

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS
- 151. COMPREHENSIVE PLAN
- 152. ZONING CODE
- 153. FLOOD DAMAGE PREVENTION



## CHAPTER 150: BUILDING REGULATIONS

### Section

- 150.01 Adoption of Kentucky Building Code and Standards of Safety; enforcement agents
- 150.02 Application
- 150.03 Appeals
  
- 150.99 Penalty

### **' 150.01 ADOPTION OF KENTUCKY BUILDING CODE AND STANDARDS OF SAFETY; ENFORCEMENT AGENTS.**

(A) The Kentucky Building Code, as contained in 815 KAR 7; the Kentucky Plumbing Code, as contained in 815 KAR 20; the Kentucky Standards of Safety, as contained in 815 KAR 10; together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk/Treasurer where they shall be available for public inspection during normal business hours.  
(1987 Code, ' 150.01)

(B) The City Building Inspector shall enforce the Kentucky Building Code which is adopted by reference in this section.

(C) The Volunteer Fire Chief shall enforce the Kentucky Standards of Safety which is adopted by reference in this section.  
(1987 Code, ' 150.02)

### **' 150.02 APPLICATION.**

The application of the State Building Code shall be extended to all single-family dwellings in the city which are to be constructed or remodeled.

**' 150.03 APPEALS.**

Appeals from decisions made by the Building Inspector under this chapter may be taken to the State Board of Housing, Buildings and Construction unless and/or until a local board of housing appeals, as set forth in KRS Chapter 198B, is established to hear the appeals.

Statutory reference:

Appeals procedure, see KRS 198B.070

**' 150.99 PENALTY.**

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

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

(B) Violators of the State Standards of Safety shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$1,000, imprisonment for not more than 60 days, or both, for each offense. (KRS 227.990(1))

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

## CHAPTER 151: COMPREHENSIVE PLAN

### Section

#### 151.01 Adoption of Comprehensive Plan

#### ' **151.01 ADOPTION OF COMPREHENSIVE PLAN.**

The West Point Comprehensive Plan attached to Ordinance 2004-05 is adopted as the official plan to stand until amended or until a successor plan is adopted.  
(Ord. 1995-15, passed 11-6-1995; Am. Ord. 2004-05, passed 9-29-2004)



## CHAPTER 152: ZONING CODE

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## GENERAL PROVISIONS

### ' 152.001 ENACTING CLAUSE.

By adoption of this chapter, the city wishes to exercise the authority granted by the Kentucky Constitution, and KRS 100.201 through 100.271 to a legislative body to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, that the city be divided into districts as hereinafter described, and that the regulations, restrictions and boundaries of districts shall be established, enforced and amended as provided in this regulation.

(Ord., ' 1.1, passed 5-23-2002)

### ' 152.002 TITLE; MAP ADOPTED.

This regulation shall be known as the Zoning Ordinance for West Point, Kentucky. The map herein referred to, which is identified by the title West Point Zoning District Map, dated January 14, 1998 thereon, is hereby adopted and made a part of this regulation.

(Ord., ' 1.2, passed 5-23-2002)

### ' 152.003 PURPOSE.

The zoning regulations and districts as herein set forth have been made in accordance with the West Point Comprehensive Plan for the purpose of promoting the public health, safety, goals, and convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage control, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(Ord., ' 1.3, passed 5-23-2002)

### ' 152.004 INTERPRETATION.

The provisions herein shall be interpreted broadly and liberally so as to implement and protect the purposes for which they are enacted. In the interpretation and application of this chapter, the provisions herein shall be held to be of the minimum or maximum requirements (as stated); adopted for the promotion of the health, safety, morals, comfort, prosperity, well-being and general welfare. It is not intended by this

chapter to repeal, abdicate, annul or in any way impair or interfere with any private restrictions placed upon property such as covenants, deeds or recorded plats; provided, however, where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires greater lot areas, larger yards or other open spaces, than are imposed by such private restrictions, the provisions of this chapter shall control.

(Ord., ' 1.4, passed 5-23-2002)

#### **' 152.005 CONFLICT OF ORDINANCE.**

(A) Whenever this chapter, or subdivision plats or development plans approved in conformance with these regulations, are in conflict with applicable Kentucky Revised Statutes, or other local ordinances, regulations or laws, the more restrictive statute, ordinance, regulation, plat or plan shall govern and shall be enforced by the appropriate local agency. When subdivision and development plans, approved by the Planning Commission, contain setbacks or other features in excess of the minimum ordinance requirements, the features as shown on the approved plans shall govern and shall be enforced by the Planning Commission or authorized enforcement agent. Private deed restrictions or private covenants for a subdivision do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the West Point Planning Commission.

(B) In case of conflict between this regulation, and any part thereof, and the whole or part of any existing or future ordinance of the city or the whole or part of any existing or future private covenants of deeds, the most restrictive in each case shall apply.

(Ord., ' ' 1.5, 7.1, passed 5-23-2002)

#### **' 152.006 PLANS AND CONSTRUCTION IN PROGRESS.**

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building or premises on which an application for a permit was filed with the Planning Commission prior to the date of adoption of this chapter or amendment thereto, providing that the application meets all zoning and other requirements in effect on the date of the application. The permit issued pursuant to applications made before the date of adoptions of this chapter shall be valid only if it is exercised within 1 year of the date of issuance of the permit. AExercised@ as set forth in this sections, shall mean that a binding contract for the construction of the main building or other main improvements are under construction, or that prerequisite conditions involving substantial investments shall be under contract, in development or completed. When construction is not a part of the use, Aexercised@ shall mean that the use is in operation in compliance with the conditions set forth in the permit.

(Ord., ' 1.6, passed 5-23-2002)

**' 152.007 SEPARABILITY.**

If any clause, sentence, subdivision, paragraph, section or part of this chapter be adjudged by any court of competent jurisdiction to be invalid, the judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgement shall have been rendered.  
(Ord., ' 1.7, passed 5-23-2002)

**' 152.008 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular.

**ABANDONED SIGN.** An on-premises sign, the use for which it represents having been discontinued for a period of 30 consecutive days.

**ACCESSORY USE OR STRUCTURE.** A use or structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental thereto, including structures such as satellite antennas.

**ADMINISTRATIVE OFFICIAL.** Any department, employee or advisory, elected or appointed body 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.

**AGRICULTURE USE.** The use of a tract of land of at least 5 contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provisions 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.

**ALLEY.** A public or private vehicular way which affords a means of access to the rear or side of properties adjacent to it and not intended for general traffic circulation.

**ALTERATIONS.** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**APARTMENT HOUSE.** For the purpose of this regulation an apartment house means any building which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of more than 2 families living independently of each other with cooking facilities for each family.

**ASSEMBLY.** A joining together of completely fabricated parts to create a finished product.

**BASEMENT.** An area below the first floor, having part but no more than 2 of its height above grade, used for storage space by occupants of the building, janitor quarters, or other utilities common to the rest of the building. A basement used for the above purposes shall not be counted as a story.

**BASIC MANUFACTURE.** The first operation or operation which transforms a material from its raw state to a form suitable for fabrication.

**BED AND BREAKFAST.** An establishment providing lodging and meals in a residential setting for overnight guest.

**BILLBOARD.** Any notice or advertisement, pictorial or otherwise, with an area of 300 or more square feet, and also all those used as an outdoor display for the purpose of making anything known, the origin or place of sale of which is not on the plot with the display, except that governmental notices shall not be considered as billboards.

**BUFFER AREA.** A strip of land which is located along the perimeter of a piece of property and is a minimum of 5 feet wide and contains all perimeter landscaping as specified in this chapter. Eg. Open spaces, landscaped areas (including screen trees), fences, walls, berms, or any combination thereof used to physically separate or screen 1 use or property from another so as to visually shield or block noise, lights, or other nuisances.

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**BUILDING.** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property; to include fences.

**BUILDING PERMIT.** A document issued by the administrative official authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

**BUILDING SETBACK LINE.** A line in the interior of a lot which is generally parallel to, and a specified distance from, the street right-of-way line or lines. No building shall then be placed in the space between the building setback line and the right-of-way.

**CAMPGROUND.** A plot of ground upon which 2 or more campsites are located, established, or maintained for occupancy by camping units such as temporary living quarters for recreation, education, or vacation purposes.

**CARPORIT.** Space for the housing or storage of motor vehicles, camper trailers, or boats and enclosed on not more than 2 sides by walls.

**CENTER LINE OF A STREET.** The center of the surfaced roadway or the surveyed center line of the street, as defined by the City Engineer or authorized representative.

**CHILD CARE CENTER.** A facility providing direct care and protection of 5 or more infants, preschool, and school age children outside of their own homes during a portion of a 24-hour day.

**CHURCH.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**CLUB PRIVATE.** Buildings and facilities, the purpose of which is to render a social, educational or recreational service to members and their guests and not primarily to render a service customarily carried on as a business or to render a profit. Private club shall include country club.

**COMMERCIAL WAREHOUSE.** A building or portion thereof used for storage of any property not permitted in a residential storage warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

**COMMISSION.** The West Point Planning Commission.

**COMPREHENSIVE PLAN.** A comprehensive, long-range plan intended to guide the growth and development of a community or region that typically includes inventory and analytic sections leading to recommendations for the community's future economic development, housing, recreation and open space, transportation, community facilities, and land use, all related to the community's goals and objectives for these elements.

**CONDITIONAL USE.** A use which is essential to or would promote the public health, safety or welfare in 1 or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

**CONDITIONAL USE PERMIT.** A legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Adjustment, consisting of 2 parts:

- (1) A statement of the factual determination by the Board of Adjustments which justifies the issuance of the permit; and
- (2) A statement of the specific conditions which must be met in order for the use to be permitted.

**DETACHED STRUCTURE.** A structure having no common wall with another structure except an accessory structure.

**DIRECTIONAL SIGN.** A non-commercial sign of an instructional nature, such as parking, exit or entrance, displayed solely for the convenience of the public. No more than 25% of the sign shall be devoted to the name or logo of the property, business or profession on the site and containing no business

advertising, product trade name identification or listing of any product sold or offered on the premises.

**DWELLING UNIT.** One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household.

**FABRICATION.** Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber, or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

**FAMILY.** One or more persons occupying a premises and living as a single nonprofit housekeeping unit.

**FENCE.** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

**FLAT SIGN.** Any sign painted on or affixed to a building and which sign does not project more than 6 inches from the building.

**FLASHING SIGN.** Any sign having a conspicuous and/or intermittent variation in the illumination.

**FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces on the exterior walls or from the centerline of walls separating 2 buildings, but not including:

- (1) Attic space providing headroom of less than 7 feet.
- (2) Basement space.

**GARAGE PRIVATE.** A space or structure, including a carport, on the same lot with or in the buildings to which it is accessory, primarily for storage only of automobiles of the residents of the premises.

**HEIGHT OF BUILDING.** The vertical distance from the established average sidewalk grade, or street grade, or finished grade at the-building line, whichever is highest, to the highest point of the building.

**HEIGHT OF SIGN.** The vertical distance measured from the highest point of the sign including the frame and any embellishments whichever is greater.

**HOME OCCUPATION.** Occupations of dressmaking, handicrafts, millinery, laundering, preserving, home cooking, sales or professional services, but excluding barber shops and beauty parlors, but only when the permitted occupations are performed under all of the following conditions:

- (1) The use is clearly incidental and secondary to use for dwelling purposes;
- (2) The use is conducted entirely within a dwelling unit and not in any accessory building;

(3) The use is carried on only by residents of the dwelling;

(4) The use does not require external alteration of the dwelling;

(5) The use does not adversely affect the uses permitted in the immediate neighborhood and does not substantially increase traffic generation or noise.

