

## **TITLE XV: LAND USAGE**

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## CHAPTER 150: BUILDING REGULATIONS

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

(A) The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10,

Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk where they shall be available for public inspection during normal business hours. (Ord. 81-15, passed 11-9-81)

(B) The Building Inspector shall be designated as the local enforcement agent for the Kentucky Building Code.

(C) The Building Inspector and all other designated officers, agents, and employees of the city are hereby charged with the enforcement of the provisions of the Standards of Safety.  
Penalty, see § 150.99

### **§ 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, and an electrical inspection in accordance therewith shall hereafter be required in any instance where construction involves installation of a new electrical hook-up and for all electrical entrance changes, except those specifically reserved to the Department of Housing, Buildings and Construction of the Commonwealth of Kentucky.  
(Ord. 81-15, passed 11-9-81)

### **§ 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 such appeals.

***Statutory reference:***

*Appeals procedure, see KRS 198B.070*

## ***ELECTRICAL INSPECTOR***

### **§ 150.15 CREATION OF OFFICE.**

The office of City Electrical Inspector is hereby created, said Inspector and any deputy inspectors to be appointed by the Mayor with the advice and consent of the City Council.  
(Ord. 81-15, passed 11-9-81)

***FEES***

**§ 150.25 BUILDING PERMIT FEE.**

A building permit fee is hereby authorized, with a schedule of such building permit fees to be adopted by the City Council by ordinance, and with the permit fee to be paid in full to the City Clerk at the time such application for a building permit is made.  
(Ord. 81-15, passed 11-9-81)

**§ 150.26 INSPECTION FEES.**

A schedule of inspection fees hereunder shall be established by the City Council by ordinance, which inspection fees shall be paid to the City Electrical Inspector at the time such inspection is made.  
(Ord. 81-15, passed 11-9-81)

***UNDERGROUND UTILITIES***

**§ 150.40 INSTALLATION OF CABLE TELEVISION FACILITIES.**

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

(1) ***CABLE OPERATOR.*** Any person or legal entity providing cable television service pursuant to a franchise granted by the city.

(2) ***DEVELOPER.*** The owner and any developer of any residential subdivision or multi-unit dwelling in the city.

(B) Whenever any construction or development of any residential subdivision or multi-unit dwelling shall include the digging or opening of any trench in which utilities are to be placed or are already located, the developer shall make such open trenches available to each cable operator for the installation of cable television facilities. The developer shall give each cable operator reasonable notice, not less than ten days prior to the digging or opening of any such trenches, of the specific dates on which such open trenches will be made available for the cable operator's installation of cable, conduit, pedestals, vaults, laterals and/or any other applicable equipment all of which facilities shall be provided and installed by the respective cable operator at such cable operator's expense. Such cable operator shall thereupon promptly provide to the developer any requisite specifications for such trenching.

(C) The cost of the trenching and the procurement of any easements required to bring cable television and other utility services to the respective construction or property development shall be the

responsibility of the developer, and the developer shall not impose any charge or fee upon the cable operator for the cable operator's installation in or use of such trenches.  
(Ord. 90-5, passed 4-9-90)

### ***FIRE HYDRANTS AND ACCESS ROADS***

#### **§ 150.50 DEFINITIONS.**

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

***ASSEMBLY OCCUPANCY, BUSINESS OCCUPANCY, EDUCATIONAL OCCUPANCY, INDUSTRIAL OCCUPANCY, HIGH HAZARD OCCUPANCY, INSTITUTIONAL OCCUPANCY, MERCANTILE OCCUPANCY, RESIDENTIAL OCCUPANCY, STORAGE OCCUPANCY, UTILITY OCCUPANCY, and MISCELLANEOUS OCCUPANCY*** have the same meanings as defined in the current edition of the Kentucky Building Code.

***BUILDING INSPECTOR.*** The Building Inspector of the City of Lebanon.

***COMPLETE INDEPENDENT LIVING FACILITY.*** A facility for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

***FIRE CHIEF.*** The Chief of the Lebanon Fire Department.

***MULTI-FAMILY DWELLING.*** Buildings containing more than two complete independent living facilities.

***SIAMESE CONNECTION.*** Two female connections joined to one male connection.

***SINGLE-FAMILY DWELLING.*** A building containing one unit providing a complete independent living facility and not connected to any other building or unit.

***TWO-FAMILY DWELLING.*** A building containing two complete independent living facilities.  
(Ord. 05-06, passed 8-8-05)

#### **§ 150.51 CONSTRUCTION, ALTERATION OR ADDITION.**

All new building construction, alteration or additions to structures of assembly, business, educational, factory, industrial, high hazard, institutional, mercantile, residential, storage, utility and

miscellaneous occupancies, as well as single, two-family, and multi-family dwellings, residential subdivisions and/or mobile home park occupancies, shall comply with the provisions of this subchapter.

(Ord. 05-06, passed 8-8-05)

## § 150.52 BUILDING PLANS.

Building plans shall show the location and placement of any existing fire hydrants and access roads on both public and private property as approved by the Fire Chief and the Building Inspector of the city before any actual construction has begun.

(Ord. 05-06, passed 8-8-05)

## § 150.53 FIRE HYDRANT AND WATER MAIN SPECIFICATIONS.

(A) **FIRE HYDRANTS** or **HYDRANTS** as used herein shall mean pumper-type hydrants which are equipped with not less than two 2-1/2 inch and one 5 inch pumper outlets placed for the purpose of and intended for supplying water to Fire Department pumpers. **YARD HYDRANTS** as used herein shall mean hydrants which are equipped with not less than two 2-1/2 inch outlets and are supplied with water from a Siamese Connection. **YARD HYDRANTS** may have larger outlets as designated by the local Fire Department. **YARD HYDRANTS** with larger outlets should be marked as a yard hydrant as designated by the local Fire Department.

(B) All fire hydrants shall meet the minimum specifications and be installed in conformity with the standards and requirements of the local water utility for hydrant type and thread specifications, and shall be constructed and maintained so as to have adequate water flow according to the standards of the local water utility.

(C) Fire hydrants shall be able to deliver 750 gallons per minute with a friction loss of not more than five pounds per square inch between the street main and the outlet.

(D) A gate valve must be installed at the hydrant between the hydrant and the street main.

(E) Hydrants may be tested periodically for proper functioning in accordance with the policy of the local Fire Department. The local water utility shall be contacted prior to testing.

