chairman and adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. 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. 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 financial or other interest in the outcome of any application before the Commission shall disclose the nature of the interest and shall qualify himself/herself from voting on the question, and shall not be counted for the purpose of a quorum.

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 a comprehensive plan.
2. Review and amend the comprehensive plan as necessary.
3. Review all proposed amendments to this ordinance and make recommendations to the City Council.
4. File certificates of land use restriction.
5. Review all Conditional Use Requests.
6. Review all requests for amending zoning map and text regulation (Zone Changes or Text Amendments)
7. Review all subdivision developments with the City of London.

**EMPLOYING PLANNERS, OTHER PERSONS, AND OTHER PAYMENTS**-The Planning Commission may employ a staff of contract with planners or other persons as it deems necessary to accomplish its assigned duties.

In keeping with KRS 100.177, the Planning Commission shall be self supporting. Each member of the Planning Commission, the Building Inspector, and the recording secretary shall be paid Two hundred fifty dollars (\$250.00) for each meeting attended. The Building Inspector shall also 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 at the request of a person seeking a special hearing 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

#### SUBPOENA POWER

The Planning Commission shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The circuit court may, upon application by the commission compel such attendance.

#### ADMINISTRATION OF OATHS

The chairperson of the Board of Adjustments shall have the authority to administer an oath to witnesses prior to their testifying before the Board on any issue.

### **102 BOARD OF ADJUSTMENTS**

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

The Board shall consist of five (5) members, all of whom must be residents of the City of London. Not more than two of the members may be residents of the Planning Commission. The Mayor of the City of London shall appoint members to the Board of Adjustment. No person shall be eligible to be a member of the Board of Adjustments or continue to serve as a member of the Board of Adjustments if he/she is the owner, employee, agent, or relative of a realtor or building contractor. No person shall be eligible to continue to serve as a member of the Board if he/she becomes interested, directly or indirectly, in any matter before the Board. As used in this section, "relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law. Future appointment shall be in keeping with requirements of this section. The term of office shall be for four years, but the term of the office of members first appointed shall be staggered so that a proportionate number serve one, two, three and four years respectively. The future Board appointments shall be made as required in this section of the ordinance.

Vacancies on the board shall be filled within sixty (60) days by the Mayor. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

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. 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 of the circuit court of the county in which he resides.

The Board of Adjustments annually shall elect a chairman, vice chairman, and secretary, and any other officers it deems necessary, and any officer shall be eligible for reelection at the expiration of his/her term.

#### 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 who shall give written or oral notice to all members of the board at least seven (7) days prior to the meeting, which notice shall contain the date, time, and place for the meeting, be listed in the local paper at least seven (7) days in advance of a called meeting, and a copy of the agenda sent to the Mayor and members of the City Council.

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 voting on the question.

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 be filed in the office of the board. If the board has no office, such records may be kept in custody of an officer of the board and shall be available to the general public.

A transcript of the Board of Adjustments meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

#### 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.

In keeping with KRS 100.177, the Board of Adjustments shall be self supporting. Each member of the Board of Adjustments, the Building Inspector, and the recording secretary shall be paid Two hundred fifty dollars (\$250.00) for each meeting attended. The Building Inspector 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.

#### SUBPOENA POWER

The Board of Adjustments shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The circuit court may, upon application by the board compel such attendance.

#### ADMINISTRATION OF OATHS

The chairperson of the Board of Adjustments 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, 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. 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 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 landowner and/or developer at the same time that it is furnished 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.

Following the completion of conditions of a Conditional Use Permit, the Administrative Official, upon 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 the local zoning ordinance or Board of Adjustments bylaws 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.

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. 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.

#### FINDINGS NECESSARY FOR GRANTING VARIANCES

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

The requested variance arises from special circumstances which so 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.

#### 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, 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 one year, without being considered abandoned.

The property owner may appeal to the Board of Adjustments for an additional year prior to the end of the first year. Any lapse of a non conforming use for a period of more than two 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.

#### 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 twenty (20) days of the decision of the Administrative Official.

**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 to any and all parties of record. 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. 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.

**PUBLIC NOTICE OF APPEAL HEARING**

The board shall fix a reasonable time for hearing the appeal but not more than sixty (60) 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, the Administrative Official not later than fourteen (14) days prior to the hearing, and shall decide it within thirty (30) 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 commission action may be made in keeping with the requirements of KRS 100.347 taking in the following manner:

Appeals from the Board of Adjustments shall be made to the Circuit Court of Laurel County.

**103 THE CODES ENFORCEMENT OFFICE**

The Codes Enforcement Office is responsible for the review/revision and adoption 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.

**ADMINISTRATIVE OFFICIAL**

An Administrative Official designated by the City Council shall administer and enforce this ordinance. The Administrative Official may be provided with the assistance of such other persons as the City Council 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. 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.

**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 by the following table:

Estimated Cost of Construction	Building Permit Fee
Project Valuation Does Not Exceed \$2,000	\$20.00
Project Valuation \$2,001 to 15,000	\$20.00 + \$5.00 for each \$1,000 over \$2,000
Project Valuation \$15,001 to \$100,000	\$85.00 + \$2.75 for each \$1,000 over \$15,000
Project valuation \$100,001 to \$500,000	\$310.00 + \$1.25 for each \$1,000 over \$100,000
Project Valuation \$500,001 to \$1,000,000,	\$810.00 + \$0.50 for each \$1000 over \$501,000
Project Valuation over \$1,000,001	\$1,000 + 0.20 for each \$1,000 over \$1,000,000
Electrical Permits	\$20.00
Excavation Permit	\$50.00
Mechanical Plan Review for upgrades to existing buildings	\$50.00
Sign Permits	\$2.00 per square foot with a minimum charge of \$25.00
Temporary Sign Permit	\$25.00
Portable Mobile Storage Container Permit	\$25.00
Mobile Home Replacement Permit	\$100.00

4. The value of new construction of homes is determined by the below formula fee:

a) Main living area cost per square footage	\$60.00
b) Attached garage cost per square footage	\$50.00
c) Second floor, up cost per square foot	\$45.00
Improved Basement cost per square footage	\$45.00

The estimated construction cost for building permits for commercial buildings shall be based on contract price.

5. That for moving a building or structure the building permit fee shall be one hundred (\$100.00) dollars. Demolition of a structure over 1,600 square feet in size shall be fifty (\$50.00).
6. The fee for a variance in any building or structure shall be two hundred dollars (\$200.00).
7. A Certificate of Occupancy is required for any new or altered building for which a

building permit was issued. The fee for a residence shall be five dollars (\$5.00) per family unit. The fee for a commercial building shall be ten dollars (\$10.00) to cover the cost of the final inspection and the printing of the certificate.

8. The fee for holding a public hearing to consider a change in zoning shall be one thousand dollars (\$1,000.00). This is to cover the cost of advertising for public hearing, signs for posting property considered for rezoning and the cost of notifying surrounding property owners.
9. The fee for a condition use request is two hundred dollars (\$200.00)

## 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 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 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 its 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.
- 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 (72 hours) 3 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 six (6) months after the date of issuance, if construction has not begun, unless an extension is granted by the Administrative Official or presentation of a valid reason for such extension.

### **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.
- 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.

### **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 Planning Commission and 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 Planning Commission and 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, or the Planning Commission.
2. The Zoning Map: 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 way 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.

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

1. File an application with the Planning Commission through the Administrative Official (Code Enforcement Office). At the time of filing an application, a non-returnable filing fee of one thousand dollars (\$1,000.00). 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)<sup>1</sup> 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 may be relied upon to determine the identity and address of said owner(s). 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. 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. If the application is for an amendment to the official zoning map, the Planning Commission 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.

In its deliberations, 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 a development plan is approved as part of the zoning map amendment, a certificate of land use restriction must be filed.

The Planning Commission shall make a finding 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. 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.

When action has been taken to amend the zoning map, no other application for rezoning that same piece of property will be considered until six (6) months has passed.

4. **ACTION BY THE CITY COUNCIL:** 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 majority vote of the entire City Council to override the recommendation of the Planning Commission.

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. If the Planning Commission denied the requested amendment, before the City Council can approve such amendment, it must take a majority vote of the membership of City Council members to override the recommendations of the Planning Commission.

5. The Planning Commission may change the zoning of a particular parcel of land back to the original classification after a period of one year after the date of change in classification if any of the following findings are made:
  - a) That there has been no substantial progress in the development of the property in question.
  - b) That development plans adopted, or acted upon by the Commission in relation to the property in question cannot be carried out according to Commission findings.
  - c) That the Commission and/or governing body has adopted revised comprehensive plans or development plans wherein the proposed use of the property is other than the use permitted by the zone change, and that substantial progress has not been made toward the development of the property in the one year period.
  - d) That the findings necessary for map amendment in KRS 100.213 are applicable to the reversion.

### 201.3 ANNEXING LAND INTO THE CITY

When land is to be annexed into the city, the applicant shall submit a request to the city. The Codes Enforcement Office will contact the appropriate city agencies to determine the city's capacity for serving the proposed annexed area. If the determination is to proceed further, the Planning Commission shall conduct a public hearing of the proposed annexation to determine the appropriate zoning classification. Their recommendations will be forwarded to the City Council for their action. Following the city's final action to annex the area, the official zoning map will be amended to reflect the newly annexed area.

### 202 ZONING DISTRICTS

The ordinance recognizes six major types of zoning districts:

- (1) Residential
- (2) Business (Commercial)
- (3) Industrial
- (4) (MP) Mobile 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 detached residences and related uses, and to exclude uses that are not compatible with residential use.
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.