**HIGHWAY.** See **STREET.**

**HOTEL or MOTEL.** A building in which lodging or boarding are provided and offered to the public for compensation. As it is open to the public in contradiction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**ILLUMINATED SIGN.** Any sign designed to emit or brightly reflect artificial light from any source fixed or incidental.

**INCIDENTAL SIGN.** A small sign, not exceeding 2 square feet, limited to information and directions related to the permitted use on the lot or building on which the sign is located and containing no direct illumination. Examples of incidental signs would include no smoking, restroom, no solicitors, no trespassing, self service, vacancy, credit card acceptance signs, signs indicating hours of business and similar information.

**INDUSTRY.** A specific branch of business that obtains its salable items through the assembly of parts into a complete product or through the transformation of a raw material into a finished product.

(1) Heavy industry. Those industries whose processing of products results in the emission of any atmospheric pollutant, light flashes or glare, odors, noise or vibration which may be heard or felt off the premises, and those industries which constitute a fire or explosion hazard. Due to the confined topography of the city, all heavy industrial uses are prohibited within the corporate limits of the city.

(2) Light industry. Those industries whose processing of products results in none of the above conditions.

**INSTITUTION FOR CHILDREN OR THE AGED.** An establishment providing residence and care for children or the aged.

**JUNK.** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. Examples of which include tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood and lumber. More than 2 unregistered or inoperable vehicles constitute junk.

**JUNK YARD.** Any area, lot, land or parcel where junk is kept as defined herein, or waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, handled, including auto wrecking yards, used lumber yards and places or yards for use of salvaged house wrecking

structural steel materials and equipment. A JUNK YARD is a prohibited use within the corporate limits of the city.

**LABORATORY.** A building or part of building devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.

**LOADING SPACE.** Logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicle expected to be used and accessible to the vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street, parking in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**LOT.** Includes plot or parcel.

**LOT CORNER.** A lot abutting upon 2 or more streets or abutting upon 2 adjoining and deflected lines of the same street and thereby forming an interior angle of less than 135 degrees. Corner lots shall be construed to have front yards along each abutting street, 1 rear yard and 1 side yard.

**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, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary. Due to the confined topography of the city, all heavy industrial uses are prohibited within the corporate limits of the city.

**MANUFACTURING, LIGHT.** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisance.

**MANUFACTURED HOUSING.** A manufactured building or portion of a building designed for long-term residential use having the following features or characteristics:

- (1) Mass produced in a factory;
- (2) Designed and constructed for transportation to a site for installation and use when connected to required utilities, and
- (3) Either an independent, individual building or a module for combination with other elements to form a building on the site.

**MAY.** Is permissive.

**MOBILE HOME.** A manufactured building or portion of a building designed for one family, long-term

residential use having the following features or characteristics:

(1) It was built in a factory;

(2) It was designed and constructed for transportation to a site for installation and use when connected to the required utilities; and

(3) Consisted of either an independent, individual building or module for combination with other elements to form a building on the site; i.e. any structure fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code as set forth in C.F.R. title 24, Part 3280, 3282, 3283 and 42 U.S.C. Section 5401, and as mandated by the United States of America and as administered by the United States Department of Housing and Urban Development and commonly referred to as the HUD Code. Single-family structures must meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) commonly known as the HUD (U.S. Department of Housing and Urban Development) code, as well as the Kentucky Building Code structural and installation requirements.

**MOBILE HOME PARK.** Any site, or tract of land under single ownership, upon which 3 or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. A mobile home park may only be located in an R-5 District.

**MOBILE SIGNS.** A sign which is affixed to a frame having wheels or capable of being moved, or otherwise portable, which does not have a permanent foundation. The mere removal of wheels or temporary securing of a sign to a surface of real estate shall not prevent its being a mobile sign within this definition.

**MODULAR HOUSING UNIT.** A single-family residential unit that is built in sections off-site and transported to the site for assembly to become a permanent fixture upon that property site. This type of housing includes a set of standards which clarify the difference between mobile homes and modular units, such as:

(1) Has more than 950 feet of occupied space and is composed of more than 1 section; and

(2) Is placed onto a permanent under floor support system in accordance with specified installation standards: section 4.51; and

(3) Is placed onto a permanent perimeter enclosure, in accordance with certain installation standards; and

(4) Has wheels, axles and hitch mechanisms removed; and

(5) Has siding material of a type customarily used on site constructed homes, such as: board siding, plywood or presswood siding, vinyl, stucco, brick, non-reflective aluminum, and the like.

(6) Has roofing material of a type customarily used on site-constructed homes, such as: wood, tile, composition shingles, or other materials compatible with the conventionally built residential structures in the neighborhood which shall be installed on a surface pitched at a minimum slope of 3:12.

**MUSEUM.** A non-profit, no-commercial establishment operated as a repository or a collection of nature, scientific or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

**NONCONFORMING USE OR STRUCTURE.** Nonconforming use or structure means 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 pertains to the zone in which it is located.

**NURSERY, NURSING HOME.** A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

**OCCUPIED.** Includes arranged, designed or intended to be occupied.

**OFFICE.** A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files and communication equipment. A professional office business establishment is considered to lie within an office building for the purposes of signage regulations when 3 or more of the following occur:

- (1) The establishments are within 1 building;
- (2) The establishments are on the same lot;
- (3) The establishments share parking;
- (4) When the establishments are within more than 1 building, the buildings have similar setback;

and

- (5) The establishments share ingress/egress.

**OFF-PREMISE SIGN.** A sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed.

**ON-PREMISE SIGN.** Any sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed and maintained.

**OPEN SPACE.** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring the open space.

**PARISH HOUSE.** A residence for a minister, priest or rabbi in connection with the operation of a

church or synagogue.

**PARKING LOT OR AREA.** An off street area used for the parking of any type of vehicle, whether moving, or at rest, including but not limited to, parking lots, loading and unloading areas, mobile home parks and sales and services areas. Driveways, access ways, aisles and maneuvering areas are also considered a part of the parking lots or areas.

**PARKING SPACE.** A space on private land, accessible from a street or alley, not less than 9 feet wide and 18 feet long exclusive of passageways.

**PERMITTED STRUCTURE.** A structure meeting all the requirements established by this chapter for the district in which the structure is located.

**PERMITTED USE.** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSON.** Includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual.

**PRESCHOOL.** Day care and education of 5 or more children under legal age to attend public or private grammar school.

**PRINCIPAL STRUCTURE.** A building in which is conducted a principal or conditional use. In any residential zone, any structure containing a dwelling unit shall be deemed a principal structure on the lot on which the same is located. Where a non-conforming use is the primary use on the property, the building in which it is located shall be deemed a principal structure.

**PUBLIC USES.** 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.

**RECREATION 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, amusement parks, stadium, and bowling alleys.

**RECREATIONAL VEHICLE PARK.** Any lot or parcel of land upon which 2 or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. See **CAMPGROUND**.

**RESIDENTIAL STORAGE WAREHOUSE.** A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper and other items of personal property generally stored in residential accessory structures. This shall not include the

storage of any merchandise, stock furnishings or vehicles of a business of any kind.

**RESTAURANT.** An establishment where food and drink are prepared, served, and consumed primarily within the principal building. See RESTAURANT, TAKE-OUT; RETAIL FOOD ESTABLISHMENT.

**RESTAURANT, TAKE-OUT.** An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

**RETAIL FOOD ESTABLISHMENT.** Any fixed facility in which food or drink is offered or prepared primarily for retail sale.

**RETAIL SALES.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption.

**RETAIL SALES, OUTDOOR.** The display and sale of products and services primarily outside of a building or structure, including vehicles, garden supplies, gas, tires and motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

**RIGHT-OF-WAY.** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates 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.

**ROAD.** See STREET.

**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 24 lineal inches of benches, pews, or space for loose chairs.

**SETBACK LINE.** That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

**SHALL.** Is always mandatory and not merely directive.

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

**SIGN.** Any writing, pictorial representation, form, emblem, trademarks, flag, banner, decoration (including material used to differentiate the sign copy from the background) or any figure which is written, printed, projected, painted, constructed or otherwise displayed upon or designed into a building, board, plate, canopy, awning, window, vehicle, or upon any object or device which by reason of form, color, wording, symbol, design, illumination, motion or other characteristic is designed to attract attention to the

subject thereof or is used as a means of identification, advertisement, announcement or of illustrating products.

**SIGHT TRIANGLE.** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

[insert image here]

**SPOT ZONING.** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan. Unreasonable spot zoning results in the following:

- (1) A small parcel of land is singled out for special and privileged treatment, and
- (2) The singling out is not in the public interest but only for the benefit of the land owner, and
- (3) The action is not in accord with the comprehensive plan.

**STREET.** Any public or private way set aside for public travel 20 feet or more in width. The word STREET shall include the words, road, highway, and thoroughfare.

**STRUCTURE.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location as the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

**TRAVEL TRAILER.** A non-self propelled vehicle intended for recreational purposes only. Not allowed or intended to be used as a permanent or temporary residence such as a mobile home.

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

USED. Includes arranged, designed or intended to be used.

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

VEHICULAR USE AREA. A vehicular use (VUA) is any open or unenclosed area containing more than 1,800 square feet of area and/or used by 5 or more of any type of vehicle, whether moving or at rest, including but not limited to, parking lots, loading and unloading areas, mobile home parks and sales and service areas. Driveways are considered to be vehicular use elements described in this chapter (and intervening curbs, sidewalks, landscape strips, etc., do not eliminate adjacency.)

WALL. One of the sides of a room or building connecting floor and ceiling or foundation and roof.

YARD, FRONT. An open space extending the full width of the lot between a principal structure and the front lot line; unoccupied and unobstructed from the ground upward. The depth of a front yard is the shortest distance measured perpendicularly between any part of a building and the front lot line.

YARD, REAR. An open extending the full width of a lot between a principal structure and the rear lot line, unoccupied and unobstructed from the ground upward. The depth of a rear yard is the shortest distance measured perpendicularly between any part of a building and the rear lot line.

YARD, SECONDARY FRONT. An open space extending the full width of the lot between a principal structure and the secondary front lot line of a corner lot, unoccupied and unobstructed from the ground upward. The secondary front yard will be that front yard that is parallel to the side exposure of the principal structure, or the rear exposure of the principal structure in the case of lot with 3 front yards. The depth of the secondary front yard is the shortest distance measured perpendicularly between any part of a building and the secondary front lot line.

YARD, SIDE. An open space between a principal structure and a side lot line, unoccupied and unobstructed from the ground upward. The width of a side yard is the shortest distance measured perpendicularly between any part of a building and the nearest side lot line.  
(Ord., ' 1.8, passed 5-23-2002)

## ZONING DISTRICTS

### ' 152.020 ZONING DISTRICT MAP.

The city is hereby divided into zones and districts as provided herein and as shown on the Zoning Map

dated January 14, 1998, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The Zoning District Map is composed of 1 or 2 map sheets, each of which represents a different geographic area and /or subject matter of the city. Each map shall be identified as part of the West Point Zoning District Map, and shall be kept on file in the City Hall, and shall be known herein as the West Point Zoning District Map.

(Ord., ' 3.1, passed 5-23-2002)

**' 152.021 MAP AMENDMENT IDENTIFICATION.**

Amendments to the zoning map shall be promptly posted on the map by the Commission. Each amendment shall be identified on the map by a numerical designation referring to the Planning Commission record of the amendment proceedings.

(Ord., ' 3.2, passed 5-23-2002)

**' 152.022 INTERPRETATION OF ZONE AND DISTRICT BOUNDARIES.**

Where uncertainty exists as to the exact boundaries of zones and districts as shown on the zoning district map, the following rules shall be used to interpret the exact location of the zoning district boundaries shown:

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

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

(C) Where a zoning district boundary approximately follows a stream or shore line of a body of water, that stream or shore line at pool, as defined on the date this regulation is enacted, is the boundary of the district.