(F) Water mains which have hydrants installed on them shall not be less than six inches in diameter, including fire hydrants branch connections installed in conformity with the minimum requirements of the local water utility.

(G) The distribution system shall be equipped with the sufficient number of valves so located that breakage or other interruption will not cause shutdown of any substantial portion of a main. Whenever service is installed in conjunction with fire hydrants, said service shall be of the fire protection type and at least six inches in size.

(H) All piping and materials installed as a fire protection service shall have UL and/or FM listing with a minimum rating of 150 pounds per square inch in order to comply with the provisions herein. (Ord. 05-06, passed 8-8-05)

#### **§ 150.54 LOCATION OF HYDRANTS AND WATER SUPPLY REQUIREMENTS.**

(A) In single-family residential areas and two-family residential areas, fire hydrants shall be spaced not farther than 1,000 feet apart, measured over hard surfaces, easily accessible to fire protection apparatus. Any single-family residential property must be within 500 feet, measured over hard surfaces, easily accessible to fire protection apparatus.

(B) In all other areas outside of one- and two-family or multi-family dwelling, which other areas include commercial, industrial, educational, institutional, assembly, hotel, motel, and multi-family areas, fire hydrants shall be located so that there will be at least within 500 feet of the building, and one additional fire hydrant within 1,000 feet of the building, the distances measured over hard surfaces, easily accessible to fire protection apparatus. No exterior portion of a building shall be farther than 500 feet from a fire hydrant measured over hard surfaces, easily accessible to fire protection apparatus. Closer spacing may be required by the enforcing agencies set out hereinafter where special circumstances require such closer spacing. There shall be a fire hydrant within 200 feet of each Fire Department Siamese connection. All hydrants must be located at least 25 feet from any exterior wall of a frame building or a building of equivalent construction, including brick or stone or veneer.

(C) All hydrants shall be located as to be easily accessible to fire protection apparatus from an approved hard surface. Hydrants shall be located not more than 40 feet from the edge of an approved hard surface easily accessible to fire apparatus and the center of the hydrant nozzle shall be not less than 20 inches nor more than 30 inches above ground level (final grade).

(D) All hydrants shall be kept clear of weeds, rubbish and any and all other obstructions by the abutting property owner. Landscaping or decorations shall not be used to obstruct or hide the fire hydrant from clear view, nor prohibit access to the hydrant for use or maintenance. Damage caused to landscaping due to periodic maintenance, use or testing of a fire hydrant shall be the responsibility of the owner.

(E) Where fire hydrants are installed along a roadway, parking within ten feet from a fire hydrant is prohibited. When fire hydrants are installed in parking areas, parking shall be designed and maintained to allow ten feet clear access to the hose connection side of the hydrant, and a four-foot minimum clear radius around the hydrant.

(F) The owner of any private water system or fire protection system shall notify the Fire Department when the system is out of service and when service has been restored. The owner of the system is responsible for prompt repair of the water supply system.

(G) The city Building Inspector and Fire Chief, having jurisdiction, are hereby authorized and directed to enforce this subchapter, and the final determination concerning compliance herewith shall be



the sole discretion of the city Building Inspector and the Fire Chief. Upon presentation of their credentials, the enforcement officers may enter any premises covered by these regulations to perform the duties imposed upon them by these regulations.

(Ord. 05-06, passed 8-8-05)

**§ 150.99 PENALTY.**

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

(1) Violators of the State Building Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1000 for each offense. (KRS 198B.990(1))

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

(3) 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)

(B) Any person, firm or corporation violating any of the provisions of §§ 150.40 through 150.43 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than \$10 nor more than \$100 or imprisoned for a period of not more than 90 days, or both so fined and imprisoned, in the discretion of the court or jury. Each day of violation shall constitute a separate offense. (Ord. A-20.1, passed 7-8-63)



## **CHAPTER 151: FLOOD DAMAGE PREVENTION**

### Section

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**GENERAL PROVISIONS****§ 151.01 STATUTORY AUTHORIZATION.**

The Legislature of the Commonwealth of Kentucky has in KRS 82.082 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of Lebanon, Kentucky, hereby adopts the following floodplain management chapter, as follows.  
(Ord. 09-09, passed 11-9-09)

**§ 151.02 FINDINGS OF FACT.**

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

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.  
(Ord. 09-09, passed 11-9-09)

**§ 151.03 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 loss due to flooding by provisions designed to:

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

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

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

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

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.  
(Ord. 09-09, passed 11-9-09)

#### § 151.04 OBJECTIVES.

The objectives of this chapter are to:

(A) Protect human life and health;

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

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

(D) Minimize prolonged business interruptions;

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

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

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

(H) Ensure that those who occupy a special flood hazard area assume responsibility for their actions.

(Ord. 09-09, passed 11-9-09)

#### § 151.05 DEFINITIONS.

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

**A ZONE.** Portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In **A ZONES**, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.

**ACCESSORY STRUCTURE (APPURTENANT STRUCTURE).** A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. **ACCESSORY STRUCTURES** should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of **ACCESSORY STRUCTURES** are detached garages, carports, storage sheds, pole barns, and hay sheds.

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

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

**A1-30 and AE ZONES.** Special flood hazard areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.

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

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

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

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

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

**AREA OF SHALLOW FLOODING.** A designated AO or AH Zone on a community's flood insurance rate map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

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

**BASE FLOOD ELEVATION (BFE).** The elevation shown on the flood insurance rate map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

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

**BUILDING.** A walled and roofed structure that is principally aboveground; including a manufactured home, gas or liquid storage tank, or other man-made facility or infrastructure. See definition for **STRUCTURE**.

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

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

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

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

**CRITICAL FACILITY.** Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. **CRITICAL FACILITIES** include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

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

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

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

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

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

**ENCLOSURE.** That portion of a structure below the base flood elevation (BFE) used solely for parking of vehicles, limited storage, or access to the structure.

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

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

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

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



***FLOOD, FLOODING, or FLOOD WATER.***

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

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

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

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

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

***FLOOD INSURANCE STUDY.*** The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the flood insurance rate map (FIRM), and/or the flood boundary floodway map (FBFM), and the water surface elevation of the base flood.

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

***FLOODPLAIN ADMINISTRATOR.*** The individual appointed by a NFIP-participating community to administer and enforce the floodplain management ordinances.