#### 202.1.1 MOBILE HOME PARK STANDARDS

Mobile home parks shall be located only in a Mobile 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 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 home lots.
- e) The area of each lot intended for the mobile home with setback lines shown.
- f) A detailed drawing of the foundation for placement of mobile 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) The location of all utilities with size of lines (as needed), detailed drawings of water supply (if other than public), and detailed drawings (with specifications) of sewage disposal facilities. All sewage and waste matter shall be disposed of into a public sewerage system. The permit holder is responsible for storage and disposal of solid waste. The storage, collection, and disposal of solid waste shall be handled in such a way as not to create any health hazards.
- j) Individual mobile homes located within the park shall have a minimum floor area of seven hundred and twenty (720) square feet.
- k) A separate floor plan of all buildings and other improvements to be constructed.
- l) Size and location of any playground area, if being provided.
- m) Evidence of compliance with the Comprehensive Plan and this Ordinance.
- n) Payment of required fee. The fee for a mobile home park shall be the same as a zone change, One thousand dollars (\$1,000.00).
- o) The fee for replacement of a previously existing mobile home is One hundred dollars (\$100.00).
- p) Such other information as the Planning Commission might require.

#### LOCATION AND GENERAL LAYOUT:

- 1) The mobile 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 home park shall abut a collector or arterial street.
- 3) Each mobile home/lot shall be numbered and displayed in some systematic order.
- 4) Each mobile home lot shall be a minimum of 4,000 square feet in area.
- 5) Mobile homes shall be separated from each other and other structures by a minimum of twenty (20) feet.
- 6) All mobile homes shall be located at least twenty-five (25) feet from any external right-of-way, and at least twenty (20) feet from any other park boundary.
- 7) Each mobile home shall be set back from the internal park street or common parking area a minimum distance of twenty (20) feet.
- 8) The park shall provide a recreational area which 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 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 homes shall be placed and anchored to meet all Commonwealth of Kentucky Construction Methods and Requirements.
- 12) A dwelling/office for caretaker or manager is allowable provided it meets the applicable sections of this ordinance.
- 13) Only one (1) mobile home shall be permitted to be placed on a single lot.

#### MOBILE HOME PERMITS AND OCCUPANCY

After the adoption of this Ordinance, all new mobile homes in the City of London shall be located in a Mobile Home Park District (MP). All mobile homes in the City of London shall conform to all requirements of this ordinance, and with all requirements of the Commonwealth of Kentucky.

The Administrative Official shall not issue a building permit for any mobile home to be placed in a Mobile Home Park District (MP) until the London Board of Adjustments and Zoning and Planning have given approval of the mobile home in writing. In addition, the applicant cannot place the mobile home on the lot until a valid building permit has been issued.

The Administrative Official shall issue a certificate of occupancy only after he has determined that the mobile home has been prepared according to all applicable regulations. The applicant must also obtain a valid permit to operate from the appropriate state agency.

#### **EXISTING MOBILE HOME PARKS**

Any mobile home park presently holding a valid construction or 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 Home Park is not being maintained in a safe and sanitary manner. Mobile Homes shall be allowed to be replaced in an existing Mobile Home Park provided the Mobile Home does not exceed the original footprint or cubic feet of the original Mobile Home. The Building Inspector shall have the authority to notify the owner of the Mobile Home Park of any unsafe or unsanitary conditions found within the Mobile Home Park.

#### **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 one thousand dollars (\$1,000.00).

#### **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 following table provides information on the uses that are allowed in residential districts.

USES ALLOWED	R-1	R-2	MP	PDP
Single-family dwelling (does not include mobile homes)	P	P	N	P
Two-family dwellings	N	C	N	C
Multi-family dwellings	N	C	N	C
Mobile Homes	N	N	P	N
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
Greenhouses, Gardens, Horticultural Activities (non-commercial)	A	A	A	A
Garages, Carports, Storage Buildings (2)	A	A	A	A
Junkyards (including parted automobiles), Wrecking Yards	N	N	N	N
Private Swimming Pools	A	A	A	A
Satellite TV Dishes (3)	A	A	A	A
Churches and Related Church Uses	N	C	N	C
Civic, Charitable Organizations	N	C	C	C
Parks, Playgrounds, Play lots	C	P	P	C
Golf Courses	N	N	C	C
Laundromats, Snack Bars, Newsstand	N	N	C	C
Cell Towers	N	N	N	N
Condominiums	N	C	N	C
Portable, Mobile Storage Containers (PODS)	N	N	N	N
Wind Turbines	N	N	N	N

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

- 1) Home occupations must meet the requirements spelled out in definitions.
- 2) 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.
- 3) TV satellite dishes shall be located in the rear yards, set back from the property lines at least ten (10) feet, and shall not exceed twenty (20) feet in height.

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' 1	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.

### 202.1.5.2 DIMENSIONAL REQUIREMENTS

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

\* 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 is 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 twenty-five (25) percent of the total area of the lot or tract.

**USES ALLOWED & DIMENSIONAL REQUIREMENTS**

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

<u>USES ALLOWED</u>	<u>BUSINESS DISTRICT</u>		
<b>A. UTILITIES, TRANSPORTATION &amp; COMMUNICATIONS</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
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	N	P	N
<b>B. WHOLESALE TRADE</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
1. Durable (motor vehicles, furniture, hardware, etc.)	P	P	P
2. Non-Durable (paper, food, etc.)	P	P	P
<b>C. RETAIL TRADE</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
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. Mobile homes, RV's	N	P	N
7. Apparel & Accessories (clothing, shoes, bridal, etc.)	P	P	P
8. Furniture & Appliances	P	P	P
9. Office Supplies & Equipment	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	P	P	p
13. Sporting Goods, Gun Shops	P	P	P
14. Bookstores, Newsstands	P	P	P
15. Jewelry	P	P	P
16. Auto Parts, Tire Sales	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
<b>25. Commercial Nursery</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>P (Principal) C (Conditional) A (Accessory) N (Not Allowed)</b>			
<b>D. FINANCE, INSURANCE &amp; REAL 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

E. PERSONAL SERVICES	C-1	C-2	C-3
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

F. BUSINESS SERVICES	C-1	C-2	C-3
1. Advertising/Public Relations	P	P	P
2. Credit Bureau	P	P	P
3. Steno/Typing, Answering	P	P	P
4. Printing/Copying	P	P	P
5. Janitorial/Maintenance	P	P	P
6. Computer, Data Processing,	P	P	P
7. Rentals: Merchandise, Equipments	P	P	P
8. Research/Testing	P	P	P
9. Mini Warehouses	N	C	C
10. Portable Mobile Storage Containers (PODS)	(1)	(1)	(1)

G. AUTO REPAIR, SERVICES	C-1	C-2	C-3
1. Garage	P	P	P
2. Junkyards ***NOT PERMITTED IN ANY ZONE***	N	N	N

H. MISCELLANEOUS REPAIR	C-1	C-2	C-3
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)

I. AMUSMENT, RECREATION	C-1	C-2	C-3
1. Theaters	P	P	P
2. Bowling/Billiards	P	P	P
3. Skating	P	P	P
4. Riding Stables	N	C	N
5. Inflatable's	C	C	C
J. HEALTH SERVICES	C-1	C-2	C-3

1. Physicians/Dentists	P	P	P
2. Others (chiropractors, optometrists, etc.)	P	P	P
3. Hospitals, Clinics	P	P	P
4. Medical, Dental Labs	P	P	P
5. Nursing, Personal Care	P	P	P
6. Behavioral Health Services; Alcohol and/or Drug Treatment; Substance Abuse and Special Health Care Facilities	P	P	P
1. Legal Service			

L. EDUCATION	C-1	C-2	C-3
1. Including business, professional	P	P	P
2. Dance Studios, Acting, Music	P	P	P

M. SOCIAL SERVICES	C-1	C-2	C-3
1. Welfare	P	P	P
2. Nursing Facilities	P	P	P
3. Treatment Centers	P	P	P

<b>N. ARCHITECTS, ENGINEERS, ETC</b>	C-1	C-2	C-3
1. Architects, Engineers, Etc	P	P	P

<b>O. CONTRACT CONSTRUCTION</b>	C-1	C-2	C-3
1. Contract Construction	C	C	C

<b>P. BUSINESS, CIVIC, PROFESSIONAL CLUBS</b>	C-1	C-2	C-3
1. Business, Civic, Professional Clubs	P	P	P

<b>Q. VETERINARY OFFICES</b>	C-1	C-2	C-3
1. Veterinary Office	C	C	C

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

**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.

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

<b>S. CHURCHES</b>	C-1	C-2	C-3
1. Churches	P	P	P

<b>T. RESIDENCES</b>	C-1	C-2	C-3
1. Multi-family (loft-units)	C	C	C
2. Single-family loft units	P	P	P
3. Motels/Hotels	P	P	P
4. Mobile Homes	N	N	N
5. Dormitories	N	C	C

<b>U. PLANNED DEVELOPMENTS</b>	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 thirty (30) days. Extensions may be permitted for an additional thirty (30) days upon a written request, with a valid explanation, from the applicant. In no event shall a Portable Mobile Storage Container (PODS) be used as a permanent storage unit within the City of London. In no event shall a Portable Mobile Storage Container (PODS) be used for occupancy of a business or residence.

Note: Double and multi-family dwellings located in, R-2, C-1, C-2 and C-3 zones shall be allowed as conditional uses and shall meet the same requirements as apartment buildings located in an R-2 zone.

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

**202.3 APARTMENT HOUSES**

- A. Apartment houses shall be permitted as conditional uses in the R-2, C-1, C-2 and C-3 Districts.
- B. 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.
- C. 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
- D. 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. In no case shall the height exceed fifty (50) feet. The allowable height and building areas also shall meet the requirements of the Kentucky Building Code section entitled General Building Heights and Areas Limitations.
- E. Lot Coverage: The combined area occupied by all principal and accessory buildings shall not exceed fifty percent (50%) of the total lot area.
- F. 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.
- G. Procedure: 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. All requirements shall be followed when a Conditional Use Permit is requested.