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

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

(F) Where a designated zone is a line along a roadway, street or railroad, the center line of the roadway, street or railroad shall also be the center line of the zone extending approximately 150 feet in each direction.

(G) When a zone or district boundary line divides a lot which was in single ownership at the time and passage of this chapter, the Board of Zoning Adjustment may permit, as a conditional use, the extension of

the regulations for either portion of the lot not to exceed 50 feet beyond the zone or district line into the remaining portion of the lot.

(Ord., ' 3.3, passed 5-23-2002)

**' 152.023 APPLICATION OF ZONING DISTRICT REGULATIONS.**

(A) The regulations set by this chapter, within each zone shall be the minimum or maximum limitations as appropriate to the case and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

(B) No building, structure or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereinafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the zone and district in which it is located unless otherwise specifically permitted in this chapter.

(C) No building or other structure shall hereinafter be erected or altered:

(1) To exceed the height, bulk or floor area ratio;

(2) To accommodate or house a greater number of families;

(3) To occupy a greater percentage of lot area;

(4) To have narrower or smaller rear yards, front yards, side yards or other open spaces; and/or

(5) To have less perimeter and interior lot landscaping for vehicular use area and noncompatible land uses than herein required, or in any other manner contrary to the provisions of these zoning regulations.

(D) No part of a yard, open space, off-street parking, loading space or other special use area required about or in connection with any building or land for the purpose of complying with this chapter shall be included as a part of a yard, open space, off-street parking, loading space or other special use area similarly required for any other building or land unless otherwise specifically permitted by this chapter.

(E) No yard or lot existing at the time of the adoption of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the adoption of this zoning regulation shall meet at least the minimum requirements established by this chapter.

(F) Except as hereinafter prohibited, there shall be no more than one principal structure and its accessory structures on any lot or parcel of land unless a development plan is approved by the Planning Commission.

(G) Only those uses specifically named as principal, accessory or conditional use or substantially similar to principal, accessory or conditional uses are permitted in each zone or district and all uses not specifically permitted or substantially similar to permitted uses are prohibited. Prohibited uses shall include but not be

limited to those specifically named as prohibited.  
(Ord., ' 3.4, passed 5-23-2002)

**' 152.024 CONVERSION OF DWELLING STRUCTURES.**

The conversion of any structure or structures either residential or nonresidential so as to accommodate an increased number of dwelling units or families, or another permitted use, shall be permitted only within the zone of which a new building for similar occupancy would be permitted under this chapter. The resulting occupancy shall comply with all requirements governing new construction in the zone including, but not limited to, floor area, dimension or yards, open space and off-street parking. The aforesaid shall apply if the conversion involves no exterior structural changes to a principal building but shall apply if any accessory building is converted to a principal building.

(Ord., ' 3.5, passed 5-23-2002)

**' 152.025 AGRICULTURAL LAND USE EXEMPTIONS.**

Notwithstanding any other provisions of this chapter, land which is used solely for agricultural use as defined herein shall be regulated in conformance with KRS Chapter 100.

(Ord., ' 3.6.1, passed 5-23-2002)

**' 152.026 GOVERNMENTAL USE EXEMPTIONS.**

Notwithstanding any other requirements of KRS Chapter 100, the Commonwealth of Kentucky and its political subdivisions shall be exempt from complying with any and all requirements of this chapter.

(Ord., ' 3.6.2, passed 5-23-2002)

**' 152.027 ESTABLISHMENT OF ZONING DISTRICTS.**

These regulations establish the following zoning districts within the city as a means to implement the stated purpose of this chapter:

- A Agricultural
- R-1 Single-Family Low Density
- R-2 Single-Family Medium Density
- R-3 Single-Family Manufactured
- R-4 Multi-Family
- R-5 Manufactured Home Parks
- B-1 Neighborhood Business
- B-2 Central Business District
- C-1 Highway Commercial
- LI Light Industrial

(Ord., ' 3.7, passed 5-23-2002)

' **152.028 A AGRICULTURAL DISTRICT.**

(A) Description. This district is derived of certain large open areas used for agricultural purposes. The regulations of this district are designed to retain the open character and certain other compatible uses.

(B) Permitted Primary Uses.

(1) Growing and harvesting of field, tree, or bush crops including flowers; and\or the keeping of poultry, bird, and egg farms, provided that pens, buildings, and other enclosures, other than open pasture, are not closer than 200 feet to any residence, residential district or commercial district; and\or the commercial breeding, raising, training, and grazing, of horses, cattle, sheep, goats, ostriches and other livestock provided that the site contains not less than 5 contiguous acres, and the number of animals shall be limited to not more than 10 head per acre of land, and pens, buildings, and other enclosures, other than open pasture, are not closer than 200 feet to any residence, residential district or commercial district.

(2) Single-family detached site constructed dwellings.

(3) Corrals, stables, pens, barns, and similar structures for keeping of livestock.

(4) Plant nurseries and greenhouses for the propagation, cultivation and distribution of plants produced on the premises.

(5) Schools for academic instruction and associated facilities.

(6) Churches, nursery schools and childcare centers for 4 or more children.

(7) Government operated parks and playgrounds.

(C) Permitted Accessory Uses.

(1) Private garages, private storage sheds and private parking areas.

(2) Private swimming pools and tennis courts.

(3) Private noncommercial parks and open space.

(4) Living quarters with cooking facilities and not rented for guests and employees of the premises.

(5) Keeping of not more than 2 roomers or boarders without kitchen facilities.

(6) Barns and related farm structures.

(7) Home occupations.

(D) Permitted Conditional Uses. (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

(1) Kindergartens, nursery schools and childcare centers for 4 and not more than 12 children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than 25 square feet per child and shall be located to the rear of and directly adjacent to the principal structure or use.

(2) Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of 1 year or when all the lots are sold, whichever comes first.

(3) Cemeteries.

(4) Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, tennis courts and campgrounds.

(5) Riding and boarding stables.

(6) Animal hospitals, clinics, and boarding kennels.

(7) Sales stands for the sale of farm or ranch products.

(E) Yard Area Minimum Requirements.

(1) Lot area is 217,800 square feet.

(2) Lot width is 250 feet.

(3) Front yard setback is 50 feet.

(4) Rear yard setback is 50 feet.

(5) Side yard setback is 35 feet on both sides of each lot.

(F) Maximum Requirements.

(1) Lot coverage is 35%.

(2) Building height is 2 stories or 30 feet.

(G) Private Sewage Systems. Where private sewage systems or on-site septic treatment facilities are

used, if the minimum lot area required by the Health Department is greater than the minimum listed within the ordinance, then the Health Department required lot size shall be the required size.

(Ord., ' 3.8.1, passed 5-23-2002)

' **152.029 R-1 SINGLE-FAMILY LOW DENSITY DISTRICT.**

(A) Description. This district is composed of low density single-family detached site constructed homes in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they serve the residents of the district. More than 1 permitted principal structure per lot or parcel of land shall not be permitted.

(B) Permitted Primary Uses.

- (1) Single-family detached site constructed dwellings.
- (2) Schools for academic instruction and associated facilities.
- (3) Churches, nursery schools and childcare centers for 4 or more children.
- (4) Government operated parks and playgrounds.

(C) Permitted Accessory Uses.

- (1) Private garages, private storage sheds and private parking areas.
- (2) Private swimming pools and tennis courts.
- (3) Agricultural uses excluding commercial stock raising.
- (4) Private noncommercial parks and open space.
- (5) Living quarters with cooking facilities and not rented for guests and employees of the premises.
- (6) Keeping of not more than 2 roomers or boarders without kitchen facilities.
- (7) Home occupations.

(D) Permitted Conditional Uses. (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

(1) Kindergartens, nursery schools and childcare centers for 4 and not more than 12 children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than 25 square feet per child and shall be located to the rear of and directly adjacent to the principal structure or use.

(2) Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of 1 year or when all the lots are sold, whichever comes first.

(3) Cemeteries.

(4) Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, ball fields, tennis courts and campgrounds.

(E) Yard Area Minimum Requirements.

(1) Lot area is 12,000 square feet.

(2) Lot width is 100 feet.

(3) Front yard setback is 25 feet.

(4) Rear yard setback is 25 feet.

(5) Side yard setback is 15 feet on both sides of each lot.

(6) On a corner lot or a lot fronting on 2 streets, the required front yard setback shall be required on the side yard facing the street.

(F) R-1 Maximum Requirements.

(1) Lot coverage is 35%.

(2) Building height is 2 stories or 30 feet.

(G) Private Sewage Systems. Where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the Health Department is greater than the minimum listed within this chapter, then the Health Department required lot size shall be the required size.

(Ord., ' 3.8.2, passed 5-23-2002)

' **152.030 R-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT.**

(A) Description. This district is composed of medium density single-family detached site constructed

homes in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they serve the residents of the district. More than 1 permitted principal structure per lot or parcel of land shall not be permitted.

(B) Permitted Primary Uses.

- (1) Single-family detached site constructed dwellings.
- (2) Schools for academic instruction and associated facilities.
- (3) Churches, nursery schools and childcare centers for 4 or more children.
- (4) Government operated parks and playgrounds.

(C) Permitted Accessory Uses

- (1) Private garages, private storage sheds and private parking areas.
- (2) Private swimming pools and tennis courts.
- (3) Agricultural uses excluding commercial stock raising.
- (4) Private noncommercial parks and open space.
- (5) Living quarters with cooking facilities and not rented for guests and employees of the premises.
- (6) Keeping of not more than 2 roomers or boarders without kitchen facilities.
- (7) Home occupations.

(D) Permitted Conditional Uses. (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

(1) Kindergartens, nursery schools and childcare centers for 4 and not more than 12 children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than 25 square feet per child and shall be located to the rear of and directly adjacent to the principal structure or use.

(2) Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of 1 year or when all the lots are sold, whichever

comes first.

(3) Cemeteries.

(4) Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, ball fields, tennis courts and campgrounds.

(E) Yard Area Minimum Requirements.

(1) Lot area is 7,500 square feet.

(2) Lot width is 80 feet.

(3) Front yard setback is 20 feet.

(4) Rear yard setback is 25 feet.

(5) Side yard setback is 10 feet on both sides of each lot.

(6) On a corner lot or a lot fronting on 2 streets, the required front yard setback shall be required on the side yard facing the street.

(F) Maximum Requirements.

(1) Lot coverage is 35%.

(2) Building height is 2 stories or 30 feet.

(G) Private Sewage Systems. Where private sewage systems or on-site septic treatment facilities are used, the minimum lot area and rear yard setbacks shall be those required by the Health Department. (Ord., ' 3.8.3, passed 5-23-2002)

**' 152.031 R-3 SINGLE-FAMILY MANUFACTURED DISTRICT.**

(A) Description. This district is composed of medium density single-family detached site constructed homes and manufactured homes in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they serve the residents of the district. More than 1 permitted principal structure per lot or parcel of land shall not be permitted.

(B) Permitted Primary Uses.

- (1) Single-family detached site constructed homes or dwelling.
- (2) Single-family manufactured homes or dwellings.
- (3) Schools for academic instruction and associated facilities.
- (4) Churches, nursery schools and childcare centers for 4 or more children.
- (5) Government operated parks and playgrounds.

(C) Permitted Accessory Uses.

- (1) Private garages, private storage sheds and private parking areas.
- (2) Private swimming pools and tennis courts.
- (3) Agricultural uses excluding commercial stock raising.
- (4) Private noncommercial parks and open space.
- (5) Living quarters with cooking facilities and not rented for guests and employees of the premises.
- (6) Keeping of not more than 2 roomers or boarders without kitchen facilities.
- (7) Home occupations.