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

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

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

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

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

**FLOODWAY FRINGE.** That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

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

**FRAUD AND VICTIMIZATION.** As related in § 151.28, Appeals and Variance Procedures, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for 50 to 100 years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

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

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

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

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

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

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior; or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

**INCREASED COST OF COMPLIANCE (ICC).**

- (1) Increased cost of compliance coverage provides for the payment of a claim for the cost to comply with state or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a standard flood insurance policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, ICC will help pay up to \$30,000 for the cost to elevate, floodproof, demolish, or remove the building.
- (2) ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

***KENTUCKY REVISED STATUTE 151.250 - PLANS FOR DAMS, LEVEES, ETC. TO BE APPROVED AND PERMIT ISSUED BY CABINET - (ENVIRONMENTAL AND PUBLIC PROTECTION CABINET).***

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

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

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

***LETTER OF MAP CHANGE (LOMC).*** An official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps, and flood insurance studies. ***LOMCs*** include the following categories:

(1) *Letter of map amendment (LOMA).* A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

(2) *Letter of map revision (LOMR).* A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

(3) *Letter of map revision - fill (LOMR\_F)*. A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.

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

**LEVEE SYSTEM.**

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

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

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

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

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

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

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

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



or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term **MANUFACTURED HOME** does not include a “recreational vehicle” (see **RECREATIONAL VEHICLE**).

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

**MAP.** The flood hazard boundary map (FHBM) or the flood insurance rate map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

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

**MARKET VALUE.** The structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. **MARKET VALUE** can be established by independent certified appraisal, replacement cost depreciated by age of structure (actual cash value) or adjusted assessed values.

**MEAN SEA LEVEL (MSL).** The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the **MSL** is used as a reference for establishing various elevations within the floodplain as shown on a community’s FIRM. For purposes of this chapter, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

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

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

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

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

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

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

**NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of 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 (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the city's adopted floodplain management ordinances.

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

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

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

**ONE-HUNDRED YEAR FLOOD (100-YEAR FLOOD) (see BASE FLOOD).** The flood that has a 1% or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26% chance of experiencing such a flood with the SFHA.



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

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

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

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

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

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

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

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

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

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

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

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

**REPETITIVE LOSS.** Flood-related damages sustained by a structure on two or more separate occasions during a ten-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more flood losses of \$1,000 or more over the life of the structure, or, three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

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

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

**SHEET FLOW AREA.** See **AREA OF SHALLOW FLOODING**.

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

**START OF CONSTRUCTION** (includes substantial improvement and other proposed new development). The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

**STRUCTURE.** A walled and roofed building that is principally above ground; including manufactured homes, gas or liquid storage tanks, or other man-made facilities or infrastructures. See **BUILDING**.

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

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

**SUBSTANTIAL DAMAGE.**

(1) Any damage to a building for which the cost of repairs equals or exceeds 50% of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss.

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

(3) The term does not apply to:

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

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

**SUBSTANTIAL IMPROVEMENT.**

(1) Any combination of reconstruction, alteration, or improvement to a building, taking place during a one-year period in which the cumulative percentage of improvement equals or exceeds 50% of the current market value of the building. For the purposes of this definition, an improvement occurs 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.

(2) The term does not apply to:

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

(b) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”; or

(c) Any building that has been damaged from any source or is categorized as repetitive loss.

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

***SUSPENSION.*** Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

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

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

***VIOLATION.*** Failure of a structure or other development to fully comply with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

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

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

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

***X ZONE.*** The area where the flood hazard is less than that in the SFHA. Shaded ***X ZONES*** shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded ***X ZONES*** (C zones on older FIRMS) designate areas where the annual exceedance probability of flooding is less than 0.2%.

***ZONE.*** A geographical area shown on a flood hazard boundary map or a flood insurance rate map that reflects the severity or type of flooding in the area.  
(Ord. 09-09, passed 11-9-09)

**§ 151.06 LANDS TO WHICH THIS CHAPTER APPLIES.**

This chapter shall apply to all special flood hazard areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the City Council from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City Council which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Lebanon.  
(Ord. 09-09, passed 11-9-09)

**§ 151.07 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.**

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the flood insurance study (FIS) for Marion County, dated January 6, 2010, with the accompanying flood insurance rate maps (FIRMs), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations by the city, and for those land areas acquired by the city through annexation. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator and are enacted by City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of the city and are on file and available for review by the public during regular business hours at Lebanon City Hall.  
(Ord. 09-09, passed 11-9-09)

**§ 151.08 ESTABLISHMENT OF DEVELOPMENT PERMIT.**

(A) A development permit shall be required in conformance with the provision of this chapter prior to the commencement of any development activities in the special flood hazard areas (SFHA). See § 151.26 for instructions and explanation.

(B) Application for a development permit shall be made on forms furnished by the Floodplain Administrator.  
(Ord. 09-09, passed 11-9-09)

**§ 151.09 COMPLIANCE.**

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

Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.  
(Ord. 09-09, passed 11-9-09)

**§ 151.10 ABROGATION AND GREATER RESTRICTIONS.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.  
(Ord. 09-09, passed 11-9-09)

**§ 151.11 INTERPRETATION.**

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

(A) Considered minimum requirements;

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

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

(Ord. 09-09, passed 11-9-09)

**§ 151.12 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City Council, any officer or employee, the Commonwealth of Kentucky, the Federal Insurance Administration, or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.  
(Ord. 09-09, passed 11-9-09)

***ADMINISTRATION*****§ 151.25 DESIGNATION OF LOCAL ADMINISTRATOR.**

The City Council of Lebanon hereby appoints the Building Inspector to administer, implement, and enforce the provisions of this chapter by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.  
(Ord. 09-09, passed 11-9-09)

**§ 151.26 ESTABLISHMENT OF DEVELOPMENT PERMIT.**

A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in § 151.07. Application for a development permit shall be made on forms furnished by Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of local administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

*(A) Application stage.*

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

(2) Proposed elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(3) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in §§ 151.36(B) and 151.38(B);

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

*(B) Construction stage.*

(1) Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the state a certification of the elevation of the lowest floor or flood-proofed

elevation, as built, in relation to mean sea level. In AE, A1-30, AH, and A zones where the community has adopted a regulatory base flood elevation, the certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

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

(Ord. 09-09, passed 11-9-09)

#### **§ 151.27 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR.**

(A) The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this chapter. The Floodplain Administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

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

(1) *Permit review.* Review all development permits to ensure that:

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

(b) All other required state and federal permits have been obtained: advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;

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

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

(2) *Review and use of any other base flood data.* When base flood elevation data has not been provided in accordance with § 151.07, the Floodplain Administrator shall obtain, review, and reasonably



utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer §§ 151.35 through 151.41. Any such information shall be submitted to the City Council for adoption.