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

Multi-unit residential structures are permitted by conditional use only in a C-1, C-2, C-3 or R-2 zone, provided they conform with the following requirements:

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	100	100	100
Minimum Front Yard Setback (ft) at street right-of- way	30	30	30
Minimum Rear Yard (ft)	20 (2)	20 (2)	20 (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
Dancing/After Hours Establishments	N	N

**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 and Federal agencies are not required to submit their development plans to the Planning Commission for review. However, 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

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 fifty (50) 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.

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
<b>RESIDENTIAL</b>	
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 homes	2 per dwelling unit

USES	SPACES
<b>COMMERCIAL</b>	
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
<b>ENTERTAINMENT/RECREATION</b>	
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. 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. Additionally, this section is designed 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.

### **205.2 PERMITS REQUIRED**

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 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 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.

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

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. Church bulletin boards or identification signs, that do not exceed one per abutting street and 20 square feet in area, and are not internally illuminated.
7. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
8. Signs proclaiming religious, political, or other non-commercial messages that do not exceed on 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 three 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.

#### **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 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.

## 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 Chief Building Official 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.
2. The holder of the permit may appeal the decision to revoke the permit to the appropriate Board of Adjustment, in writing, fourteen (14) days from the date when the notice was served.
3. If no appeal has been filed by the permit holder at the end of fourteen (14) days, the permit is revoked. The Board of Adjustment 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 Chief Building Official/Enforcement Officer 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 Chief Building Official/ Code Enforcement Official 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 appeal to the Board of Adjustment.

#### **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 1.5 square feet of sign area for each linear foot of building space 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**

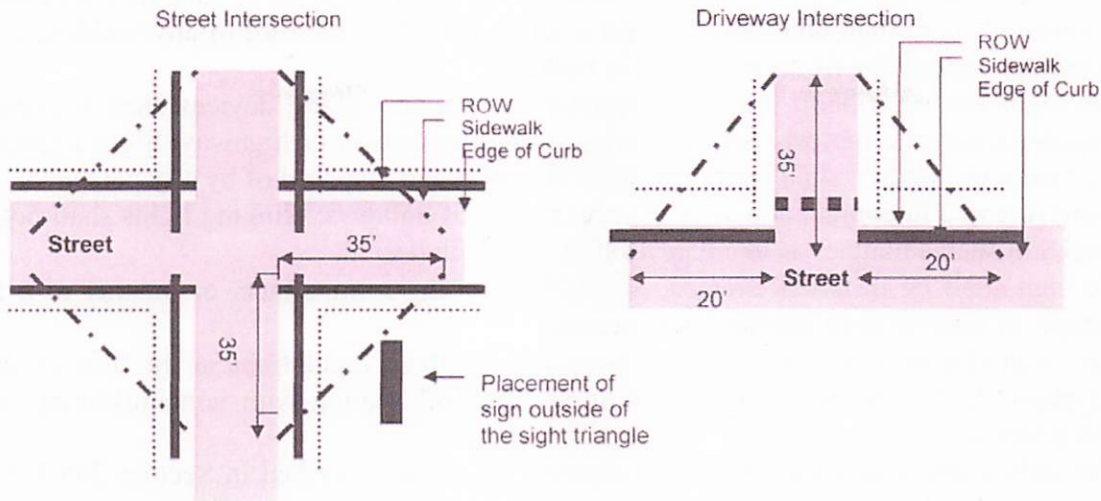


Figure 6: Street Intersection Sight Triangle and Driveway Intersection Sight Triangle

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. Off-premise signs shall not be allowed within the city limits of London.
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 been 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 twenty five dollar (\$25.00) charge for smaller 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**

The City Council of the City of London has determined that no interests of the City are served by the location of "Off Premise" signs or billboards within the City limits of London, Kentucky and the City agrees with the considerations made by the United States and Kentucky Department of Transportation in regulations and statutes restricting the placement of signs and billboards near roadways, and the City does not desire to have the further placement of "Off premise" signs and billboards within the City of London, Kentucky. For such reasons, no off premise signs may be erected or placed within the City of London.

1. This portion of this ordinance does not apply to the Commonwealth of Kentucky or the United States Governments, or their subdivisions or governmental entities.
2. Signs which are in existence at the time of this ordinance shall be allowed to remain, however, no sign shall be enlarged or expanded. Once a sign has been removed, falls, or is destroyed it shall not be replaced.
3. Any violation of this ordinance shall be subject to a fine as per Section Entitled Penalties. Each day shall constitute a separate offense. Violators may be cited to the Laurel District Court, or be given notice of the violation of this ordinance by the City of London Building Inspector. Notice by the building inspector shall include language that the sign is to be removed and if it is not removed within the time given in the notice, which shall not exceed 90 days, it may be removed and disposed of by the City of London at the owner's expense.

## 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- Notwithstanding 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.

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 sell 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**

(A) Every utility or a company that is engaged in the business of providing the required

infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within the City of London must:

- 1) Submit a copy of the applicant's completed uniform application to construct an antenna tower for cellular or personal telecommunications services to the Planning Commission. The uniform application shall:
  - a) Include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes all of the planning unit's jurisdiction and a one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers;
  - b) Include in any contract with an owner of property upon which a cellular antenna tower is to be constructed a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal; and
  - c) Comply with any local ordinances concerning land use subject to the limitations imposed by 47 U.S.C. 332(c), KRS 278.030, 278.040 and 278.280.
- 2) An application shall also include:
  - a) The full name and address of the applicant;
  - b) The applicant's articles of incorporation, if applicable;
  - c) A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations;
  - d) A written report prepared by a professional engineer or land surveyor of findings as to the proximity of the proposed site to flood hazard areas;
- e) Clear directions from the county seat to the proposed site, including highway numbers and street names if applicable, with the telephone number of the person who prepared the directions;
- f) The lease or sale agreement for the property on which the tower is proposed to be located except that, if the agreement has been filed in abbreviated form with the County Clerk, an applicant may file a copy of the agreement as recorded by the County Clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2);
- g) The identity and qualifications of each, person directly responsible for the design and construction of the proposed tower;
- h) A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system;
- i) A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas;
- j) The tower and foundation design plans and a description of the standard according to which the tower was designed, signed and sealed by a professional engineer registered in Kentucky;
- k) A map drawn to a scale no less than one (1) inch equals two hundred(200) feet that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower;
- l) A statement that every person who according to the records of the property valuation administrator owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:
  - 1) Notified by certified mail, return receipt requested, of the proposed construction, which notice shall include a map of the location of the proposed construction;
  - 2) Given the telephone number and address of the local Planning Commission; and
  - 3) Informed of his or her right participate in the Planning Commission's proceeding on the application.
- m) A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners;
- n) A statement that the chief executive officer of the affected local governments and their

legislative bodies have been notified in writing of the proposed construction;

- o) A copy of the notice sent to the chief executive officer of the affected local governments and their legislative bodies;
- p) A statement that:
  - 1) A written notice, of durable material at least two (2) feet by four (4) feet in size stating that "(Name of applicant) proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the Planning Commission has been posted and shall remain a visible location on the proposed Site until final disposition of the application;
- 2) A written notice, at least two (2) feet by four (4) feet in size, stating that "(Name of applicant) proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the Planning Commission has been posted on the public road nearest the site;
- q) A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed;
- r) A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved;
- s) A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure such as a telecommunication tower or other suitable structure capable of supporting the applicant's antennas and related facilities;
- t) A map of the area in which the tower is proposed to be located that is drawn to scale and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located;
- u) A copy of the applicant's FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower;
- v) Radio frequency requirements, as follows:
  - 1) General coverage area, including overlap ("hand-off") area with other sites;
  - 2) Specific (targeted) coverage area(s) and required field strength(s);
  - 3) System specifications of the proposed site and adjoining sites, including:
    - a) Number of antennas and sectors.
    - b) Model and manufacturer of antennas.
    - c) Antenna specifications, including horizontal and vertical beamwidth, gain, downtilt (electrical and mechanical), and horizontal and vertical radiation patterns;
    - d) Orientation (azimuth) of antennas and sectors, in degrees, including reference to true north;
    - e) Effective radiated power (ERP) of each antenna;
    - f) Transmission line size and number;
    - g) Geographical coordinates of tower location;
    - h) Height of the antenna center of radiation, above ground level and above mean sea level;
    - i) Frequency or frequency band(s) of operation used by the provider for coverage analysis;
  - 4) Search "ring" area used by the provider to locate the site;
- w) Unless co-locating, certification, supported by evidence, that co-location of the proposed facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities within a two (2) mile radius of the proposed tower location, a description of each existing site, and

a discussion of the ability or inability to co-locate on each existing site, according to the following:

- 1) No existing towers or facilities are located within a two (2) mile radius of the proposed tower location;
- 2) Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements;
- 3) Existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment;
- 4) The applicant's planned equipment would cause frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause frequency interference with the applicant's planned equipment, and which cannot be reasonably prevented.
- 5) Unwillingness of the owner/owners of the existing tower/towers or facility/facilities to entertain a co-location proposal.
- 6) Existing towers are not located within a reasonable distance to provide the necessary coverage.
- x) Unless co-locating, certification, supported by evidence, that the proposed site is appropriate for the location of the facility. The applicant's certification shall include a listing of at least three (3) potential sites within a one (1) mile radius of the proposed tower location, a description of each potential site, and a discussion of the ability or inability of the site to host such a facility, according to the following:
  - 1) Unwillingness of the site owner(s) to entertain such a facility;
  - 2) Topographic limitations of the site;
  - 3) Adjacent impediments that would obstruct adequate transmission;
  - 4) Physical site constraints that would preclude the construction of such a facility;
- y) A development plan, signed and sealed by a professional engineer registered in Kentucky, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet, showing the following information, where applicable:
  - 1) The total area of the site in question;
  - 2) All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned;
  - 3) Existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet;
  - 4) Location, height, arrangement, and identification of all nonresidential buildings, structures, and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions;
  - 5) Location and arrangement of all common open space areas, and methods of ownership and operation and maintenance of such lands shall be identified;
  - 6) Landscaping features, including identification of planting areas and the location, type, and height of walls and fences;
  - 7) Location of signs, indicating their orientation, size, and height;
  - 8) All utility lines and easements;
    - a) Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
    - b) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, and type of manholes, the location, type, size all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
    - c) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch , location and size of retention and/or sedimentation basins;
    - d) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easement
- 9) Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking and loading and/or unloading spaces;
- 10) Circulation System:
  - a) Pedestrian walkways, including alignment, grades, type of surfacing, and width;
  - b) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections;
- 11) Provisions for control of stormwater detention/retention, erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures

which will be implemented during all phases of clearing, grading, and construction;

- z) The applicant shall provide information demonstrating compliance with the following requirements. 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.
- 1) 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;
  - 2) A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of 100 feet regardless of the maximum height requirements listed in other specific ordinances or regulations. 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 antennas greater than 100 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.);
  - 3) 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.
  - 4) All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
  - 5) All option and site lease agreements shall not prohibit the possibility of co-location.
  - 6) 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 to be placed in an area between the property line, or lease line, and a ten (10) foot setback.

(B) All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed shall be deemed confidential and proprietary within the meaning, of KRS 61.878. The 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. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030.

From the time that a uniform application is received by the Commission, all information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The planning commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction, or when and to the extent that confidentiality is waived in writing by the applying utility OR the applicant. The planning commission will request that the applicant waive confidentiality on the contents of the uniform application, with the exception of any information that indicates the general position of future proposed construction sites for new cellular antenna towers as discussed herein, and will request that the applicant provide in some separate format (e.g., in a separate set of documents) all information for which confidentiality has not been waived (for purposes of excluding dissemination.)

(C) 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. 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.

(D) No guyed towers shall be allowed in new tower construction. No guyed tower

replacements shall be allowed except for guyed tower structures being replaced.

## 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;
- 2) Make its final decision to approve or disapprove the uniform application; 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 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.

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.

**206.5 OFF-PREMISE AND ON-PREMISE SIGNS (BILLBOARDS) FOR CELLULAR TRANSMITTING DEVICES**

Any retail or wholesale telecommunications service that uses radio signals transmitted through cell sites or mobile switching stations that desires to place limited transmitting devices on billboards in the City of London shall make an application to the City of London by submitting for review documents and an application form to the City of London Building Inspector for his review prior to being presented to the City Council of the City of London. The documents and application shall contain the following information:

1. The following information concerning the billboard:
  - a) The location of the billboard
  - b) The owner of the billboard
  - c) A copy of the lease between the billboard owner and the property owner and a statement of whether the same is recorded in the office of the Laurel County Court Clerk's office and the book and page number of the recorded document.
  - d) A statement by an engineer or architect licensed within the Commonwealth of Kentucky stating that he/she has physically inspected the billboard and statements as to the structural integrity of the billboard, including the foundation of the billboard, any deficiencies of any nature whatsoever and any corrective measures to be made to correct such deficiencies or to maintain the structural integrity of the billboard. The statement shall include information recognizing the size, number and weight of the antennas and/or dishes and the manufacturer of the same which are to be located on the billboard structure and any other changes or additions recommended by the engineer or architect to be made to the billboard structure for its utilization for the cellular devices and a design drawing of the same. Such statement shall also include that the structural integrity of the billboard will not be compromised by the additional cellular devices being located on the billboard and that the location of the cellular devices on the billboard presents no known or anticipated risk of safety to the citizens of the City of London. There shall be no other use by any other cellular telephone company on the billboard. The permission granted herein may not in any way be expanded in any manner beyond the specific permission granted

herein.

- e) The applicant shall provide a copy of any contract for labor, materials, equipment to be used in the construction, repair, or modifications of the billboard for the placement of the cellular devices on the billboard.
  - f) Prior to the commencement of any repair, replacement or modifications of the billboard for the planned use for cellular devices as described herein, the applicant shall provide or cause to be provided certificates of insurance evidencing general liability insurance as well as the statutory limits of worker compensation insurance.
  - g) An application fee of Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00) shall be made payable to the City of London for processing of the application.
2. The City of London Building Inspector shall review all applications prior to the submission of the application to the City Council for consideration. The Building Inspector and the Mayor of the City of London shall have full authority to refuse to recommend/place the item on the agenda of the City Council for consideration until full and complete compliance with the requirements of the application process.
  3. If permission is granted by the City Council of the City of London based on the application, prior to any construction, repairs, modification, remodeling or renovation of the billboard, the cellular company shall provide, prior to any construction, remodeling, modifications or repairs of the billboard, a certificate of general liability insurance, including but not limited to property damage and personal injuries, of not less than Five Million Dollars and 00/100 (\$5,000,000.00), which shall name the City of London as an additional insured. It shall be the responsibility of the cellular company to provide to the City Clerk of the City of London a copy of the certificate of insurance on each occasion of the insurance renewal or a copy of any replacement insurance. Failure to provide such proof of insurance with the City named as an additional insured will be considered a material default in the granting of this use of the billboard, without the necessity of notice by the City of London and will result in the immediate discontinuance of any grant or permission by the City for the continued use of the billboard for cellular purposes. By applying to the City for use of the billboard for cellular purposes, the applicant agrees to completely indemnify and hold the City harmless for any claims of any nature whatsoever, including any and all attorney fees court costs or any other expense of any nature whatsoever, incurred by the City arising from the granting of the application to the applicant.
  4. This Ordinance is not intended to exceed any state or federal law or regulation regulating or restricting the use or placement of devices addressed in this Ordinance. There must be compliance with any and all permissions, permits, applications or other qualifying acts required by the state or federal governments prior to the placement of such any devices authorized by this Ordinance. Notwithstanding any other language in this Ordinance, compliance must be made with other London City Ordinances, when applicable to location of the billboard.
  5. If permission is granted by the City to the applicant, said permission may not be transferred, sold, leased or held in any other manner by any person other than the applicant. Any violation of this provision shall be considered a material default in the granting of this use of the billboard, without the necessity of notice by the City of London and will result in the immediate discontinuance of any grant or permission by the City for the continued use of the billboard for cellular purposes.

## **206.6 FLOOD DAMAGE PREVENTION**

### **206.6.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

- A. **STATUTORY AUTHORIZATION:** The Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes KRS Chapter 100 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. For such reasons, the City Council of London, Kentucky, has adopted a floodplain management ordinance, after making the following findings of fact:
  1. The flood hazard areas of the City of London are subject to periodic inundation which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and
- B. **FINDINGS OF FACT:**
  1. The flood hazard areas of the City of London are subject to periodic inundation which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and

general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.
- C. STATEMENT OF PURPOSE: This section of this ordinance is to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:
1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;
  2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;
  4. Control filling, grading, dredging, and other development which may increase erosion or flood damage, and;
  5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.
- D. OBJECTIVES: The objectives of this portion of this ordinance are to:
1. Protect human life and health;
  2. Minimize expenditure of public money for costly flood control projects;
  3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. Minimize prolonged business interruptions;
  5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;
  6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding; and,
  7. Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area.
  8. Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

## 206.6.2 DEFINITIONS

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

1. A Zone - Portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.
2. Accessory structure (Appurtenant structure) - A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.
3. Accessory use - A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
4. Addition (to an existing structure) - Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

5. A1-30 and AE zones - Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.
6. AH zone - An area of 100-year shallow flooding where depths are between 1 and 3 feet (usually shallow ponding). Base flood elevations are shown.
7. AO zone - An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain) Flood depths are shown.
8. Appeal - A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or from the floodplain administrator's ruling on a request for a variance.
9. AR/A1 – A30, AR/AE, AR/AH, AR/AO, and AR/A zones - Special Flood Hazard Areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.
10. A99 zone - That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a Federal flood protection system under construction. No base flood elevations are determined.
11. Area of shallow flooding - A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
12. B and X zones (shaded) - Areas of the 0.2% annual chance (500-year) flood, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than 1 square mile, and areas protected by levees from the base flood.
13. Base flood - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.
14. Base Flood Elevation (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
15. Basement - That portion of a structure having its floor subgrade (below ground level) on all four sides.
16. Building - A walled and roofed structure that is principally aboveground; including a manufactured home, gas or liquid storage tank, or other man-made facility or infrastructure. See definition for structure.
17. C and X (unshaded) zones - Areas determined to be outside the 500-year floodplain.
18. Community - A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.
19. Community Rating System (CRS) - A program developed by the Federal Insurance Administration to provide incentives to those communities in the Regular Program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.
20. Community Flood Hazard Area (CFHA) - An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and

reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

21. Critical facility - Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. Critical facilities include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.
22. D zone - An area in which the flood hazard is undetermined.
23. Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.
24. Elevated structure - A non-basement structure built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, piling, columns (post and piers), shear walls, or breakaway walls. (See freeboard requirements for residential and non-residential structures.)
25. Elevation Certificate - A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure's elevation and other related information to verify compliance with this ordinance.
26. Emergency Program - The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.
27. Enclosure - That portion of a structure below the Base Flood Elevation (BFE) used solely for parking of vehicles, limited storage, or access to the structure.
28. Encroachment - The physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
29. Existing construction - Any structure for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "Existing structures".

30. Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by the City of London based on specific technical base flood elevation data which established the area of special flood hazards.
31. Five-Hundred Year Flood - The flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.
32. Flood, Flooding, or Flood Water:
  - a) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows). See Mudslides.
  - b) The condition resulting from flood-related erosion. See flood-related erosion.
33. Flood Boundary and Floodway Map (FBFM) -A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.
34. Flood Hazard Boundary Map (FHBM) -A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).
35. Flood Insurance Rate Map (FIRM) - A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.
36. Flood Insurance Study - The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.
37. Floodplain or flood-prone area - Any land area susceptible to being inundated by flood waters from any source.
38. Floodplain Administrator - The individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.
39. Floodplain Management - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.
40. Floodplain Management Regulations - This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
41. Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
42. Floodproofing Certificate - A certification by a registered professional engineer or architect, on a FEMA-approved form in effect at the time of certification stating that a

non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

43. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the “regulatory floodway”.
44. Floodway fringe - That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.
45. Freeboard - A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, etc.
46. Fraud and victimization - As related in Article 6, Appeals and Variance Procedures, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty to one hundred years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
47. Functionally dependent use facility - A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
48. Governing body - The local governing unit, i.e. county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.
49. Hazard potential - The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).
50. Highest adjacent grade - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
51. Historic Structure - Any structure that is:
  - A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
  - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - D. Individually listed on a local inventory of historic places in communities with historic

preservation programs that have been certified either:

- a) By an approved state program as determined by the Secretary of the Interior, or b) Directly by the Secretary of the Interior in states without approved programs.

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

ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

53. Kentucky Revised Statute 151.250 - Plans for dams, levees, etc. to be approved and permit issued by cabinet – (Environmental and Public Protection Cabinet)

- a) Notwithstanding any other provision of law, no person and no city, county, or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the Department of Highways) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet by regulation may exempt those dams, embankments or other obstructions which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply.
- b) No person, city, county or other political subdivision of the state shall commence the filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in subsection (1) above.
- c) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction, reconstruction, improvement, enlargement, maintenance or operation of any drainage district, ditch, or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Department for Natural Resources through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

54. Officers required to enforce law.

- a) The mayor or his designee shall have the concurrent duty of enforcing with the cabinet, within the City of London the provisions of KRS 151.250, 151.280 and 151.310 and rules and regulations issued thereunder.
- b) When a violation of KRS 151.250, 151.280 or 151.310 within his jurisdiction is brought to the attention of the mayor or his designee, he shall immediately notify the cabinet of the location and details of such violation.

55. Letter of Map Change (LOMC) – Is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's include the following categories:

- a) Letter of Map Amendment (LOMA) – A revision based on technical data showing that a

- property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.
- b) Letter of Map Revision (LOMR) - A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.
  - c) Letter of Map Revision – Fill (LOMR\_F) – A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SFHA.
56. Levee - A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
57. Levee System - A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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

- a) All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised).
- b) All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP.

58. Limited storage - An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.
59. Lowest adjacent grade - The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure's foundation system.
60. Lowest Floor - The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
61. Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term "manufactured home" does not include a "recreational vehicle" (see Recreational Vehicle).
62. Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. No new mobile home parks are allowed by this Ordinance; replacement of mobile homes in preexisting mobile home parks are allowed per the terms of this Ordinance.
63. Map - The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

64. Map Panel Number - The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)
65. Market value - The structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of structure (Actual Cash Value) or adjusted assessed values.
66. Mean Sea Level (MSL) - The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on a community's FIRM. For purposes of this ordinance, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.
67. Mitigation - Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.
68. Mudslide (i.e. mudflow) - Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.
69. Mudslide (i.e. mudflow) area management - The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.
70. Mudslide (i.e. mudflow) prone area - An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.
71. National Flood Insurance Program (NFIP) - The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.
72. National Geodetic Vertical Datum (NGVD) - As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRM's. Refer to FIRM legend panel for correct datum.)
73. New Construction - Structures for which the start of construction commenced on or after the effective date of the City of London's floodplain management regulations and includes any subsequent improvements to such structures.
74. Non-Residential - Structures that are not designed for human habitation, including but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.
75. North American Vertical Datum (NAVD) - As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRM's and Digitally Referenced FIRM's (DFIRM's). (Refer to FIRM or DFIRM legend panel for correct datum.)

76. Obstruction - Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
77. One-Hundred Year Flood (100-Year Flood) (see Base Flood) - The flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood with the SFHA.
78. Participating Community - A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.
79. Pre-FIRM Construction - Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.
80. Post-FIRM Construction - Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.
81. Probation - A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy is subject to a \$50 surcharge.
82. Program Deficiency - A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.
83. Public Safety and Nuisance - Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
84. Recreational Vehicle - A vehicle that is:
- a. Built on a single chassis;
  - b. 400 square feet or less when measured at the largest horizontal projection;
  - c. Designed to be self-propelled or permanently towable to a light duty truck; and
  - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
85. Program - The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.
86. Regulatory floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See Base Flood.
87. Remedy a violation - The process by which a community brings a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.
88. Repair - The reconstruction or renewal of any part of an existing structure.

89. Repetitive Loss - Flood-related damages sustained by a structure on two or more separate occasions during a 10-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more flood losses of \$1000.00 or more over the life of the structure, or, three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.
90. Riverine - Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
91. Section 1316 - That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.
92. Sheet flow area - see "Area of shallow flooding".
93. Special flood hazard area (SFHA) - That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 – A30, AH, AO, or AR.
94. Start of Construction (includes substantial improvement and other proposed new development) - The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.
95. Structure - A walled and roofed building that is principally above ground; including manufactured homes, gas or liquid storage tanks, or other man-made facilities or infrastructures. See Building.
96. Subdivision - Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.
97. Subrogation - An action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.
98. Substantial Damage - Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred."
99. Substantial Improvement - Means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 1-year period in which the cumulative percentage of improvement equals or exceeds 50 percent of the market values of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code

specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions.

100. Substantially improved existing manufactured home parks or subdivisions - Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.
101. Suspension - Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.
102. Utilities - Includes electrical, heating, ventilation, plumbing, and air conditioning equipment.
103. Variance - Relief from some or all of the requirements of this ordinance.
104. Violation - Failure of a structure or other development to fully comply with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
105. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.
106. Water surface elevation - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
107. Watershed - All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.
108. X zone - The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2-percent probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded X zones (C zones on older FIRMS) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.
109. Zone - A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

### 206.6.3 GENERAL PROVISIONS

- A. **LANDS TO WHICH THIS ORDINANCE APPLIES:** This ordinance shall apply to all Special Flood Hazard Areas (SFHA) and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the City Council of the City of London 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.
- B. **BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD 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 these regulations 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 Floodplain Administrator and are enacted by the City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRM 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.

- C. **ESTABLISHMENT OF DEVELOPMENT PERMIT:** A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in the special flood hazard areas (SFHA). See Article II, Section B for instructions and explanation.

Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

- D. **COMPLIANCE:** No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.
- E. **ABROGATION AND GREATER RESTRICTIONS:** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

- F. **INTERPRETATION:** In the interpretation and application of this ordinance, all provisions shall be:

- 1) Considered minimum requirements;
- 2) Liberally construed in favor of the governing body; and,
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes.

- G. **WARNING AND DISCLAIMER OF LIABILITY:** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City Council of the City of London, any officer or employee, the Commonwealth of Kentucky, the Federal Insurance Administration, or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

- H. **ENFORCEMENT, VIOLATION NOTICE AND PENALTIES:**

- 1) **Civil Offense:** If, at any time, development occurs which is not in accordance with this portion of this Ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications, such development shall constitute a civil offense.
- 2) **Notice of Violation:** If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this ordinance and/or of the permit violated, when it occurred, how the violation

is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.

- 3) **Notice of Citation: Notice of Violation:** If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven (7) days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.
- 4) **Penalties:** Violation of this section of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than one hundred dollars (\$100.00) or imprisoned for not more than 10 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **206.6.4 ADMINISTRATION**

- A. **DESIGNATION OF LOCAL ADMINISTRATOR:** The City Council of the City of London hereby appoints the Building Inspector to administer, implement, and enforce the provisions of this ordinance by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.
- B. **ESTABLISHMENT OF DEVELOPMENT PERMIT:** A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in Article I, Section B. Application for a Development Permit shall be made on forms furnished by Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of local administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.
1. Application Stage
    - a) Proposed elevation in relation to Mean Sea Level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or
    - b) Proposed elevation in relation to Mean Sea Level to which any non-residential structure will be flood-proofed;
    - c) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Article III, Section B (2) and Section D (2);
    - d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### 1. Construction Stage

Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. In AE, A1-30, AH, and A zones where the Community has adopted a regulatory Base Flood Elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

- C. **DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR:** The Floodplain Administrator and/or staff are authorized and directed to administer, implement and enforce the provisions of this ordinance. The Floodplain Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

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

1. Permit Review: Review all development permits to ensure that:
  - a) Permit requirements of this ordinance have been satisfied;
  - b) All other required state and federal permits have been obtained: Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;
  - c) Flood damages will be reduced in the best possible manner;
- d) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
2. Review and Use of Any Other Base Flood Data: When base flood elevation data has not been provided in accordance with Article I, Section B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Article 5. Any such information shall be submitted to the City Council for adoption.
3. Notification of Other Agencies:
  - a) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse, and
  - b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA); and
  - c) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
4. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
  - a) Certification required by Article III, Section B (1) (lowest floor elevations) as shown on a completed and certified Elevation Certificate. Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B (2);
  - b) Certification required by Article III, Section B (2) (elevation or floodproofing of

nonresidential structures) as shown on a completed and certified floodproofing certificate.

Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article II, Section B (2);

- c) Certification required by Article III, Section B (3) (elevated structures),
- d) Certification of elevation required by Article III, Section E (1) (subdivision standards),
- e) Certification required by Article III, Section B (5) (floodway encroachments),
- f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- g) Review certified plans and specifications for compliance;
- h) Remedial Action. Take action to remedy violations of this ordinance as specified in Article I, Section H.

5. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

- a) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article IV, Section (3) b;
- b) When base flood elevation data or floodway data have not been provided in accordance with Article I, Section B, then the Floodplain Administrator shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Article III;
- c) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Article III, Section B (2) a floodproofing certificate;
- d) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

6. Right of Entry.

- a) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the administrator by this ordinance.
- b) If such structure or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.
- c) If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.
- d) When the administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the administrator for the purpose of inspection and examination pursuant to this ordinance.

7. Stop Work Orders

- a) Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

8. Revocation of Permits

- a) The administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- b) The administrator may revoke a permit upon determination by the administrator that the

construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

9. Liability

- a) Any officer, employee, or member of the floodplain administrator's staff, charged with the enforcement of this ordinance, acting for the applicable governing authority in the discharge of his duties, shall not be personally liable from any decisions made in enforcing this Ordinance, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, employee, or member because of such act performed by him or her in the enforcement of any provision of this ordinance shall be defended by the City of London until the final termination of the proceedings.

10. Expiration of Floodplain Construction Permit

- a) A floodplain construction permit, and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within one hundred and eighty (180) calendar days from the date of its issuance by the Floodplain Administrator.

**206.6.5 PROVISIONS FOR FLOOD HAZARD REDUCTION**

A. GENERAL CONSTRUCTION STANDARDS: In all Special Flood Hazard Areas the following provisions are required:

- 1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- 2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or fame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- 3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- 4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- 5) Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
- 6) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- 7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- 9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- 10) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;
- 11) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

B. SPECIFIC STANDARDS: In all special flood hazard areas where base flood elevation data have been provided, as set forth in Article I, Section B, the following provisions are required:

- 1) **Residential Construction-** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than one (1) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article III, Section B (3).
  - a) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
  - b) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated one (1) feet above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, Section 5(5)a, states as a part of the technical requirements for a State Floodplain Permit: The applicant shall provide cross sections for determining floodway boundaries (and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations). In all other Zones, elevated one (1) feet above the base flood elevation.

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

- 2) **Non-residential Construction-** New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with Article III, Section B (1) or together with attendant utility and sanitary facilities:
  - a) Be floodproofed below an elevation one (1) feet above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;
  - b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - c) Have the lowest floor, including basement, mechanical equipment, and ductwork, elevated no lower than one (1) feet above the level of the base flood elevation, or;
  - d) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B (1) c.
  - e) Manufactured homes shall meet the standards in Article III, Section B (4).
  - f) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials below an elevation one (1) feet above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:
    - g) Be certified by a registered professional engineer or architect; or
    - h) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings

shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

3. Elevated Structures- New construction or substantial improvements of elevated structures on columns, posts, or pilings (e.g.) that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
  - a) Opening sizes for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
  - b) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - c) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and,
  - d) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - e) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,
  - f) The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms.

#### Standards for Manufactured Homes and Recreational Vehicles

- a) All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:
  - On individual lots or parcels,
  - In expansions to existing manufactured home parks or subdivisions,
  - In new manufactured home parks or subdivisions or
  - In substantially improved manufactured home parks or subdivisions, or
  - Outside of a manufactured home park or subdivision,
  - In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

All Manufactured homes must be:

- i. Elevated on a permanent foundation, and
  - ii. Have its lowest floor elevated no lower than one (1) feet above the level of the base flood elevation, and
  - iii. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- b) Excepting manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
    - i. The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:
      - The lowest floor of the manufactured home is elevated no lower than one (1) feet above the level of the base flood elevation, or
      - The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.
    - c) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either:
      - i. Be on the site for fewer than 180 consecutive days,
      - ii. Be fully licensed and ready for highway use, or
      - iii. Meet the permit requirements for new construction of this ordinance, including anchoring and elevation requirements for "manufactured homes".

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

attached additions.

5. Floodways- Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

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

- If Article III, Section B (5) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of Article III.

6. Standards for Utilities.

- a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
  - i. Infiltration of flood waters into the systems, and
  - ii. Discharge from the systems into flood waters.
- b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

C. **STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS:** Located within the special flood hazard areas established in Article I, Section B, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- 1) No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- 2) New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with Article I, Section B.

D. **STANDARDS FOR SHALLOW FLOODING ZONES:** Located within the special flood hazard areas established in Article I, Section B, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1 – 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- 1) All new construction and substantial improvements of residential structures shall:
  - a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
2. All new construction and substantial improvements of non-residential structures shall:
  - a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
  - b) Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially

impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article III, Section B (2).

**E. STANDARDS FOR SUBDIVISION PROPOSALS:**

1. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
4. In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall be provided.
5. All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

**F. STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A':** For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

- 1) Structure must be non-habitable;
- 2) Must be anchored to resist floatation forces;
- 3) Will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;
- 4) Built of flood resistant materials below a level one (1) feet above the base flood elevation;
- 5) Must elevate utilities above the base flood elevation;
  - 6) Can only be used for storage or parking;
  - 7) Cannot be modified for a different use after permitting.

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

## **206.6.6 APPEALS AND VARIANCE PROCEDURES**

### **1. Nature Of Variances:**

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

The City of London strives to protect its citizens from flooding. For such reasons, that variances from the flood elevation or from other requirements in this section should be unusual. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which

alternatives other than a variance are more appropriate.

2.

- a) The Board of Adjustments shall hear and decide requests for variances from the requirements of this ordinance and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this section of this Ordinance.
- b) Any person aggrieved by the decision of the Board or any taxpayer may appeal such decision to the Laurel Circuit Court as provided in Kentucky Revised Statutes.

3. Appeals/Variance Procedures

In passing upon such applications, the Board shall consider all evaluations, relevant factors, standards specified in other sections of this ordinance, including but not limited to:

- a) Danger that materials may be swept onto other lands to the injury of others;
- b) Danger to life and property due to flooding or erosion damage;
- f) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) upon request.
- g) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 6.3 A through 6.3 E are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

5. Variance Notification

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

- a) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and;
- b) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the City of London Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- c) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

6. Historic Structures

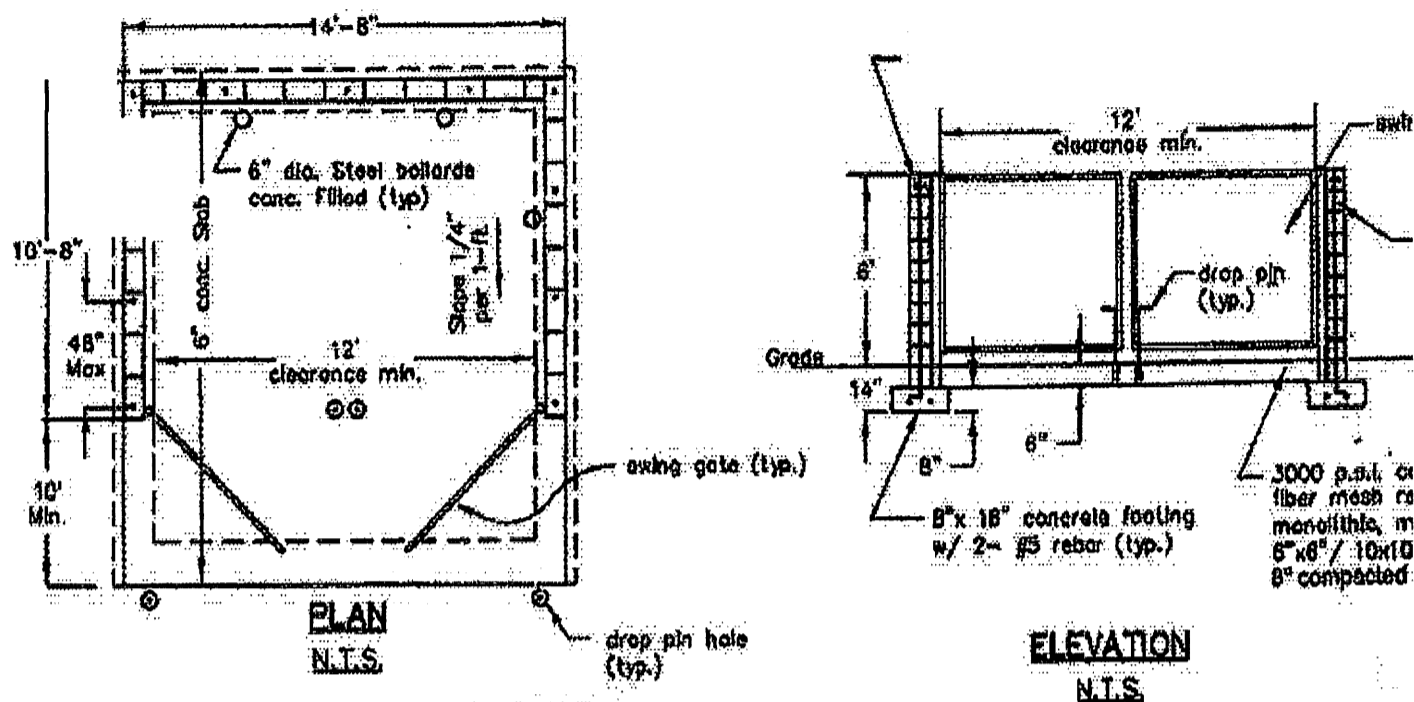
Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic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

7. No Impact Certification within the Floodway

Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result.