(D) Permitted Conditional Uses. (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

(1) Kindergartens, nursery schools and childcare centers for 4 and not more than 12 children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than 25 square feet per child and shall be located to the rear of and directly adjacent to the principal structure or use.

(2) Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of 1 year or when all the lots are sold, whichever comes first.

(3) Cemeteries.

(4) Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, ball fields, tennis courts and campgrounds.

(E) Yard Area Minimum Requirements.

(1) Lot area is 7,500 square feet, except in Health Department approved mobile home parks where the state's lot standards for area and setbacks shall apply.

(2) Lot width is 80 feet.

(3) Front yard setback is 20 feet.

(4) Rear yard setback is 25 feet.

(5) Side yard setback is 10 feet on both sides of each lot.

(6) On a corner lot or a lot fronting on 2 streets, the required front yard setback shall be required on the side yard facing the street.

(F) Maximum Requirements.

(1) Lot coverage is 35%.

(2) Building height is 2 stories or 30 feet.

(G) Private Sewage Systems. Where private sewage systems or on-site septic treatment facilities are used, the minimum lot area and rear yard setbacks shall be those required by the Health Department. (Ord., ' 3.8.4, passed 5-23-2002)

**' 152.032 R-4 2-FAMILY AND MULTI-FAMILY DISTRICT.**

(A) Description. This district is composed of higher density multi-family and duplex site constructed dwelling units in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they serve the residents of the district.

(B) Permitted Primary Uses.

(1) Two-family site constructed homes or dwellings.

(2) Multiple-family dwellings.

(3) Schools for academic instruction and associated facilities.

- (4) Churches, nursery schools and childcare centers for 4 or more children.
- (5) Government operated parks and playgrounds.

(C) Permitted Accessory Uses.

- (1) Private garages, private storage sheds and private parking areas.
- (2) Private swimming pools and tennis courts.
- (3) Agricultural uses excluding commercial stock raising.
- (4) Private noncommercial parks and open space.
- (5) Living quarters with cooking facilities and not rented for guests and employees of the premises.
- (6) Keeping of not more than 2 roomers or boarders without kitchen facilities.
- (7) Home occupations.

(D) Permitted Conditional Uses. (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

(1) Kindergartens, nursery schools and childcare centers for 4 and not more than 12 children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than 25 square feet per child and shall be located to the rear of and directly adjacent to the principal structure or use.

(2) Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of 1 year or when all the lots are sold, whichever comes first.

(3) Cemeteries.

(4) Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, tennis courts and campgrounds.

(E) Yard Area Minimum Requirements.

(1) Lot area is 6,000 square feet with 3,500 square feet added for each additional dwelling unit over 2 units (3 units require 9,500 square).

(2) Lot width is 80 feet.

(3) Front yard setback is 20 feet.

(4) Rear yard setback is 25 feet.

(5) Side yard setback is 10 feet on both sides of each lot.

(6) On a corner lot or a lot fronting on 2 streets, the required front yard setback shall be required on the side yard facing the street.

(F) Maximum Requirements.

(1) Lot coverage is 35%.

(2) Building height is 2 stories or 30 feet.

(G) Private Sewage Systems. Where private sewage systems or on-site septic treatment facilities are used, the minimum lot area and rear yard setbacks shall be those required by the Health Department. (Ord., ' 3.8.5, passed 5-23-2002)

#### ' 152.033 R-5 SINGLE-FAMILY MANUFACTURED HOME PARKS DISTRICT.

(A) Description. This district is composed of high density manufactured home parks in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to promote and encourage a suitable environment for affordable housing areas and family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district.

(B) Permitted Primary Uses. Manufactured home parks that meet Kentucky State Regulations regarding mobile home parks and have a permit from the State and County Health Department to operate as such.

(C) Permitted Accessory Uses.

(1) Private garages, private storage sheds and private parking areas.

(2) Private swimming pools and tennis courts.

(3) Agricultural uses excluding commercial stock raising.

(4) Private noncommercial parks and open space.

(5) Keeping of not more than 2 roomers or boarders without kitchen facilities.

(6) Home occupations.

(D) Permitted Conditional Uses. (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

(1) Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of 1 year or when all the lots are sold, whichever comes first.

(2) Cemeteries.

(E) Yard Area Minimum Requirements.

(1) Required lot areas, setbacks as required by Kentucky Mobile Home Park Regulations.

(2) On a corner lot or a lot fronting on 2 streets, the required front yard setback shall be required on the side yard facing the street.

(Ord., ' 3.8.6, passed 5-23-2002)

**' 152.034 B-1 NEIGHBORHOOD BUSINESS DISTRICT.**

(A) Description. The purpose of the Neighborhood Business District is to allow for the continuance of and encourage the establishment of relatively small areas for businesses that minimally impact surrounding residences, and which tend to meet the daily needs of the residents in an immediate neighborhood or as characterized by low volume daily customers. The districts shall be strategically located with access to a collector street. The primary intent of this District is to insure compatibility with adjoining residential neighborhoods, while satisfying some of their daily commercial and service business needs.

(B) Permitted Primary Uses.

(1) Beauty shops, barber shops.

(2) Gift shops and antique shops.

(3) Establishments for the retail sale of food products, such as supermarkets, no greater than 3,000 square feet in building area, and provided that no drive through facilities are provided.

(4) Schools for academic instruction and associated facilities.

(5) Community centers.

(6) Nursing and rest homes.

(7) Restaurants, no greater than 3,000 square feet in building area and no drive-in or drive-through service facilities are provided.

(8) Bed and breakfast establishments.

(9) Banks, credit agencies, security and commodity brokers and exchanges, savings and loan companies, and holding and investment companies.

(C) Permitted Accessory Uses.

(1) Parking areas.

(2) One dwelling unit for owners, operators or employees of a permitted use provided that the dwelling unit shall be a part of the building and shall have a separate entrance.

(D) Permitted Conditional Uses. (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations and the comprehensive plan.) None.

(E) Yard Area Minimum Requirements.

(1) Lot area is 7,500 square feet.

(2) Lot width is 80 feet.

(3) Front yard setback is 20 feet.

(4) Rear yard setback is 25 feet.

(5) Side yard setback is 10 feet on both sides of each lot.

(6) On a corner lot or a lot fronting on 2 streets, the required front yard setback shall be required on the side yard facing the street.

(F) Maximum Requirements.

(1) Lot coverage is 40%.

(2) Building height is 2 stories or 30 feet.

(G) Private Sewage Systems. Where private sewage systems of on-site septic treatment facilities are used, the minimum lot area and rear yard setbacks shall be those required by the Health Department. (Ord., ' 3.8.7, passed 5-23-2002)

' **152.035 B-2 CENTRAL BUSINESS DISTRICT.**

(A) Description. The purpose of the Central Business District is to protect and encourage limited renewal while maintaining the existing character and overall appearance of the historical core residential and business area of the community. A variety of business, institutional, public, quasi-public, cultural, residential,

and other related uses are encouraged in an effort to provide the mix of activities necessary to maintain the historical and cultural significance inherent in the area. Compatibility with the historic structures and uses is the primary goal of the district, while enhancing the overall appearance and function as a historic as well as actively used district.

(B) Permitted Primary Uses.

- (1) Beauty shops, barber shops.
- (2) Gift shops and antique shops.
- (3) Establishments for the retail sale of food products, such as supermarkets, no greater than 3,000 square feet in building area.
- (4) Schools for academic instruction and associated facilities.
- (5) Community centers.
- (6) Nursing and rest homes.
- (7) Banks, credit agencies, security and commodity brokers and exchanges, savings and loan companies, and holding and investment companies; provided, however, building is no greater than 3,000 square feet.
- (8) Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations.
- (9) Libraries, museums, art galleries, and reading rooms.
- (10) Medical and dental offices, clinics and laboratories.
- (11) Studios for working and teaching the fine arts.
- (12) Churches and Sunday schools.
- (13) Computer and data processing centers.
- (14) Ticket and travel agencies.
- (15) Business colleges or technical schools.
- (16) Restaurants with no drive-in or drive-through facilities provided.
- (17) Bed and breakfast establishments.
- (18) Indoor amusements such as billiard or poolhalls, skating rinks, or bowling alleys.

(19) Indoor theaters.

(20) Establishments for the retail sale of merchandise.

(C) Permitted Accessory Uses.

(1) Parking areas.

(2) One dwelling unit for owners, operators or employees of a permitted use provided that the dwelling unit shall be a part of the building and shall have a separate entrance.

(D) Permitted Conditional Uses. (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations and the comprehensive plan.) None.

(E) Yard Area Minimum Requirements.

(1) Lot area is 7,500 square feet.

(2) Lot width is 80 feet.

(3) Front yard setback is 20 feet.

(4) Rear yard setback is 25 feet.

(5) Side yard setback is 10 feet on both sides of each lot.

(6) On a comer lot or a lot fronting on 2 streets, the required front yard setback shall be required on the side yard facing the street.

(F) Maximum Requirements.

(1) Lot coverage is 40%.

(2) Building height is 2 stories or 30 feet.

(G) Private Sewage Systems. Where private sewage systems or on-site septic treatment facilities are used, the minimum lot area and rear yard setbacks shall be those required by the Health Department. (Ord., ' 3.8.8, passed 5-23-2002)

**' 152.036 C-1 HIGHWAY COMMERCIAL DISTRICT.**

(A) Description. The purpose of the Highway Commercial District is to encourage the establishment of areas for highway business uses only. This district is specifically designed to service the motoring public.

Highway Commercial Districts are generally associated with areas along major highways.

(B) Permitted Primary Uses.

(1) The primary uses in the B-2 District.

(2) Establishment and lot for the display, rental, sales, service and repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes or supplies for such items.

(3) Restaurants.

(4) Motels or hotels.

(5) Wholesale establishments.

(6) Garden centers.

(7) Kennel, animal hospitals or clinics, including offices of veterinarians, provided that the structure or use not including accessory parking area shall be at least 200 feet from any residential zoning district.

(8) Funeral homes.

(9) Hospitals.

(10) Automobile service stations.

(11) Car washes, provided surface water from the establishments shall not drain onto adjacent property and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.

(C) Permitted Accessory Uses.

(1) Parking areas.

(2) One dwelling unit for owners, operators or employees of a permitted use provided that the dwelling unit shall be a part of the building and shall have a separate entrance.

(D) Permitted Conditional Uses. (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations and the comprehensive plan.) Recycling centers.

(E) Yard Area Minimum Requirements.

- (1) Lot area is 7,500 square feet.
- (2) Lot width is 80 feet.
- (3) Front yard setback is 20 feet.
- (4) Rear yard setback is 25 feet.
- (5) Side yard setback is 10 feet on both sides of each lot.

(6) On a corner lot or a lot fronting on 2 streets, the required front yard setback shall be required on the side yard facing the street.

(F) Maximum Requirements.

- (1) Lot coverage is 40%.
- (2) Building height is 2 stories or 30 feet.

(G) Private Sewage Systems. Where private sewage systems or on-site septic treatment facilities are used, the minimum lot area and rear yard setbacks shall be those required by the Health Department. (Ord., ' 3.8.9, passed 5-23-2002)

**' 152.037 L-I LIGHT INDUSTRIAL DISTRICT.**

(A) Purpose. The purpose of this 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; which operate primarily within enclosed structures and generate little industrial traffic.

(B) Permitted Uses. Wholesale, storage, warehouse, animal hospital, bakery, bottling works, building material yard, optical goods, printing, publication or engraving, cabinet making, clothing manufacturers, dyeing and dry cleaning, ice plants and laundry. These permitted uses to include manufacturing, treatment, altering, finishing or assembling incidental thereto.