(3) *Notification of other agencies.*

(a) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse;

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

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

(4) *Documentation of floodplain development.* Obtain and maintain for public inspection and make available as needed the following:

(a) Certification required by § 151.36(A) (lowest floor elevations) as shown on a completed and certified elevation certificate. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 151.26(B);

(b) Certification required by § 151.36(B) (elevation or floodproofing of nonresidential structures) as shown on a completed and certified floodproofing certificate. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with § 151.26(B);

(c) Certification required by § 151.36(C) (elevated structures);

(d) Certification of elevation required by § 151.39(A) (subdivision standards);

(e) Certification required by § 151.36(E) (floodway encroachments);

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

(g) Review certified plans and specifications for compliance;

(h) Remedial action. Take action to remedy violations of this chapter as specified in § 151.99.

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

(a) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 151.28(C)(2).

(b) When base flood elevation data or floodway data have not been provided in accordance with § 151.07, then the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of §§ 151.35 through 151.41.

(c) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with § 151.36(B) a floodproofing certificate.

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

(6) *Right of entry.*

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

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

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

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

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

(8) *Revocation of permits.*

(a) The Administrator may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The Administrator may revoke a permit upon determination by the Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

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

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

(Ord. 09-09, passed 11-9-09)

## **§ 151.28 APPEALS AND VARIANCE PROCEDURES.**

(A) *Nature of variances.*

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

(2) It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(B) *Designation of Variance and Appeal Board.* The City Council shall establish an Appeal Board consisting of the Board of Adjustments.

(C) *Duties of Variance and Appeal Board.*

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

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

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

- (1) Danger that materials may be swept onto other lands to the injury of others;
- (2) Danger to life and property due to flooding or erosion damage;
- (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- (4) Importance to the community of the services provided by the proposed facility;
- (5) Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;
- (6) Availability of alternative locations which are not subject to flooding or erosion damage;
- (7) Compatibility of the proposed use with existing and anticipated development;
- (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- (9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

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

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

(2) Variances shall only be issued upon a determination that the variance is the “minimum necessary” to afford relief considering the flood hazard. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

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

(4) Variances shall only be issued upon:

- (a) A showing of good and sufficient cause;
- (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this chapter); and
- (c) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in § 151.05 under “Public safety and nuisance”), cause fraud or victimization of the public (as defined in § 151.05) or conflict with existing local laws or ordinances.

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

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

(7) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of division (D)(1) through (D)(11) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(F) *Variance notification.*

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

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

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

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

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

(H) *No impact certification within the floodway.* Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result. (Ord. 09-09, passed 11-9-09)

***PROVISIONS FOR FLOOD HAZARD REDUCTION*****§ 151.35 GENERAL CONSTRUCTION STANDARDS.**

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

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

(B) Manufactured homes shall be anchored to prevent flotation, collapse, 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) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

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

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

(F) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

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

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

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

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

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

(Ord. 09-09, passed 11-9-09)

### § 151.36 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation data have been provided, as set forth in § 151.07, the following provisions are required:

(A) *Residential construction.*

(1) New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, mechanical equipment, and ductwork elevated no lower than one 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 floodwaters shall be provided in accordance with standards of division (C) of this section.

(a) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

(b) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated one foot above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgement in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, states as a part of the technical requirements for a state floodplain permit: the applicant shall provide cross sections for determining floodway boundaries (and thereby base flood elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + 0.5 foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

(c) In all other zones, elevated one foot above the base flood elevation.



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

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

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

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

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

(4) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in § 151.26(A)(3);

(5) Manufactured homes shall meet the standards in division (D) of this section;

(6) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials below an elevation one foot above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:

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

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

(C) *Elevated structures.* New construction or substantial improvements of elevated structures on columns, posts, or pilings (e.g.) that include fully enclosed areas formed by foundation and other

exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

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

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

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

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of 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 areas shall not be partitioned or finished into separate rooms.

(D) *Standards for manufactured homes and recreational vehicles.*

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

(a) On individual lots or parcels;

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

(c) In new manufactured home parks or subdivisions;

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

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

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

(2) All manufactured homes must be:

(a) Elevated on a permanent foundation;

(b) Have its lowest floor elevated no lower than one foot above the level of the base flood elevation; and

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

(3) Except manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that the manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:

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

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

(4) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's flood insurance rate map (FIRM) must either:

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

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

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

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

(E) *Floodways*. Located within areas of special flood hazard established in § 151.07 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply.

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

(2) If this division (E) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of §§ 151.35 through 151.41.  
(Ord. 09-09, passed 11-9-09)

### **§ 151.37 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS.**

Located within the special flood hazard areas established in § 151.07, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

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

(B) New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with § 151.07.  
(Ord. 09-09, passed 11-9-09)

### **§ 151.38 STANDARDS FOR SHALLOW FLOODING ZONES.**

Located within the special flood hazard areas established in § 151.07, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(A) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the flood insurance rate map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.

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

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

(2) Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in § 151.36(B).

(Ord. 09-09, passed 11-9-09)

#### **§ 151.39 STANDARDS FOR SUBDIVISION PROPOSALS.**

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

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

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

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

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

(Ord. 09-09, passed 11-9-09)

#### **§ 151.40 STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A'.**

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

- (A) Structure must be non-habitable;
  - (B) Must be anchored to resist floatation forces;
  - (C) Will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;
  - (D) Built of flood resistant materials below a level one foot above the base flood elevation;
  - (E) Must elevate utilities above the base flood elevation;
  - (F) Can only be used for storage or parking; and
  - (G) Cannot be modified for a different use after permitting.
- (Ord. 09-09, passed 11-9-09)

**§ 151.41 CRITICAL FACILITIES.**

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

(Ord. 09-09, passed 11-9-09)

**§ 151.99 PENALTY.**

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

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

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

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

(D) *Penalties.* Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no 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 Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 09-09, passed 11-9-09)

## **CHAPTER 152: UNFIT DWELLINGS**

[This chapter is reserved for future legislation]





## **CHAPTER 153: SUBDIVISION REGULATIONS**

### **Section**

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**GENERAL PROVISIONS****§ 153.01 PURPOSE.**

(A) Once land has been divided into streets, blocks, lots and open spaces, a pattern has been developed which may determine how well community needs for residence, business and industry are to be met. It will also determine how the city can handle its traffic problems, its need for home sites, and how economically it can provide the many services demanded of it. The guidance of this development in harmony with community objectives is, therefore, a matter of serious public concern.