## **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. The dumpster enclosure shall meet the requirements of Figure 7: Dumpster Enclosure Detail.



NOTE\* Apron drawing not to scale (10' Min.)

Width is for one dumpster if two dumpsters are required DOUBLE width.

Figure 7: Dumpster Enclosure Detail

## 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.

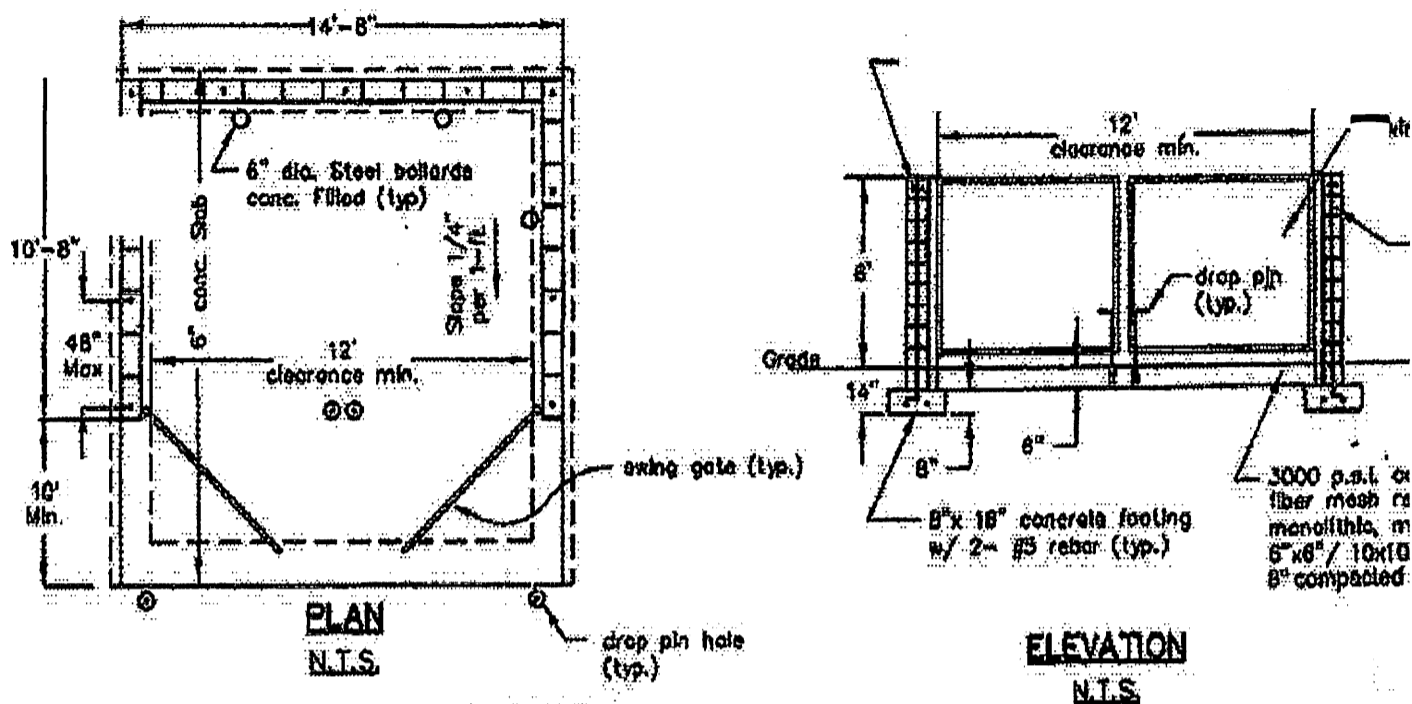
All new commercial, industrial, institutional and storage buildings shall have installed a Knox Box, of a UL type and size approved by the City of London, Fire Official in a location specified by the Fire Official prior to the issuance of the permit of occupancy.

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



NOTE\* Apron drawing not to scale (10' Min.)

Width is for one dumpster if two dumpster are required DOUBLE width.

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.

1

#### 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 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.

## **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, 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 the purpose, whether immediate or future, of sale, lease or building development; division of a parcel of land into three (3) or more lots or parcels or; if a new street is involved, any division of a parcel of land; or; three (3) or more partial outconveyances of tracts or parcels of less than five (5) acres within one calendar year (including redivision of the same land within twelve (12) months; or; any partial outconveyance that requires a new street to be constructed
- 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)

### **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.

**SUBDIVISIONS** - Subdivision means the division of a parcel of land into three (3) or more lots or parcels except in a county of the first, second or third class or in an urban county government where a subdivision means the division of a parcel of land into two 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: providing that a division of land for agriculture purposes into lots or parcels of five (5) acres, or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriated to the context shall relate to the process of subdivision or the land subdivided: any division or resubdivision of land into parcels of less than one acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this act.

**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
Codes Office	Reviews application. Performs Plat/Plan review. NOTE: The Codes Office reviews all developments for compliance with the requirements of the Development Ordinance. If the Development is not a Subdivision the Planning Commission may not be required to review the Development. The regulations in this ordinance will determine if the Planning Commission should review the development. "Code Office" as used herein refers to and is the same as the City of London Building Inspector.
Planning Commission	If the development is a subdivision Schedules plat for review by Planning Commission Reviews recommendation of Codes Officer Hears testimony on plat Approves or disapproves plat

### 302 INFORMAL ADVISORY MEETING

The subdivider may submit an informal proposal to the Planning Commission to determine the reasonableness of proceeding with a formal subdivision application. The request for an informal meeting should be filed with the Codes Office at least ten (10) working days prior to the next regularly scheduled meeting of the Planning Commission.

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 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 Planning Commission to commit to any specifics of the proposed subdivision.

### 303 PLAT DETERMINATION

1

At the time an application for subdivision is filed (including a request for an informal meeting), the Codes Officer 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.

#### 303.1 PRELIMINARY PLATS

The preliminary plat is designed to provide the Planning Commission 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:

1. The subdivider (or authorized representative) shall file a preliminary plat with the Codes Office at least ten (10) working days prior to the next regular scheduled meeting of the

planning commission.

The codes officer shall review the preliminary plat and shall consider the following items in its review process:

- a) Conformance with this ordinance.
- b) Conformance with the Comprehensive Plan.
- c) Comments from other public officials and agencies.

Upon the completion of the review by the Codes Office, 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 sixty (60) days of the preliminary meeting on the preliminary plat, it 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 thirty (30) day with specific stated reasons for the action.

Approval of the preliminary plat by the Codes Office 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 one year 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 planning commission and they approve the request.

**WAIVERS** - The planning commission 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. Wavers 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 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 by the planning commission with reference to the particular section of the regulations being waived and with a statement of the reasons for the request.

### **303.2 PLAT AMENDMENT**

If the preliminary plat has been approved by the Codes Office 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).

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#### **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 planning Commission for their review and action within one (1) year of approval of the preliminary plat. Failure to do so will result in an expiration 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 Planning Commission.

Eight (8) copies of the final plat shall be filed in the Codes Office at least ten (10) working days prior to the next regular scheduled Planning Commission meeting. The Final plat shall include all of the information required on the final plat checklist. 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 Planning Commission 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 surety (bond, cash, certified check, irrevocable letter of credit in the name of the City of London, etc.) to adequately cover the cost of improvements not completed. The estimated costs of improvements pending must be provided by an engineer and must be approved by the commission. 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 at the same scheduled meeting of the Planning Commission. Failure to submit a bond at the same time of the review of the final subdivision plat by the Planning Commission will not allow final plat approval by the planning Commission.

Following review of the final plat, 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 thirty (30) days.

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

Failure of the Planning Commission to act upon the final plat within thirty-nine (39) days shall be deemed approval of the plat. Approval of the plat by the Planning Commission 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 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 Planning Commission 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 Planning Commission prior to the plat's expiration for their review and approval.

### 303.3 PLAT AMENDMENT

Substantial changes to the final plat, as determined by the Planning Commission, will require the submission of an amended final plat in accordance with procedures indicated previously. Changes not determined as substantial shall still be reviewed by the Planning Commission, but will not require notification of all property owners owning property in the subdivision. 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 the Planning Commission. 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 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 the Planning Commission meeting in which the plat is reviewed and the plat is disapproved the applicant shall be required to file another application and pay appropriate charges unless due cause for absence can be shown.

### **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 Commission or 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.

Subdivision Name: \_\_\_\_\_

Length of All Roads: \_\_\_\_\_

Location of Subdivision: \_\_\_\_\_

Improvements provide by Owner/Subdivider:

Streets	_____	Sidewalks and Curbs	_____
Electricity	_____	Fire Hydrant(s)	_____
Gas	_____	Security	_____
Water	_____	Other	_____
Sewer	_____		
Cable	_____		

For all of which I have posted a performance bond, with \_\_\_\_\_

\_\_\_\_\_ as surety.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

Owner/Subdivider

ATTACH PERFORMANCE BOND

**303.12 CERTIFICATION OF STREETS**  
WITHIN THE CORPORATE LIMITS OF LONDON, KENTUCKY  
FORM 6  
(On Plat)

I hereby certify: (1) That the streets have been installed in an acceptable manner and according to the City specifications 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 streets, gutters and sidewalk improvements in the case of default.

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)

## **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 in keeping with the procedures indicated in the Development Ordinance Section 301

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 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**

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.

1

#### 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.

#### **304.4.1 PURPOSE**

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.