(C) Accessory Uses Permitted.

- (1) Signs identifying the industrial activity on the same premises in accordance with ' 152.061.
- (2) Garages and other buildings and uses accessory to the principal use.

(D) Conditional Uses. Junk yards and other light industrial uses not listed above which can be classified as light industry according to ' 152.008 shall be considered conditional uses and will require the approval of the Board of Zoning Adjustment. Heavy industrial uses as defined in ' 152.008 are not permitted in the city limits as the city intends to preserve the existing character and quietness in the city, as illustrated by the Comprehensive Plan.

(Ord., ' 3.8.10, passed 5-23-2002)

## GENERAL REGULATIONS

### ' 152.050 COORDINATION WITH SUBDIVISION REGULATIONS.

In all cases where land is divided for the purpose of eventual development, of lots of any kind, the provisions of the West Point or Hardin County Subdivision Regulations shall apply in addition to the provisions of this chapter.

(Ord., ' 4.1.1, passed 5-23-2002)

### ' 152.051 CONDITIONAL USE REGULATIONS.

Conditional uses may be permitted in districts as designated under each zoning district, but only when specifically approved by the Board of Zoning Adjustment. All conditional uses must meet the following: such a use must be essential to or would promote the public health, safety, or welfare in 1 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 ordinance.

(Ord., ' 4.1.2, passed 5-23-2002) Penalty, see ' 152.999

### ' 152.052 NONCONFORMING USES AND STRUCTURES.

(A) The lawful use of a building or premises, existing at the time of adoption of this chapter may be continued, except as otherwise provided herein, although the use does not conform to the provisions of such regulations.

(B) Nonconforming structures remain subject to the following regulations:

(1) Extension. A nonconforming structure, or structure containing a nonconforming use, shall not be enlarged, replaced or structurally altered.

(2) Alteration. No structure containing a nonconforming use shall hereafter be altered in a manner that would tend to prolong the nonconforming use except for ordinary repairs, except in accordance with ' '

152.095 through 152.107.

(3) Discontinuance. No nonconforming use may be reestablished after it has been discontinued for a period of 12 months. Vacating of premises or building or nonoperative status shall be evidence of a discontinued use.

(4) Prior Approval. Proposed structures for which permits have been issued prior to their designation as nonconforming by the adoption or amendment of this chapter maybe completed and used as originally intended provided they are completed and in use 1 year after the date on which the permit was issued.

(5) Use Change. No nonconforming use may be changed to any other nonconforming use unless the Board of Zoning Adjustment shall find, that the proposed nonconforming use is less detrimental to the district than the existing nonconforming use of the property. The Board of Zoning Adjustment may specify the appropriate conditions and safeguards as may be required in connection with the change and shall require the owner to meet all other specifications of this regulation. This section does not allow for the expansion of a nonconforming structure containing old or new nonconforming uses.

(Ord., ' 4.1.3, passed 5-23-2002) Penalty, see ' 152.999

**' 152.053 REQUIRED STREET FRONTAGE.**

All lots shall front on an improved, public maintained street or road for the minimum distance except that lots which front on turn-arounds of permanent dead-end streets or on curves, the required frontage shall be measured at the building setback line.

(Ord., ' 4.1.4, passed 5-23-2002) Penalty, see ' 152.999

**' 152.054 HEIGHT RESTRICTIONS.**

No building shall exceed 2 stories or 30 feet in height, unless each side yard is increased over the required minimum by 5 feet for every 5 feet, or fraction thereof, of additional height over 30 feet. In no case shall the height exceed 50 feet. This section shall not apply to the Light Industrial district where the building height shall not exceed 50 feet. There shall be no height restrictions in Heavy Industrial and Agricultural districts.

(Ord., ' 4.1.5, passed 5-23-2002) Penalty, see ' 152.999

**' 152.055 REAR DWELLINGS, REDUCTION IN LOT AREA PROHIBITED.**

(A) Rear Dwelling Prohibited. No building in the rear of a main building on the same lot may be erected for residential purposes.

(B) Reductions In Lot Area Prohibited. No lot, even though it may consist of 1 or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this regulation are not maintained.

(Ord., ' ' 4.1.6, 4.1.7, passed 5-23-2002) Penalty, see ' 152.999

**' 152.056 APPROVED SEWERAGE DISPOSAL FOR BUILDINGS.**

It shall be unlawful to construct any building for human occupancy and use without sewerage disposal facilities approved by the County Health Department. Wherever sewer mains are accessible (within 500 feet), buildings shall be connected to the mains. In every other case, individual sewerage disposal must meet the requirements set by the State Plumbing Inspector. The Hardin County Health Officer's certificate approving proposed and completed sewerage facilities must accompany applications for zoning permits and certificates of compliance.

(Ord., ' 4.1.8, passed 5-23-2002) Penalty, see ' 152.999

**' 152.057 REGULATION OF PRINCIPAL BUILDINGS.**

Unless a plat has been approved for a multi-building project, only one principal building and authorized accessory structures are permitted, except as stated in this chapter.

(Ord., ' 4.1.9, passed 5-23-2002) Penalty, see ' 152.999

**' 152.058 SINKHOLES.**

Sinkholes and other similar depressions and the area within 50 feet horizontally from the rim of the sinkhole or that area subject to periodic flooding, whichever is greater, shall be preserved in its natural state for the purpose of providing drainage of the surrounding area. No building, street or any other improvement shall be made within the given area around a sinkhole. The Planning Commission shall have the power to increase the area around the sinkhole if drainage conditions warrant such action. The sinkhole may be punched or otherwise altered to improve drainage.

(Ord., ' 4.1.10, passed 5-23-2002) Penalty, see ' 152.999

**' 152.059 FLOOD PLAINS.**

The Administrative Official shall administer the West Point Flood Damage Prevention Ordinance.

(Ord., ' 4.1.11, passed 5-23-2002)

**‘ 152.060 LOTS AND YARDS.**

(A) Obstruction to vision at street intersections on corner lots. Corner lots in all districts shall be free from all obstructions to traffic visibility according to the Sight Triangle Standards in ‘ 152.008. The requirements of ‘ 152.008 shall not be deemed to prohibit any necessary retaining wall.

(B) Building Setback Lines. A building setback line shall be established to provide a front yard for all buildings and structures at the minimum distance.

(C) Setback Requirements for Corner Lots. In residential districts, if the required building setback is greater than 25 feet from the street right-of-way, a corner building either along its front or side, shall not be closer than the distance established for the building set-back line in that district.

(D) Regulations for Double-Frontage Lots. Double frontage lots shall, on both adjacent streets, meet the front yard requirements of the district in which they are located.

(E) Application of Yards to One Building Only. No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.

(F) Use of Yards for Accessory Buildings. No accessory buildings are permitted in front yards. They are permitted only in rear or side yards according to the dimension and area regulations. (Ord., ‘ 4.2, passed 5-23-2002) Penalty, see ‘ 152.999

**‘ 152.061 SIGNS AND OUTDOOR ADVERTISING.**

Outdoor advertising shall be classified as a business use and shall be permitted in all Agriculture, Business and Industrial Districts.

(A) Location.

(1) Industrial, General Business and Agricultural Districts. No outdoor advertising sign or display shall be erected, placed, painted, or repainted or hung nearer to any street right-of-way line upon which the display faces the building lines provided in zones where the use is permitted except that 1 sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than 6 feet to the street right-of-way line, but in no case be permitted to obstruct the view of traffic.

(2) Neighborhood Business District. Only signs attached to the structure shall be permitted in Neighborhood Business Districts. Projection signs should not project more than 3 feet from the building, measured from the building line or point at which the sign is attached, whichever is greater from the street right-of-way or lot line.

**(B) Size and Placement.**

(1) Industrial, General Business and Agricultural Districts. A single sign, billboard or other advertising device containing no more than 200 square feet (including border) shall be permitted in industrial, general business or agriculture zones. No more than 4 signs may be erected together containing no more than 200 square feet total. The signs shall be erected within 50 feet of a common point. Any other sign, or signs, shall be at least 1,000 feet from this point. No sign, billboard or other device shall be built at a height greater than the maximum building height permitted in the district in which it is located.

(2) Neighborhood Business. All outdoor advertising signs shall have no more than 50 square feet or have a height greater than 3 feet.

(C) Lighting and Noise. Signs or other outdoor advertising which involve lighting or motion resembling traffic or directional signals, warnings such as Astop@ or Adanger@, or any other similar signs which are normally associated with highway safety regulations, are prohibited. Additionally, no sign or outdoor commercial advertising device constituting a nuisance because of light, glare, focus, animation, or flashing, or any illuminated signs of such intensity or illumination as to unduly disturb the use of residential property, shall have devices which eliminate noise or sound. Excessive glare and other nuisance producing signs shall be prohibited from affecting residential areas.

(D) Maintenance and Compliance. Outdoor advertising structure shall be adequately maintained. The maintenance shall include proper alignment of structures, continued readability of the structure and preservation of the structure with paint and other preservative. If an outdoor advertising structure is not maintained, nor complies with the provisions of this chapter, written notice of any disrepair shall be issued by the Planning Commission to the owner of the structure. If the disrepair or violation is not corrected within 60 days of issuance of the notice, the structure shall be removed at the owner's expense.

(E) Nonconforming Signs and Advertising Structures. Any advertising sign, billboard, commercial advertising structure or statuary which is existing and maintained at the time this chapter becomes effective, which does not conform with the provisions hereof, shall not be structurally altered except to comply with this chapter.

(Ord., ' 4.3, passed 5-23-2002) Penalty, see ' 152.999

**' 152.062 VEHICLES; PARKING REQUIREMENTS.**

(A) Parking Requirements for Change in the Principal Use. When the principal use is changed to a use for which additional parking space is required under the provisions of this chapter, it shall be unlawful to begin or maintain such altered use until such time as the required off-street parking is required.

(B) Minimum Design and Maintenance Requirements for Parking Areas. Every parcel of land hereafter used as a parking area shall be designed and maintained in accordance with the following requirements:

(1) Off-street parking areas shall equal or exceed the number of spaces required and shall be of usable shape and surface and have convenient ingress and egress. Aisles and access drives shall be designed

so as to provide adequate vehicular maneuvering wholly upon the property being served.

(2) All driveways shall be a minimum of 5 feet from a property line except single-family residential units or as otherwise provided for in this chapter.

(3) Any lighting used to illuminate off-street parking areas shall be arranged so as to reflect away from any adjoining residential zone or uses or private rights-of-way.

(4) Any off-street parking area having more than 1,800 square feet of area and/or used by 8 or more vehicles shall be landscaped and screened as required by this chapter.

(5) All parking areas shall be paved and drained so as to dispose of all surface water within the parking area without carrying the water accumulation over a public sidewalk. Piping the water to a suitable outfall may be required.

(6) Where parking areas are provided for 8 or more vehicles or contain more than 1,800 square feet of area or are enlarged or expanded to provide 8 or more vehicles or contain more than 1,800 square feet of area, they shall be paved with an asphalt, concrete, brick or other properly bound surface, so as to be durable and dustless. Each parking space shall be physically delineated on the surface of the parking area. All driveway aprons shall be paved.

(7) All parking spaces located along the perimeter of a parking area or adjacent to any structure on the lot shall be provided with concrete or other wheel protection for any landscape materials and sidewalk.

(8) Fire lanes shall be at least 20 feet in width with the road edge closest to the building at least 10 feet from the building. The designation, use, and maintenance of fire lanes on private property shall be accomplished as specified by the Fire Department.

(C) Off-Street Parking Space Requirements for Automobiles.

(1) Existing Parking Space. Existing off-street parking space provided for any building or use at the time of the enactment of this chapter shall not thereafter be reduced unless it exceeds the requirements of this chapter. Any existing building or use not providing off-street parking space in conformance with this chapter shall at the time of any structural alteration of the building or expansion of the use, provide the required parking.