(B) The Major Street Plan, of which certified copies were filed in the office of the County Clerk of Marion County, Kentucky on \_\_\_\_\_ and the following regulations are designed to provide for the proper arrangements of streets, for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light and air, for the avoidance of congestion of population, including minimum width and area of lots, and for adequate provisions of water, drainage, sewer, and other sanitary facilities.

(Ord. passed 1-21-97)

**§ 153.02 AUTHORITY AND JURISDICTION.**

(A) These subdivision regulations are adopted under the authority granted by the KRS §§ 100.720 through 100.780. The Planning Commission, established under the KRS §§ 100.610 through 100.630, has fulfilled the requirements set forth in these acts as a prerequisite to the adoption of such regulations.

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

(Ord. passed 1-21-97)

### § 153.03 DEFINITIONS.

For the purpose of this chapter, which shall be known and may be cited as “Subdivision Regulations of Lebanon, Kentucky,” certain words used herein are defined as follows:

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

**PAVE.** To cover or surface with bituminous base and asphalt or concrete to city specifications.

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

**ARTERIAL STREETS AND HIGHWAYS.** Those streets which will be used primarily for high vehicular speeds or heavy volumes of traffic.

**COLLECTOR STREETS.** Those streets which will carry intermediate volumes of traffic from minor to arterial streets.

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

**MINOR STREETS.** Those streets which are used primarily for access to the abutting properties and which will carry limited volumes of traffic.

**SUBDIVISION.** The division of a tract of land into two or more divisions for the purpose, whether immediate or future, of sale or of building development, and includes resubdivision; provided that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.  
(Ord. passed 1-21-97)

### § 153.04 ADVISORY MEETING WITH PLANNING COMMISSION.

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

(B) The subdivider may review with the Planning Commission the minimum standards of design for the subdivision as specified in §§ 153.10 through 153.16. Such informal review should prevent unnecessary and costly revisions.

(C) This step does not require formal application, or filing of a plat with the Planning Commission.  
(Ord. passed 1-21-97)

### ***GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS***

#### **§ 153.10 GENERAL.**

The subdivider shall comply with the principles of design contained in this subchapter in the layout of the subdivision.  
(Ord. passed 1-21-97)

#### **§ 153.11 STREETS.**

(A) *Conformity to the Major Street Plan.* The location of all streets in a proposed subdivision shall conform in general alignment to the Major Street Plan.

(B) *Street extensions.*

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

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

(C) *Dedication of right-of-way; new streets.*

(1) For streets within the corporate limits of the city, the dedication of right-of-way, measured from lot line to lot line, for new streets shall be as shown on the Major Street Plan, or if not shown thereon, shall meet the following standards:

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

<i>Street Type</i>	<i>Minimum Dedicated Right-of-Way Width</i>
Marginal Access	50 feet
Alley	20 feet
* The Major Street Plan may indicate greater right-of-way widths for certain arterial streets, but in no case shall the subdivider be required to dedicate more than 80 feet for any one street.	

(2) For streets outside the corporate limits of the city, the minimum dedication of right-of-way for new streets, measured from lot line, shall be 30 feet wide.

(3) Alleys shall not be permitted in residential subdivisions.

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

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

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

(E) *Intersections.*

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

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

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

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

(2) Where a deflection angle is more than 10 degrees in the alignment of a street, a curve with a radius adequate to insure adequate sight distance shall be made. The minimum radius of curves shall be:

<i>Street Type</i>	<i>Minimum Curve Radius</i>
Arterial and Collector	300 feet
Minor	100 feet

(3) All changes in grade for arterial and collector streets shall be connected by a vertical curve of a minimum length equal to 20 times the algebraic difference in the rates of grade; the length of curve for all other streets shall be 10 times the algebraic difference in the rates of grade.

(G) *Street grades.*

(1) Street grades shall not exceed the following:

<i>Street Type</i>	<i>Percent Grade</i>
Arterial	5
Collector	7
Minor	12

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

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

(I) *Street jogs.* Street jogs with centerline offsets of less than 125 feet shall not be made. Street jogs in arterial streets shall not be allowed.

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

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

(L) *Private streets and reserve strips.*

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

(2) There shall be no reserve strips except where their control is definitely placed in the city or county under conditions approved by the Planning Commission.  
(Ord. passed 1-21-97)

**§ 153.12 BLOCKS.**

(A) *Length.* Block lengths shall not exceed 1200 feet, or be less than 300 feet.

(B) *Double-fronted lots.* Double-fronted lots shall be prohibited unless the lots are more than 300 feet in depth.  
(Ord. passed 1-21-97)

**§ 153.13 LOTS.**

(A) *Relation to streets.* All lots shall front upon a paved public street or paved public road, except lots which front upon an officially maintained county gravel road, which is at the time of enactment of this chapter, on the county road maintenance map.

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

(C) *Dimensions.* Lot dimensions shall conform to the requirements of the Zoning Ordinance (Chapter 154) or to the requirements of this chapter, whichever is most restrictive. The minimum area and yard requirements are as follows:

(1) Residential lots not served by public sewer shall be at least 100 feet wide and 30,000 square feet in area. Except in the county, lots on a cul-de-sac shall be at least 60 feet wide at the right-of-way and be 100 feet wide at the minimum 30 feet building setback line.

(2) Residential lots served by public sewer shall be at least 50 feet wide and 7,500 square feet in area. Except in the city, lots on a cul-de-sac shall be at least 30 feet wide at the right-of-way and comply with the applicable zoning requirements for that zone at the building setback line.

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

(4) Principal buildings on all residential lots shall have a side yard on each side of not less than eight feet. Accessory buildings on all residential lots shall have a side yard on each side of not less than five feet.

(5) The ratio of lot width to depth shall not be greater than one to five.

(D) *Building setback line.* The minimum building setback line from the right-of-way shall be at least ½ of the total width of the street right-of-way on which the building fronts. In no case shall this distance be less than 30 feet.



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

(F) *Flood hazard.*

(1) In areas subject to flooding conditions, subdivisions will be permitted only if flood-free housing sites can be provided.