#### **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.

Category	Adjoining Uses	Width	Trees	Ground Cover	Intervals of planting
I	Single or two-family and multi-family or mobile home	10'	1 small or medium tree within 40 ft. intervals (or part thereof)	Choice of grass, 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, shrubs, or mulch	6' Continuous or interval planting
III	Multi-family and Mobile Home and Commercial and Industrial	10'	1 medium or large tree within 40 ft. intervals (or part thereof)	Choice of grass, shrubs, or mulch	6' Continuous or interval planting
IV	Multi-Family And Mobile Home	10'	1 medium or large tree within 40 ft. intervals (or part thereof)	Choice of grass, 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, shrubs, or mulch	4' continuous intervals
VI	All Residential Zones and Freeways, Highways, Railroads and	20'	1 medium or large tree within 30 ft. intervals (or part thereof)	Choice of grass, 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, shrubs, or mulch	low or	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, shrubs, or mulch	low or	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, shrubs, or mulch	low or	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, shrubs, or mulch	low or	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 MINIMUM 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 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 subject property adjoins side and rear yard, except street frontage shall be 20' from street right-of-way). *1, *2, *3	Minimum Landscape Easement Requirements per Section 304.4.3
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

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

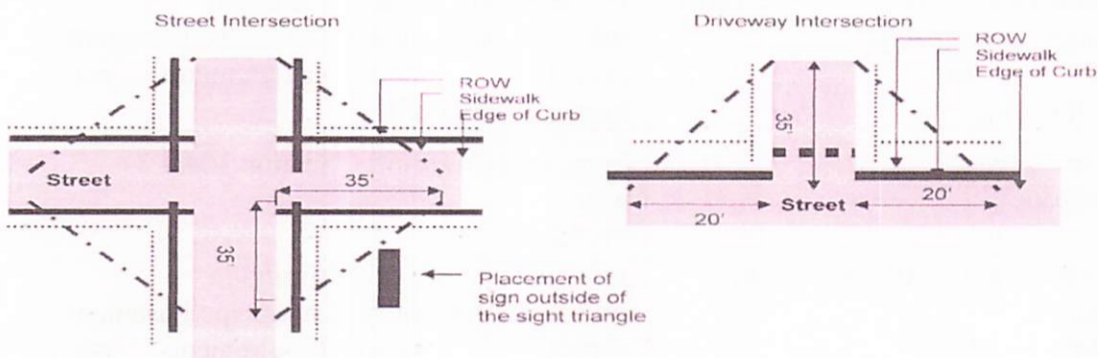


Figure 6: Street Intersection Sight Triangle and Driveway Intersection Sight Triangle

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 overhang 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<sup>1</sup> 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 Planning Commission 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 treed, 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 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.

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

PERMIT APPLICATION-The developer of a mobile home park shall apply to the Kentucky Department of Health to obtain a permit to construct or alter a mobile 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 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

. Residential development should back up to arterial streets and have deeper back yards and provisions for buffering, 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

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%	2
				0.5%	
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 fifty (50) dollars, together with a scaled drawing of the street or alley to be cut. The London Utility Commission and any public utility which services the city limits are specifically exempted from the requirements of this ordinance. 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 of 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

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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
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.
- e) 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 1/2) 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.

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 officail 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 city officials find 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 city officials 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 commission 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 city officials 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 Commission or city officials 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 Commission or 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 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.

- 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.

#### ADMINISTRATIVE 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.

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.

3. **Agricultural Use**: The use of 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, timbers, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.
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 an 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 with the approval of the city, 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.

**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 Ordinance. Words used in the present tense shall include the future; the work "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 II 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.
3. Agricultural Use: The use of 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, timbers, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.
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 an 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 with the approval of the city, 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 Commission or, 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. **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.
25. **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.
26. **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.
27. **County**: Refers to the territory of Laurel County.
28. **Court**: An open unoccupied and unobstructed space, other than yard, on the same lot width a building or group of buildings.
29. **Daycare Center**: A facility for child care that meets state requirements.
30. **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.
- 31. 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.
- 32. 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.
- 33. 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.
- 34. Driveway: An improved surface connecting a garage or parking area with the street.
- 35. 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 home, camper, boarding or rooming house, hotel or motel.
- 36. 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.
- 37. Dwelling, Single-Family: A detached building occupied exclusively for residential purposes by one (1) family housekeeping unit.
- 38. 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).
- 39. 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.
- 40. 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.
- 41. 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.
- 42. 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.
- 43. 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.
- 44. Garage, Private: A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter of storage of vehicles owned or operated by the occupants of the principle building.
- 45. 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.
- 46. 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

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.

60. 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.

61. 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.

62. 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.

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

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

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

66. 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.

67. 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.

68. Minor Subdivision Plat: are considered preliminary plats and shall meet the requirements of 303.1.

69. Mobile Home: A unit that: (a) is not constructed in accordance with standards set forth in the [state or local building code applicable to site-built homes], (b) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis to be used for residential or business purposes, and (c) exceeds forty (40) feet in length and eight (8) feet in width.

70. Mobile Home Park: Any site, tract of land under single ownership, upon which two or more mobile homes used for habitation are parked, either free of charged 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.

71. Modular Home: A dwelling unit constructed in accordance with the standards set forth in the [state or local building code applicable to site-built homes] and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in manner similar to a mobile home (except that the modular home meets the [state or local building code applicable to site-built homes]), or a series of panels or room sections transported on a truck and erected or joined together on the site. To distinguish

steel support frame.

72. **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.

73. **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.

74. **Nursery, Nursing Home:** A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

75. **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.

76. **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.

77. **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.

78. **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.

79. **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.

80. **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.

81. **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.
82. **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.
83. **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.
84. **Quasipublic Use:** Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.
85. **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.
86. **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.
87. **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.
88. **Sidewalk:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.
89. **Sign:** Any device designated to inform or attract the attention of persons on the premises on which the sign is located.
90. **Street:** A way for vehicular traffic, however designated and regardless of size or ownership, but excluding private driveways serving only one parcel of land.
91. **Street Classification:** See section 304.6.1.2 of these regulations.
92. **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.
93. **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.
94. **Subdivision:** The division of a parcel of land into three (3) 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 should 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 occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section. Agricultural use means the use of 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, timbers, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.
95. **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.
96. **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.
97. **Unit:** A portion of a subdivision selected for development as one (1) of a series of stages.
98. **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.
99. **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.

100. 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.

101. 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.

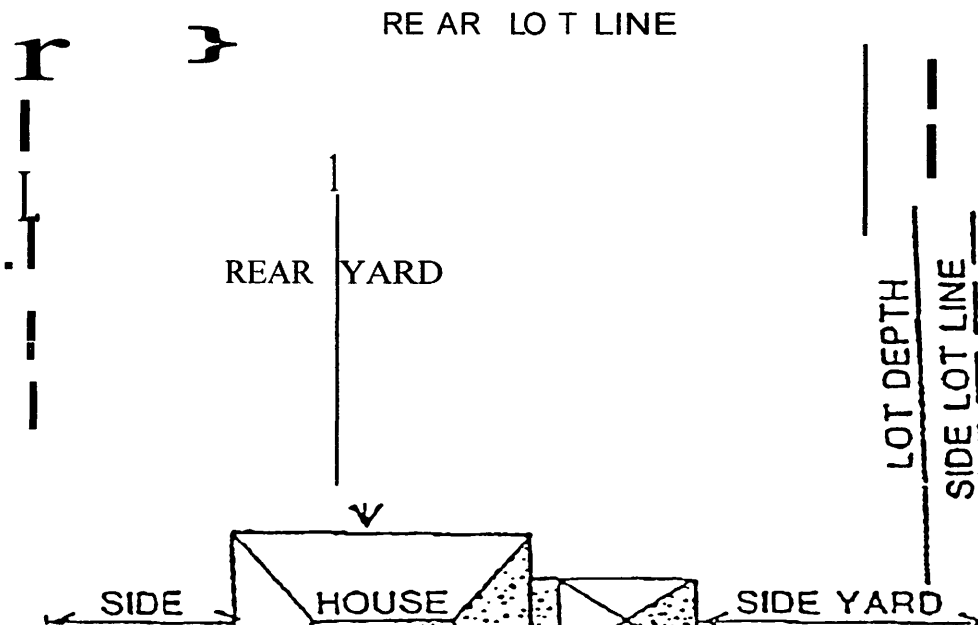
102. Yard: A required open space other than a court occupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations 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,

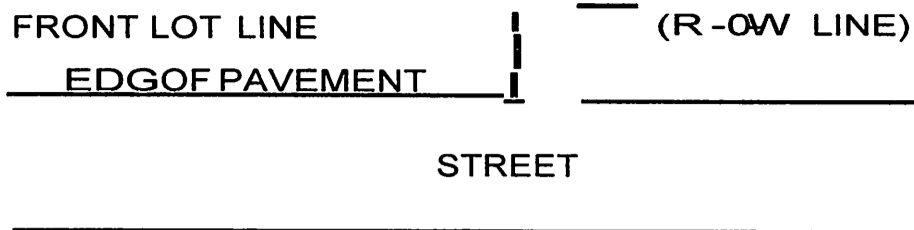
a. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

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





LOT AND YARD TERMS

APPENDIX

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.

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.

- 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)

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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

units in the condominium, than the following provision shall be applicable notwithstanding 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)

## 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.

**601 VIOLATIONS**

**601.1 COMPLAINTS REGARDING VIOLATIONS**

- 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) Appeals from decisions of the Planning Commission shall be made in keeping with KRS 100.347.

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 that statute.

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. The Planning

**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 Troy Rudder**

**ATTESTED:**

\_\_\_\_\_  
**Carol Adams**  
**City Clerk**

**FIRST READING DATE:** \_\_\_\_\_

**SECOND READING DATE:** \_\_\_\_\_

**PUBLICATION DATE:** \_\_\_\_\_