(2) Required Off-Street Parking Space. Off-street parking space shall be provided on the premises so that there will be no generation of automobile parking on any street. For purposes of computing the number of spaces available in a given area, a standard vehicle parking space shall be computed as an area measuring 10 x 20 feet. Additional area will be required in order to provide vehicle maneuvering space, access and egress.

(3) Off-Street Parking Standards. The following standards comprise the minimum off-street parking requirements for the several common types of buildings and uses listed. Where more than 1 use

occupies a building, the total of the combined standards shall be required.

- (a) Single-Family Residences. 2 spaces per dwelling unit.
- (b) Apartment House. 12 spaces per unit.
- (c) Boarding Houses and Rooming Houses. 1 space for the first 2 rooms and 1 space for each additional 2 rooms.
- (d) Hotels and Motels. 1 space per unit plus 1 space for each 3 employees.
- (e) Auditorium, Theater or Stadium or Other Similar Use. 1 parking space for each 5 seats available at maximum capacity.
- (f) Church. 1 space for each 3 seats available at maximum capacity.
- (g) Restaurant. 1 space for each 3 seats available at maximum capacity. Employee parking shall be provided at the ratio of 1 space for each 3 employees.
- (h) Commercial or Business Building. 4 spaces for the first 1,000 square feet of floor space used and usable in the sale of merchandise, and 1 additional space for each additional 250 square feet of floor space.
- (i) Manufacturing and Warehousing. 1 parking space for each 2 employees at maximum employee on a single shift plus 1 car space for each truck operated by the business. The Planning Commission may require additional space if it deems necessary.

(4) Off-Street Loading and Unloading Regulations for Trucks. All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. The Planning Commission shall interpret the amount of loading and unloading space required for any building or use whenever it is unable to apply this standard literally.

(D) Additional Parking, Loading and Unloading Regulations.

(1) Arrangement of Off-Street Parking Space. Off-street parking space required for any building or use may be located within 200 feet from the premises it serves, but detached therefrom, or may be consolidated into a large parking area serving other buildings and uses. Either arrangement must be approved by the Planning Commission. The parking space, if allowed, shall be deemed required space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

(2) Proof of Availability. The Planning Commission may require a plat, deed, or any other proof necessary to show that the required parking space, if located off the premises it serves, is controlled by and available to the applicant prior to the granting of a zoning\building permit.  
(Ord., ' 4.4, passed 5-23-2002) Penalty, see ' 152.999

## SPECIAL REGULATIONS

**' 152.075 MANUFACTURED HOUSING.**

(A) Permitted. Single-family manufactured housing occupied by a resident not solely engaged in agricultural activity shall be allowed in the AA-1", AA-2", and AR-3@ districts. Mobile home parks shall be authorized in the AR-3@ district.

(B) Foundation. All manufactured housing must be placed either on concrete foundations or mortared concrete blocks. The bottom of the manufactured housing unit must not be more than 4 feet above the ground at any point. A solid form of permanent material must be built between the ground and the bottom outside edge of the manufactured housing unit.

(C) Anchorage and tie-down. Every space for manufactured units shall be provided with devices for anchoring the unit to prevent overturning or uplift. The owner shall be responsible for causing the unit to be anchored. Where concrete platforms are provided for the parking of mobile units, anchorage shall be provided with eyelets embedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift as required by the Kentucky Building Code.

(Ord., ' 4.51, passed 5-23-2002) Penalty, see ' 152.999

**' 152.076 MANUFACTURED HOME PARKS.**

(A) Mobile Home Parks. No mobile home park shall be permitted on an area of less than 2 acres in size. The developer may be permitted to develop the park, in stages as long as he or she complies with the overall approved plan for the entire tract. The number of manufactured housing units permitted in the park shall not exceed a density of 10 manufactured housing units per net acre. A net acre being the land to be subdivided into lots after streets and other-required improvements have been installed.

(B) Lot Requirements. Individual lots within a mobile home park shall not be less than 4,000 square feet in area and on a Health Department approved sewage disposal system and in no instance shall more than 1 manufactured housing unit be permitted on a single lot. The minimum lot width shall be 50 feet.

(C) Setback. No manufactured housing unit or structure shall be located closer to any public street than the minimum front yard setback for permanent residential structures in the residential zone in which the park is located. No manufactured housing unit shall be located closer than 25 feet to any building or street within the park or to any property line of the park.

(D) Frontage. All mobile home parks shall front on a public street or road for at least 100 feet.

(E) Spacing. No manufactured housing unit shall be located within 25 feet of another manufactured housing unit except that a minimum end-to-end clearance of not less than 15 feet shall be permitted, and in instances where the sides opposite the entrance of 2 manufactured housing units may be reduced to not less than 20 feet.

(F) Streets. All manufactured housing spaces shall abut upon a street within the trailer park and shall have a right-of-way of not less than 25 feet and a pavement of not less than 20 feet. Each park shall have at least 1 street which gives access to a public street. The access streets in either a single mobile home park or parks, shall not be less than 100 feet apart nor be less than 125 feet from an intersection of 2 or more public streets. All streets within the park shall be paved, hard surfaced and well drained and well lighted. No street right-of-way within the mobile home park shall be within 5 feet of the property line. The owner of the mobile home park shall maintain the streets within the mobile park.

(G) Parking. One paved automobile parking area shall be provided on every manufactured housing lot, plus 2 parking space for each mobile home lot. This additional parking may be in a central location, but in no case more than 300 feet from the manufactured housing unit for which it is provided.

(H) Utilities. All lots within the mobile home park shall be provided with water, sewer and electrical facilities meeting the standards specified by county and state regulations, and each manufactured housing unit shall be properly connected with the utilities.

(I) Accessory Structures. No accessory structure including patios and pads shall be located within 5 feet from any manufactured housing lot line. The maximum floor area shall be 100 square feet and the maximum height shall be no greater than 10 feet.

(J) Foundation. All manufactured housing must be placed either on concrete foundations or mortared concrete blocks.

(K) Anchorage and tie-down. Every space for manufactured units shall be provided with devices for anchoring the unit to prevent overturning or uplift. The owner shall be responsible for causing the unit to be anchored . Where concrete platforms are provided for the parking of mobile units, anchorage shall be provided with eyelets embedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift as required by the Kentucky Building Code.

(L) Connecting Structures. Only porches, stairs, and other open structures may be attached to a manufactured housing unit. No structure for human occupancy shall be built to the mobile home.

(M) Procedure. In applying for a zoning permit for a mobile home park the applicant shall submit his or her plan to the Planning Commission for its approval in accordance with the Preliminary Plat approval of the County Subdivision Regulations. The plan shall show the following information:

- (1) Plat of the entire park property.

(2) Subdivision of the property, including all streets, dimensions of streets, and lots, access to public streets, and public areas such as visitors parking spaces, recreational areas, swimming pools, etc., if the areas are proposed.

(3) Location and layout of all utilities, including pipe sizes, meter locations, valves, fire hydrants, sanitary sewer connections, manholes, and connections to the existing public utilities.

(4) Typical layout of 1 mobile home lot, showing manufactured housing unit location automobile parking spaces, patio garbage can receptors, etc.

(5) Location of planting to be provided for landscaping purposes, or as required for protective buffer.

(N) Issuance of Zoning Permit. The Planning Commission may attach reasonable special conditions to its approval of a mobile home park and may direct the Administrative Officer to issue a zoning permit when the applicant presents a valid construction permit from the State Department of Health, as required by KRS Chapter 219. The Administrative Officer shall not issue the zoning permit until he or she has received written authorization from the Planning Commission, or Board of Adjustment, and until the valid construction permit is presented.

(O) Issuance of Certificate of Compliance. The Administrative Officer shall issue a certificate of compliance only after he or she has determined that the mobile home park has been prepared according to all applicable state regulations and special conditions and only after the applicant presents a valid permit to operate from the State Department of Health as required by Kentucky Revised Statutes.

(P) Enforcement. The Administrative Officer shall insure that all mobile home parks maintain valid permits to operate and maintain conformance with all applicable regulations of this chapter and all special conditions.

(Q) Existence. All existing manufactured housing units within the planning unit which complied with all existing regulations at the time of passage of this chapter shall be allowed to remain in their present location. No future manufactured housing unit in a new site shall be permanently located outside of an approved park, except as provided in Agricultural and Residential Districts.

(R) Conflict of Regulations. All parts of any existing regulation in conflict herewith are hereby repealed.

(Ord., ' 4.52, passed 5-23-2002) Penalty, see ' 152.999

#### **' 152.077 APARTMENT HOUSES.**

(A) Permitted. Apartment houses shall be permitted in the R-4 residential districts.

(B) Area and Density Requirements. An apartment house shall have a minimum lot area of 13,500

square feet for the first 3 units. For each additional unit, there shall be an additional 3,000 square feet. The minimum required lot width at the building line shall be 100 feet. If municipal sewers are not available for an apartment complex, the required Health Department dimensions shall apply.

(C) Yard Requirements.

- (1) Front Yard: 25 feet
- (2) Rear Yard: 10 feet
- (3) Side Yard: 15 feet
- (4) Corner lots shall meet the applicable requirements of ' 152.037(C) of this chapter.

(D) Lot Coverage. The combined area occupied by all principal and accessory buildings shall not exceed 50% of the total lot area.

(E) Off-Street Parking. Off-street parking shall be provided on site only. All parking areas shall be hard-surface concrete or asphalt and shall provide 12 spaces per dwelling unit.

(F) Procedure.

(1) An applicant, before applying for a zoning permit or beginning construction, shall prepare a plan or sketch showing lot dimensions and bearings of the parcel intended to be developed, the location, the intended general layout and design and improvements to be installed on the land. The proposal may be reviewed by the Planning Commission.

(2) Before approving the intended development plan, the Planning Commission may make conditional requirements pertaining to landscaping, screening, road requirements, open space or any other similar requirements. These requirements shall be made part of the plan before approval is given to the plat. Once approval is received, a zoning permit may be issued.  
(Ord., ' 4.53, passed 5-23-2002) Penalty, see ' 152.999

**' 152.078 JUNK YARDS.**

Junk yards are not permitted within the city limits of West Point. The junk yards that may exist do so as nonconforming uses only. All junk yards shall comply with the following regulations:

(A) All junk yards must be completely screened from the surrounding property with the screening being not less than 8 feet in height. The Planning Commission shall be required to approve the type of screening used;

(B) Any junk yard located closer than 2,000 feet from a center line of any public road must comply with KRS Chapter 177. The Administrative Officer shall insure that all junk yards comply with county and

state regulations;

(C) No junk shall be left outside of the screened area for more than 24 hours;

(D) No junk yard shall be within 2,000 feet of any residential zone;

(E) The Board of Adjustment shall have the power to determine if a parcel is being used for a junk yard or not. An occupational license, sign, words, or written agreements shall not be evidence alone as to whether a parcel of a land is being used for a junk yard; and

(F) As junk yards can be a threat to the public health and safety through groundwater contamination, insect breeding grounds, eyesores, etc. any junk yard must meet Federal and State standards in order to continue to operate. Those found to be in violation shall be notified and be instructed to be brought into compliance.

(Ord., ' 4.54, passed 5-23-2002) Penalty, see ' 152.999

#### **' 152.079 WALLS AND FENCES.**

(A) Walls and fences shall not be permitted any closer to the street than the yard setback as established by the zoning ordinance or subdivision plat filed or any closer than the house/principal structure, except for permitted schools, cemeteries and government buildings. Permitted side and rear yard fencing and walls shall not exceed 8 feet in height and shall not contain any barbed wire.