(2) The Planning Commission may require special provisions and controls to assure healthful, safe housing sites in such areas.  
(Ord. passed 1-21-97)

#### **§ 153.14 OFF-STREET LOADING AND PARKING FACILITIES.**

In commercial and industrial subdivisions, space for adequate off-street loading and parking to meet the needs of the proposed use shall be reserved and shall not be used for building purposes. Where deemed necessary by the Planning Commission, alleys shall be provided for service access.  
(Ord. passed 1-21-97)

#### **§ 153.15 EASEMENTS.**

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

(B) A storm water easement or drainage right-of-way may be required by the Planning Commission where necessary for proper drainage within or through a subdivision.  
(Ord. passed 1-21-97)

#### **§ 153.16 PUBLIC SITES AND OPEN SPACES.**

(A) Where a proposed park, playground, school site, or other public use is indicated on the city's master plan or any part thereof is located completely in a subdivision, the Planning Commission may require the reservation of such area as may be deemed reasonable by the Planning Commission for a period of one year, from the date of approval of final subdivision plat by the Planning Commission, during which time the affected public agency may acquire the reserved area in a manner which is agreed upon between the agency involved and the owner.

(B) After the one year period has elapsed, if the public agency affected has not acquired such land area or arranged with the owner for an extension of such period, the owner may dispose of the property in conformance with law.  
(Ord. passed 1-21-97)

***PRELIMINARY PLAT APPROVAL***

**§ 153.20 PRELIMINARY PLAT DATA.**

(A) After meeting informally with the Planning Commission as recommended in § 153.04, the subdivider shall cause to be prepared a preliminary plat prior to the making of any street improvements or installation of any utilities.

(B) The preliminary plat shall meet the standards of design as set forth in §§ 153.10 through 153.16 and shall give the following information:

(1) Scale of 300 feet to one inch or larger if computer generated plat; otherwise, scale of 100 feet to one inch if hand drawn plat. Paper size to be no larger than 24" x 36".

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

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

(4) Acreage of land to be subdivided.

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

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

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

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

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

(10) Lot lines and lot numbers.

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

(12) Minimum building setback lines.  
(Ord. passed 1-21-97)

**§ 153.21 PROCEDURE.**

(A) Fifteen copies of the preliminary plat and supplementary material specified shall be submitted to the Chairman of the Planning Commission with a written application for conditional approval at least ten days prior to the hearing at which it is to be considered.

(B) The Chairman or Secretary of the Planning Commission shall notify the subdivider by mail of the time and place of the hearing, not less than five days before the date fixed for the hearing. Similar notice shall be mailed to the owners of land immediately adjoining the area proposed to be platted as shown on the proposed subdivision.

(C) Copies of the preliminary plat shall be forwarded by the Planning Commission prior to the hearing to the following persons:

- (1) City Engineer or Building Inspector;
- (2) City (or County) Health Officer; and
- (3) Such other municipal, county or state official as directed by the Planning Commission.

(D) Within 30 days after the hearing on the preliminary plat, the Planning Commission shall approve, disapprove, or approve subject to modifications to the plat. Failure of the Planning Commission to act on this preliminary plat within 30 days shall be deemed approval of the plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications shall be indicated in writing.

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

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

(G) The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval. An extension of time may be applied for and granted by the Planning Commission. (Ord. passed 1-21-97)

***REQUIRED IMPROVEMENTS PREREQUISITE TO FINAL APPROVAL*****§ 153.30 GENERAL.**

The following improvements in this subchapter are required, as specified, before final approval may be granted by the Planning Commission. The subdivider shall grade, provide a base and permanent hard surface approved to the Planning Commission according to specifications approved by

the city for streets and alleys, install curbs, gutters, and sidewalks, monuments, sewers, storm drainage, and water mains in accordance with any additional specifications of the City Engineer, City (or County) Health Officer, or other city official having jurisdiction. Such specifications shall equal those that have been adopted by the city.  
(Ord. passed 1-21-97)

### § 153.31 MONUMENTS.

(A) Steel pin monuments 1½ inch or larger in diameter and 18 inches long or longer, with a suitable registered land surveyors identifier, shall be placed at all points on boundary lines where there is a change of direction and at all corners.

(B) Steel pin monuments 1½ inch or larger in diameter and 18 inches long or longer located at all street intersections shall be encased in concrete four inches or larger in diameter and 12 deep.

(C) Steel pins located at all street intersections shall be encased in concrete.  
(Ord. passed 1-21-97)

### § 153.32 STREETS.

(A) *Minimum pavement widths.* Widths shall be measured between curbs and shall be as follows:

(1) Within the corporate limits of the city:

<i>Street Type</i>	<i>Minimum Pavement Width</i>
Arterial streets (separated pavement each)	36 feet*
Collector streets	26 feet
Minor streets	22 feet
Marginal access streets	18 feet
Alleys, industrial or commercial	18 feet
* The subdivider will not be required to grade or provide a pavement base or surface in excess of that required for collector streets since such additional construction is required for the benefit of the general public. The Planning Commission will recommend that the city (or county) bear the extra expense of constructing the street to meet arterial street standards.	

(2) Outside the corporate limits of Lebanon, the minimum pavement width shall be 18 feet.

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

(C) *Sidewalks.* Sidewalks shall have a minimum width of four feet and shall be required on both sides of streets in all subdivisions. The Planning Commission may waive the requirements of sidewalks where all lots have a width of 80 feet or more. In any case, sidewalks shall be constructed on all collector and arterial streets.

(Ord. passed 1-21-97)

### § 153.33 UTILITIES.

(A) *Water supply system.* Where public water supply, in the opinion of the Planning Commission, is reasonably accessible, the subdivider shall construct a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants - maximum distance of 500 feet in residential areas and 300 feet in commercial areas; or with an alternate supply approved by the city (or county) Health Officer where public water supply is not within a reasonable distance. The Planning Commission may waive the requirements of a complete water distribution system when the system is placed in the rear or side lot easement. Before each lot is sold, however, the water system must be made available to that building including connection.

(B) *Sanitary sewers.*

(1) Where the public sanitary sewer system, in the opinion of the Planning Commission, is reasonably accessible, sanitary sewers shall be installed by the subdivider to adequately serve all lots with connections to the public system after approval of the size of the lines by the City Engineer. Where lots cannot be served by the extension of an existing public sanitary sewer, the subdivider shall obtain approval of lot sizes from the city (or county) Health Officer for individual septic tanks and disposal fields, or approval of a neighborhood disposal system. The Planning Commission may waive the requirements of a complete sanitary sewer system when the system is placed in the rear or side lot easement. Before each lot is sold, however, the sanitary sewer system must be made available to that building, including connection. All sanitary sewer extensions shall conform to the city Sewer Use Ordinance (Chapter 51).

(2) All lots five acres or less shall have an on-site evaluation performed before approval of final plat, a copy of which shall be attached to plat.

(C) *Storm drainage.* Adequate provisions for storm water drainage shall be provided in accordance with standards specified by the Planning Commission.

(Ord. passed 1-21-97)

**§ 153.34 STREET NAME SIGNS.**

The Planning Commission shall require the installation of street signs at all intersections. In the case of street signs in the county, the county street signs must conform to the specifications of street signs installed in the city.

(Ord. passed 1-21-97)

**§ 153.35 COMPLETION OF IMPROVEMENTS PRIOR TO APPROVAL OF FINAL PLAT.**

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

(B) *Security bond or certified check.* In lieu of such prior construction, the Planning Commission may accept a performance bond, certified check, first mortgage or other security acceptable to the Commission for 2½ times the amount needed to cover the estimated cost as shown on a firm bid for the required improvements. The collateral shall be subject to the condition that the improvements will be completed within one year after approval of the final plat and may be forfeited in the event of non-completion.

(Ord. passed 1-21-97)

***FINAL PLAT APPROVAL*****§ 153.40 GENERAL.**

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

(Ord. passed 1-21-97)

**§ 153.41 FINAL PLAT DATA.**

The final plat shall contain the following:

(A) The plat shall be at a scale of 300 feet to one inch or larger if computer generated plat; otherwise at a scale of 100 feet to one inch if hand drawn plat. Paper size will be no larger than 24" X 36".

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

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

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

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

(F) Lot numbers.

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

(H) Minimum building setback lines.

(I) Location and description of monuments.

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

(K) Certification on plat of title showing that applicant is the owner and a statement by such owner dedicating streets, right-of-ways and other sites for public use (Form 1).

(L) Certification on plat by surveyor or engineer as to the accuracy of survey and plat (Form 2).

(M) Certification by the city (or county) Health Officer when individual sewage disposal or water systems are to be installed (Form 3 attached to plat).

(N) Certification by City Engineer (Form 4 attached to plat) that the subdivider has complied with one of the following alternatives:

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

(2) A performance bond, certified check, first mortgage or other security approved by the Planning Commission has been posted with the City legislative body for 2½ times the amount of firm bid to assure such completion of all required improvements.

(O) Cross-sections, profiles and grades of streets, curbs, gutters and sidewalks showing location of in-street utilities or in-easement utilities, and drawn to city standard scales and elevations shall be attached to the final plat.

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

(Q) Certification on plat by the Chairman of the Planning Commission that the plat has been approved for recording in the office of the County Clerk (Form 5).  
(Ord. passed 1-21-97)

**§ 153.42 PROCEDURE.**

(A) Fifteen original copies together with any street profiles or other plans that may be required shall be submitted to the Chairman of the Planning Commission by the subdivider at least 10 days prior to the meeting at which it is to be reviewed.

(B) One copy of the final plat shall be transmitted to the City Engineer who will check said plat as to computations, certification, monuments, etc., and that all the required improvements have been completed to the satisfaction of the city officials having jurisdiction, or, in case a security bond or certified check has been posted in lieu of completing said improvement, that the amount posted is sufficient to cover the cost of the required improvements. If found satisfactory, he will return the copy of the final plat to the Planning Commission with his approval certified thereon within 10 days of receipt thereof.

(C) One copy shall be transmitted to the city (or county) Health Officer when individual sewage disposal or water supply systems are to be installed. If the plat meets the approval of the Health Officer, he shall return the copy with his approval certified thereon within 10 days of receipt thereof.

(D) Within 30 days after the review of the final plat, the Planning Commission shall approve or disapprove the said Plat. Failure of the Planning Commission to act on this final plat within 30 days shall be deemed approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission.

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

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

(Ord. passed 1-21-97)



***VARIANCES*****§ 153.50 EXCEPTIONAL CONDITIONS.**

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

(Ord. passed 1-21-97)

**§ 153.51 GROUP HOUSING DEVELOPMENTS.**

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

(Ord. passed 1-21-97)

**§ 153.52 PROCEDURAL VARIANCE.**

Where a proposed subdivision would contain five or less parcels or plots of land and no new streets, the procedure of preparing a preliminary plat may be waived by the Planning Commission.

(Ord. passed 1-21-97)

**§ 153.98 ENFORCEMENT.**

(A) No plat or plan of a subdivision of land located within the jurisdiction of the Planning Commission shall be admitted to the records of Marion County or received or recorded by the County Clerk until said plat has received final approval in writing by the Planning Commission as provided in KRS 100.730.

(B) No board, public officer, or authority shall accept, lay out, improve, or authorize utilities to be laid in any street within the territory for which the Planning Commission has adopted a Major Street Plan unless the street has received a legal status of a public street prior to the adoption of the Major Street Plan; or unless a street corresponds with a street shown on the Major Street Plan; or unless a street on a subdivision plat or a street plat has been approved by the Planning Commission as provided in KRS Chapter 100.760(1).

(C) After adoption of the Major Street Plan by the Planning Commission, no building shall be erected or building permit issued within such territory unless the requirements as provided in KRS 100.760 have been fulfilled. If any building is erected in violation of these regulations, the building inspector or other appropriate official may cause the building to be vacated or removed as provided in KRS 100.770.

(Ord. passed 1-21-97)

### **§ 153.99 PENALTY.**

(A) Any County Clerk, who receives, files or records a plat in violation of the provisions of these regulations shall be fined not less than \$100 or more than \$500 as provided in KRS 100.990(5).

(B) Any person who transfers or negotiates to transfer any lot in a subdivision before the plat of said subdivision has been approved by the Planning Commission and recorded in the County Clerk's office, or attempts the description of land by metes and bounds in violation of these regulations, shall pay the city a penalty of \$100 for each parcel of land so transferred as provided in KRS 100.990(6). The city may, by action in the Circuit Court, enjoin the transfer or agreement to transfer land as provided in KRS 100.980(4).