(B) Where a lot in a residential or commercial zone abuts a publicly dedicated alley, a wall or fence shall be permitted to be located on the property line in the yard that abuts the alley, provided any gate swings in toward the property.

(C) Walls and fences shall be permitted in any yard in an industrial zone. There shall be no height restriction placed on any wall or fence erected or maintained in industrial zones, and any barbed wire construction shall be not less than 6 feet above ground level.

(Ord., ' 4.5.5, passed 5-23-2002) Penalty, see ' 152.999

#### **' 152.080 EXCEPTIONS.**

(A) Use Exceptions. Several types of structures and uses are permitted in all districts even though they are not listed as permitted uses under the zoning district regulations. No zoning permit or certificate of compliance is required for the following structures and uses:

(1) A local public utility distributing and collecting structures, such as pipe and transmission lines, transformers and meters.

(2) Public streets and all official appurtenances necessary for traffic direction and safety. All streets and traffic control signs shall conform to the code established and adopted by the Kentucky Department of Transportation.

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

(4) Real estate signs or subdivision signs advertising property for sale or rent with less than an area of 12 square feet.

(5) Signs not over 2 square feet in area identifying permitted home occupations or the renting of sleeping rooms on the same premises in residential zones.

(B) Height Exceptions. Height regulations apply to buildings occupied regularly by persons or their activities. They do not apply to \*structures or portions of \*buildings such as radio towers, ornamental spires, water towers, smoke stacks, silos, and flag poles which are not occupied regularly by persons except for maintenance, unless otherwise stipulated in this chapter. The Board of Adjustment shall interpret whether or not height regulations apply upon application by the Administrative Officer in doubtful cases.

\*The Kentucky Airport Zoning and the Federal Aviation Agency height regulations in the vicinity of an airport shall take precedence over all other height regulations.

(C) Lot of Record. Where the owner of a lot of official record, which at the time of the adoption of this chapter, does not include sufficient land to conform to the yard or other requirements of this chapter, an application may be submitted to the Board of Zoning Adjustment for a variance from the terms of this chapter in accordance with provisions of ' 152.106. The lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Adjustment.

(Ord., ' 4.6, passed 5-23-2002) Penalty, see ' 152.999

## ADMINISTRATION AND ENFORCEMENT

### ' 152.095 ADMINISTRATIVE DUTIES OF PLANNING COMMISSION.

The Planning Commission and its authorized agent or inspector shall administer and enforce this chapter. The Commission and its authorized agent or inspector shall have the authority to make inspection of buildings or premises necessary to carry out their duties in administration and enforcement of this chapter. (Ord., ' 2.1, passed 5-23-2002)

### ' 152.096 PLANNING COMMISSION.

The Planning Commission (hereinafter referred to as ACommission@) as constituted at the time of this chapter shall continue in its authority. There shall be 7 members appointed by the Mayor and City Council

for 2 year terms ending on December 31 of the designated year. Terms shall be staggered so that the terms of no more than 3 members expire in a year. Vacancies on the Planning Commission shall be filled within 60 days. If the vacancy is not filled within that time, the Commission shall fill the vacancy.

(A) The Commission shall appoint or hire persons in order to fulfill its required duties under its bylaws, this chapter, and KRS Chapter 100.

(B) Proceedings. The Commission shall conduct regular meetings in accordance with the rules and regulations of its bylaws.

(C) General Powers. The Commission shall have all the powers as allowed under the KRS and the United States and Kentucky Constitutions, which include, but are not limited to:

(1) The right to employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties;

(2) To receive, hold and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky;

(3) To prepare a comprehensive plan which shall serve, as a guide for public and private actions in decisions to assure the development of public and private property in the most appropriate relationships; and

(4) To prepare the text and map of all zoning regulations which shall divide the city into zones on an interim or permanent basis to promote public health, safety, morals, and general welfare of the city, to facilitate orderly and harmonious development in the visual or historic character of the unit, to regulate the density of population and intensity of land use in order to provide adequate light and air; and

(5) To adopt regulations for the subdivision of land within its boundaries; and

(6) To prepare and adopt an official zoning district map; and

(7) To review proposals for amendments to the zoning regulation.

(Ord., ' 2.9, passed 5-23-2002)

#### ' 152.097 BOARD OF ZONING ADJUSTMENT.

(A) Members. The Board of Zoning Adjustment (hereinafter referred to as the ABoard@ as constituted at the time of the adoption of this chapter shall continue in power. There shall be 5 members appointed by the Mayor with the approval of the City Council for 4-year terms ending on December 31 of the designated year. The terms shall be staggered so that the terms of no more than 2 members expire in any year. Vacancies on the Board shall be filled within 60 days. If the vacancy is not filled at that time, the Commission shall fill the vacancy.

(B) Proceedings. The Board shall conduct proceedings in accordance with statutory requirements and its adopted bylaws.

(C) Powers. The Board shall have the following powers as allowed under the Kentucky Constitution and KRS Chapter 100, including but not limited to:

(1) The right to employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties; and

(2) To receive, hold and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky; and

(3) To issue subpoenas, and to hear and decide applications for conditional use permits, variances and nonconforming uses; and

(4) To review administrative action in enforcement of this chapter.  
(Ord., ' ' 2.10 - 2.12, passed 5-23-2002)

#### **' 152.098 CLARIFICATION OF ADMINISTRATIVE JURISDICTIONS.**

The following is a recapitulation of the administrative agencies, with jurisdiction and the extent of their jurisdictions concerning the administration of this chapter.

(A) The Administrative Officer has initial authority for the literal enforcement of this chapter. He or she has no discretionary authority to allow any departure from the literal conformance with this chapter.

(B) The Board of Zoning Adjustments has authority to hear appeals from decisions by the Administrative Officer and to make literal interpretations of the pertinent provisions to correct any possible misinterpretation by the Administrative Officer. The Board also has the authority to make only those departures from a literal conformance which is specifically delegated to it.

(C) The City Council has jurisdiction to determine all questions and issues properly brought before it on appeal from the decisions of the Board of Zoning Adjustment or the Planning Commission.  
(Ord., ' 5.1, passed 5-23-2002)

#### **' 152.099 BUILDING PERMITS REQUIRED.**

It shall be unlawful to commence the demolition, excavation for or the construction or placement of any building, including signs, accessory buildings or fences, or to commence the moving or exterior alteration of any buildings, including accessory buildings, until the Planning Commission or its authorized agent or inspector has issued a permit for the work.

(Ord., ' 2.2, passed 5-23-2002)

**' 152.100 BUILDING PERMIT ISSUANCE AND FEE.**

(A) In applying to the Planning Commission and its authorized agent or inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating lot dimensions, the shape, size, height, and location of all buildings to be erected, altered, or moved, and of any building already on the lot or parcel. It shall be stated as to the existing and intended use of all buildings and supply such other information as may be required by the Commission and its authorized agent or inspector for determining whether the provisions of this chapter are being observed and upheld.

(B) If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this chapter and other ordinances of the city then in force, the authorized agent or inspector shall issue a permit for the excavation. If a building permit is refused, the authorized agent or inspector shall state the refusal in writing, with the cause, and shall immediately thereupon mail notice of the refusal to the applicant at the address indicated on the application. The authorized agent or inspector shall grant or deny the permit within a reasonable time from the date the application is submitted.

(C) The issuance of a permit shall, in no case, be construed as waiving any provision of this chapter.

(D) A building permit shall become void 6 months from the date of issuance unless substantial progress has been exercised by that date on the project described therein.

(E) Application for a building permit shall be accompanied by a fee as required. The fee shall be paid into the General Fund of the city to be used to help defray the costs of inspections and processing of applications. The fee schedule shall be set by the Planning Commission and City Council.  
(Ord., ' 2.3, passed 5-23-2002)

**' 152.101 COMPLIANCE WITH OTHER CODES, STATUTES AND REGULATIONS.**

Nothing in this section or other sections of this chapter shall be construed to exempt any applicant for a permit from compliance with all local, state and federal codes, statutes and regulations.  
(Ord., ' 2.4, passed 5-23-2002)

**' 152.102 CERTIFICATE OF OCCUPANCY.**

(A) No person shall use or permit the use of any structure or premises or part thereof, hereafter created, erected, changed, converted, enlarged, or moved, wholly or partly, until a certificate of occupancy has been issued by the Planning Commission's authorized agent or inspector. The certificate shall show that the structure or use, or both, or the premises, or the affected part thereof, are in conformance with the provisions of this chapter. It shall be the duty of the Mayor's office to oversee the issuance of the certificates by the authorized agent or inspector if it is found that all provisions of this chapter have been met, and to withhold the certificates unless all requirements of this chapter have been met.

(B) No person shall allow occupancy of any building until the Planning Commission has been notified by the appropriate agencies that the private details of water, electricity, and where applicable, sanitary sewer and natural gas are completed in a fashion that the private utilities are available for use on the property in question.

(C) Upon request from the owner or tenant, and upon inspection, the Planning Commission or its authorized agent or inspector shall issue a certificate of occupancy for any building, premises or use that is in conformity with the provisions of this chapter or, that a legal nonconformity exists as specified in the certificate.

(Ord., ' 2.5, passed 5-23-2002)

#### **' 152.103 AUTHORIZED USE.**

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Planning Commission, its authorized agent or inspector authorize only the use, or arrangement or construction set forth in the permits, plans, and certificates, and no other. The use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter.

(Ord., ' 2.6, passed 5-23-2002)

#### **' 152.104 COMPLAINTS REGARDING VIOLATIONS.**

Any person may file a written complaint alleging violation of the provisions of this chapter. The complaint shall state fully the cause and base thereof and shall be filed with the Planning Commission, its authorized agent or inspector. The Planning Commission shall properly record the complaint and investigate and take action thereon as provided by this chapter to cite the violator into District Court.

(Ord., ' 2.7, passed 5-23-2002)

#### **' 152.105 MAP AMENDMENT PROCEDURES.**

A proposal for amendments to the zoning district map may originate only with the Planning Commission, the City Council, the owner of the subject property or a person having written authorization from the owner of the subject property. Regardless of the origin of the proposed amendment, an application must be filed with the Commission requesting the proposed amendment in such form and accompanied by information as required by this chapter and the bylaws of the Planning Commission. At the time of filing the amendment, a non-returnable filing fee shall be required as set forth in this chapter; however, there shall be no filing fee for amendment requested by the Council, Commission or any other governmental agency. Upon filing of an application for a map amendment by a governmental body, the Commission shall promptly notify the owner of the subject property as required by KRS Chapter 100.

(A) Pre-Application Conference. Prior to filing an application for a zoning map amendment, the applicant is encouraged to meet with the Planning Commission to discuss the proposed amendment. The

purpose of this conference is to discuss, at the earliest stages, the requirements, procedures and issues related to the proposed amendment. It is intended that this conference will help to alleviate possible conflicts by early recognition of existing conditions, necessary facilities, recommendations of the adopted Comprehensive Plan and other issues related to the proposed amendment.

(B) Notice. All procedures for public notice and publication, as well as for adoption, shall be the same as for the original enactment of a zoning regulation (KRS Chapter 100), except as provided below:

(1) Notice of the time, place, and reason for public hearing shall be given at least 14 days in advance of the hearing by first class mail, with certification by the Commission secretary or other officer of the Planning Commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed.

(2) It shall be the duty of the person or persons proposing the map amendment to furnish the Planning Commission the names and addresses of the owners of all adjoining property, including tracts across a road or street. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of the owner.

(C) Posting Subject Property. When a map amendment (zone change) is proposed, an appropriate sign stating the proposed amendment and the time, date and location of the public hearing shall be posted on the property in question, or where more than one piece of property is involved, the sign shall be posted in a central and conspicuous location. The sign shall be posted at least 14 days before the public hearing by the Secretary of the Planning Commission or a person appointed by the Planning Commission.

(D) Public Hearing. Upon receipt of a completed application, receipt of fee, notice of map amendment on the subject property and notification of interested parties, the Commission shall hold a public hearing on the proposed amendment, per KRS Chapter 100.

(E) Recommendation of Commission for Zoning District Map Amendments. Before making recommendations to the City Council on a proposed map amendment, the Planning Commission shall make findings of fact, as required by KRS Chapter 100. Findings of fact made by the Commission shall be recorded in the minutes and records of the Planning Commission. After voting to recommend that an application for an amendment to the zoning map be granted or denied, the Commission shall forward its findings of fact and recommendation in writing to the City Council.

(1) Before any map amendment is granted, the Planning Commission, or the City Council, must find that the map amendment is in agreement with the community's comprehensive plan, or, in the absence of such a finding, that 1 or more of the following apply and the finding shall be recorded in the minutes and records of the Planning Commission or the legislative body:

(a) That the original zoning classification given to the property was inappropriate or improper; and/or

(b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the community's comprehensive plan and which have



(1) Sign installation        \$25

(2) Structures                0.05% of construction costs

(E) Conditional use permit.

Cost        \$50

(F) Variance request.

Cost        \$35.

(Ord., ' 6, passed 5-23-2002)

#### ' 152.109 VIOLATIONS.

In case any building or structure is, or is proposed to be erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is, or is proposed to be used in violation of this chapter, the Administrative Officer, or any other appropriate party who would be damaged by the violation, in addition to other remedies, may institute an injunction, mandamus or other appropriate action or proceeding to prevent the work or occupancy of the building, structure or land, in any court of competent jurisdiction.

(Ord., ' 5.21, passed 5-23-2002)

#### ' 152.999 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements (including violation of the conditions and safeguards established in connection with granting of variances or conditional uses) shall constitute a violation of this chapter. Any person, or groups of persons, including members of legislative and administrative bodies of the city violating any provision of this chapter or failing to comply with any of its requirements shall, upon conviction thereof, be fined not less than \$10 dollars but not more than \$500 for each offense. Each day of violation shall constitute a separate offense. Any person shall, upon conviction, be fined not less than \$50 but not more than \$500 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer, where the sale or transfer, or contract therefore, constitutes a violation of this chapter.

(Ord., ' ' 2.8, 5.22, passed 5-23-2002)



## CHAPTER 153: FLOOD DAMAGE PREVENTION

### Section

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## GENERAL PROVISIONS

**153.01 STATUTORY AUTHORIZATION.**

The legislature of the State of Kentucky has in KRS Chapter 100 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(Ord. 1994-08, passed 8-15-1994)

**153.02 FINDINGS OF FACT.**

(A) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

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

(Ord. 1994-08, passed 8-15-1994)

**153.03 STATEMENT OF PURPOSE.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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

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

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

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

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

(Ord. 1994-08, passed 8-15-1994)

**153.04 OBJECTIVES.**

The objectives of this chapter are:

(A) To protect human life and health;

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

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

(D) To minimize prolonged business interruptions;

(E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(F) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and

(G) To insure that potential home buyers are notified that property is in a flood area.  
(Ord. 1994-08, passed 8-15-1994)

**153.05 DEFINITIONS.**

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

100-YEAR FLOOD. See ABase Flood.@

**ADDITION (TO AN EXISTING BUILDING).** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

**APPEAL.** A request for a review of the building inspector interpretation of any provision of this chapter or a request for a variance.

**AREA OF SHALLOW FLOODING.** A designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**AREA OF SPECIAL FLOOD HAZARD.** The land in the floodplain within a community subject to a

1% or greater chance of flooding in any given year.

**BASE FLOOD.** The flood having a 1% chance of being equaled or exceeded in any given year.

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

**BREAKAWAY WALL.** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**BUILDING.** A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

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

**ELEVATED BUILDING.** A non-basement building built to have the lowest elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

**EXISTING CONSTRUCTION.** Any structure for which the start of construction commenced before the effect date of the FIRM or before January 1, 1975, for FIRMS effective before the date.

**EXISTING CONSTRUCTION.** Also be referred to as Existing structures.

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

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

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

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FHBM).** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY.** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

**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 1 foot.

**FLOOR.** The top surface of an enclosed area in a building (including basement), such as top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**FUNCTIONALLY DEPENDENT FACILITY.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as 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.

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

**HISTORIC STRUCTURE.** Any structure that is:

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

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

(3) 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.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished

or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 60.3.

**MANUFACTURED HOME.** A structure transportable in 1 or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected 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.

**MEAN SEA LEVEL.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**NATIONAL GEODETIC VERTICAL DATUM (NGVD).** As corrected in 1929 is a vertical control used as a reference for establishing varying elevators within the floodplain.

**NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of the city's floodplain management regulations and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed streets, and either final site grading or the pouring of concrete pads is completed on or after the effective date of the city's floodplain management regulations.

**RECREATIONAL VEHICLE.** A vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable to a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**START OF CONSTRUCTION.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied

as swelling units or not part of the main building. 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 building.

**STRUCTURE.** A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. Part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**SUBSTANTIAL IMPROVEMENT.** Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a 5-year period, in which the cumulative cost equals or exceeds 50% of the market value of the building. The market value of the building should be the appraised value of the building prior to the start of the initial repair or improvement, or in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall ceiling, floor, or other structural part of the building commences whether or not that alteration affects the external dimensions of the building. The term does not, however, include, either any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS.** Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities, and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**VARIANCE.** A grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(Ord. 1994-08, passed 8-15-1994)

## ADMINISTRATION

**' 153.15 DESIGNATION OF LOCAL ADMINISTRATOR.**

The City Building Inspector is hereby appointed to administer and implement the provisions of this chapter.

(Ord. 1994-08, passed 8-15-1994)

**' 153.16 PERMIT PROCEDURES.**

Application for a development permit shall be made to the Building Inspector on forms furnished by him or her 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. Specifically, the following information is required:

(A) Application stage.

(1) Elevation in relation to mean sea level of the proposed to lowest floor (including basement) of all buildings;

(2) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;

(3) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in ' 153.36(B); and

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

(B) Construction stage. Provide a floor elevation or flood-proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. The 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 building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(Ord. 1994-08, passed 8-15-1994)

**' 153.17 DUTIES AND RESPONSIBILITIES OF LOCAL ADMINISTRATOR.**

The duties of the Building Inspector shall include, but not be limited to:

(A) Review all development permits to assure that the permit requirements of this chapter have been satisfied;

(B) 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) Notify adjacent communities and the Kentucky Division of Water prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

(D) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

(E) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved building, in accordance with ' 153.16(B);

(F) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings, have been flood-proofed, in accordance with ' 153.16(B);

(G) When flood- proofing is utilized for a particular building, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with ' 153.16(B);

(H) 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 Building Inspector 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 this subchapter;

(I) When base flood elevation data or floodway data have not been provided in accordance with ' 153.51, then the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal , state or other source, in order to administer the provisions of ' ' 153.35 through 153.39; and

(J) All records pertaining to the provisions of this chapter shall be maintained in the office of the Building Inspector and shall be open for public inspection.

(Ord. 1994-08, passed 8-15-1994)

**153.18 VARIANCE PROCEDURES.**

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

(B) The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this chapter.

(C) Any person aggrieved by the decision of the Board of Appeal or any taxpayer may appeal such decision to the appropriate court, as provided in Kentucky Revised Statutes.

(D) 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 a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(E) In passing upon such applications, the Board of Appeal shall consider all technical evaluations, all relevant factors, all standards specified in all standards specified in other sections of this chapter:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

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

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

(G) Variances shall not be issued within any designated floodway if any increase flood levels during the base flood discharge would result.

(H) (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(2) Variances shall only be issued upon a showing of good sufficient cause, a determination that failure to grant the variance would result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.  
(Ord. 1994-08, passed 8-15-1994)

## PROVISIONS FOR FLOOD HAZARD REDUCTION

### ' 153.35 GENERAL STANDARDS.

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

(A) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(B) 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 frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

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

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

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

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

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

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

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

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

(Ord. 1994-08, passed 8-15-1994)

### ' 153.36 SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in ' ' 153.17(I) or 153.51, the following provisions are required:

(A) Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated 1 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of ' 153.36(C).

(B) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement elevated 1 foot above the base flood elevation. Buildings located in all A-Zones may be flood-proofed in lieu of being elevated, provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this division are satisfied. Such certification shall be provided to the official as set forth in ' 153.17(G).

(C) Elevated buildings. New construction or substantial improvements of elevated buildings 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.

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

(a) Provide a minimum of 2 openings having a total net area not less than 1 square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all openings shall be no higher than 1 foot above grade; and

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

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

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

(D) Standards for manufactured homes and recreational vehicles.

(1) All manufactured homes placed or substantially improved outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including elevation and anchoring.

(2) All manufactured home placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(a) The lowest floor of the manufactured home is elevated to or above the level of the base flood elevation;

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

(c) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement; or

(d) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, any manufactured home placed or substantially improved must meet the standards of subsections (a) and (c) above.

(3) (a) All recreational vehicles placed on sites must be either:

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

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

3. Meet the permit requirements for new construction including anchoring and elevation requirements for manufactured homes.

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

(E) Floodways. Located within areas of special flood hazard established in ' 153.51, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood water which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

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

(2) If division (D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this subchapter.  
(Ord. 1994-08, passed 8-15-1994)

### **' 153.37 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.**

Located within the areas of special flood hazard established in ' 153.51, where streams exist but where no base flood data has been provided or where base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

(A) No encroachments, including fill material or structures shall be, located within areas of special

flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 floor at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(B) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations in accordance with ' 153.17(I).  
(Ord. 1994-08, passed 8-15-1994)

**' 153.38 STANDARDS FOR SUBDIVISION PROPOSALS.**

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

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

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

(D) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of 50 lots or 5 acres.

(Ord. 1994-08, passed 8-15-1994)

**' 153.39 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).**

Located within the areas of special flood hazard established in ' 153.51, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of 1 - 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(A) All new construction and substantial improvements or residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified in feet on the city=s FIRM. If no depth number specified, the lowest floor, including basement, shall be elevated at least 2 feet above the highest adjacent grade.

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

(1) Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM. If no depth number is specified, the lowest floor, including basement, shall be elevated at least 2 feet above the highest adjacent grade; or

(2) Together with attendant utilities and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(Ord. 1994-08, passed 8-15-1994)

## ENFORCEMENT

### ' 153.50 LANDS TO WHICH THIS ORDINANCE APPLIES.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of city.  
(Ord. 1994-08, passed 8-15-1994)

### ' 153.51 BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study dated with accompanying maps and other supporting, and any revision thereto, are adopted by reference and declared to be a part of this chapter.  
(Ord. 1994-08, passed 8-15-1994)

### ' 153.52 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be required in conformance with the provision of this chapter prior to the commencement of any development activities.  
(Ord. 1994-08, passed 8-15-1994)

### ' 153.53 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.  
(Ord. 1994-08, passed 8-15-1994) Penalty, see ' 153.99

**153.54 ABROGATION AND GREATER RESTRICTIONS.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restriction. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 1994-08, passed 8-15-1994)

**153.55 INTERPRETATION.**

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

(Ord. 1994-08, passed 8-15-1994)

**153.56 WARNING AND DISCLAIMER OR LIABILITY.**

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

(Ord. 1994-08, passed 8-15-1994)

**153.99 PENALTY.**

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereon be fined not more than \$500 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 city from taking such other lawful actions as is necessary to prevent or remedy any violation.

(Ord. 1994-08, passed 8-15-1994)