(Ord. passed 1-21-97)



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Appendix A: Permitted uses

***GENERAL PROVISIONS***

**§ 154.001 TITLE.**

This chapter shall be known and may be cited as the “Zoning ordinance of the City of Lebanon, Kentucky” or “this chapter.” The map referred to herein shall be known as the “Zoning Map of Lebanon, Kentucky,” or “the Zoning Map.”  
(Ord. 05-11, passed 12-12-05)

**§ 154.002 AUTHORITY.**

Kentucky Revised Statutes 100.201 gives legislative bodies and fiscal courts the authority to enact permanent land use regulations, including zoning and other growth management regulations, to promote public health, safety, morals, and general welfare of the city. The Lebanon Planning Commission and Lebanon City Council have fulfilled the regulations set forth as prerequisites to the adoption of this chapter.  
(Ord. 05-11, passed 12-12-05)

**§ 154.003 PURPOSE.**

This chapter sets forth regulations and restrictions upon the erection, construction, alteration, repair or use of buildings, structures, or land, including height, number of stories, and size of buildings and other structures, size of yards, courts, and other open spaces, density of population, size and number of vehicular parking and loading, and location and intensity of use of such buildings, structures, and land for trade, industry, residence, or other uses in order to:

(A) Promote public health, safety, morals, and general welfare;

(B) Facilitate orderly and harmonious development and the visual or historical character;

(C) Facilitate fire and police protection;

(D) Prevent overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood or other dangers;

(E) Protect airports, highways, and other transportation facilities, public facilities, schools, public grounds, historical districts, central business districts, prime agricultural land and other natural resources;

(F) Regulate the use of water and wastewater treatment facilities;

(G) Improve soil quality; and,

(H) Protect other specific areas of the city that need special protection by the Lebanon Planning Commission.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.004 JURISDICTION.**

This chapter shall apply to all land and structures within the corporate limits of the city.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.005 ZONING AFFECTS EVERY STRUCTURE OR USE.**

No structure or land shall hereafter be used and no structure or part thereof shall be erected, moved, or altered, unless for a use expressly permitted by and in conformity with the regulations herein specified for the zoning district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a nonconforming use.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.006 INTERPRETATION.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.007 COORDINATION WITH SUBDIVISION REGULATIONS.**

In all cases, the provisions of the Lebanon Subdivision Regulations and amendments thereto shall apply in addition to the provisions of this chapter.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.008 CONFLICT WITH SUBDIVISION REGULATIONS AND OTHER LAWS, REGULATIONS, AND RULES.**

This chapter does not repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law, ordinance, or resolution, or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant or relating to the use of buildings, or premises, or with any private restrictions placed upon property by covenant, deed, or recorded plat; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings, or requires greater lot areas, larger yards, courts, or other open spaces

than are imposed or required by such existing provisions of law, ordinance, or resolution, or by such rules, regulations, or permits or by such private restrictions, the provisions of this chapter shall control. (Ord. 05-11, passed 12-12-05)

**§ 154.009 CONFLICT WITH ORDINANCE, PRIVATE COVENANTS, AND DEEDS.**

In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future ordinance of the city or the whole or part of any existing or future private covenant or deeds, the most restrictive shall apply. (Ord. 05-11, passed 12-12-05)

**§ 154.010 SEPARABILITY.**

If any section, clause, provision, or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter, which is not in itself invalid, or unconstitutional. (Ord. 05-11, passed 12-12-05)

**§ 154.011 TRANSITIONAL PROVISIONS.**

(A) *Plans filed, building permits.* In any case where plans and specifications, including a recorded plat or detailed development plan, have been filed with the Building Inspector or Planning Commission staff and are complete prior to the effective date of this chapter, and the plans and specifications are for a building or structure that would conform with the regulations effective at the date of such filing, but not with this chapter, a building permit for such building or structure shall be issued.

(B) *Expiration of development plans.* Where no significant development activity, such as building permit issuance, improvements construction, plat recordation, etc., has occurred for a period of two years following final action on the project, development plans approved as part of a zoning map amendment, conditional use permit, or other approval prior to the effective date of this chapter shall expire. Revision based upon a failure to initiate significant development shall not occur without a subsequent public hearing. The Planning Commission may, in their sole discretion, extend such development plans for an additional period not to exceed two years, provided that the landowner intends to begin development within the two year period. In the absence of such an extension, further development permits in reliance on the development plan shall require the approval of a new development plan in accordance with this chapter.

(C) *Platted lots.* Lots which were recorded by plat prior to the adoption of this chapter, but which do not meet the adopted standards, shall be considered nonconforming lots of record and shall be treated under the provisions of §§ 154.445 - 154.450. (Ord. 05-11, passed 12-12-05)

## ***DEFINITIONS***

### **§ 154.020 GENERAL PROVISIONS.**

(A) Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section and in KRS Chapter 100.

(B) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means in these regulations; and the word “regulations” means in this chapter.

(C) A “person” includes a corporation, partnership, limited liability corporation (LLC), and an unincorporated association such as a club; “shall” is always mandatory; a “building” includes a “structure;” a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

(Ord. 5-11, passed 12-12-05)

### **§ 154.021 DEFINITIONS.**

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

***ACCESS.*** A point at which provisions are made for vehicular entrance to or exit from a street, and to or from a lot or other street.

***ACCESSORY BUILDING OR STRUCTURE.*** Any structure other than the principal structure and detached therefrom, directly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure, and which is permanently affixed to the ground. ***ACCESSORY STRUCTURE*** shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle, or freight container.

***ACCESSORY USE.*** Any use clearly incidental to and customarily found in connection with a permitted principal use of any premise. Home occupation, as defined in the Zoning Ordinance, shall be deemed an ***ACCESSORY USE***.

***ACRE.*** 43,560 square feet of land area.

***ADDITION.*** As a construction term, an extension or increase in floor area or height of a building or structure.

**ADMINISTRATIVE APPEAL.** A case where an applicant alleges that there is an error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation.

**ADMINISTRATIVE OFFICIAL.** Any department, employee, or advisory elected or appointed body, which is authorized to administer the provisions of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.

**ADULT BATHHOUSE.** An establishment or business which provides services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the Commonwealth of Kentucky and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this chapter.

**ADULT BODY PAINTING STUDIO.** An establishment or business wherein patrons are afforded an opportunity to paint images on a body, which is wholly or partially nude. For purposes of this chapter, the **ADULT BODY-PAINTING STUDIO** shall not be deemed to include a tattoo parlor.

**ADULT BOOKSTORE.** An establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein or an establishment with a segment or section devoted to the sale or display of such material.

**ADULT CABARET.** An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.

**ADULT DAY CARE CENTER.** A facility which provides part-time care, day or night, but less than 24 hours, to at least four adults not related to the operator of the facility by blood, marriage, or adoption.

**ADULT ESTABLISHMENTS.** Establishments, including but not limited to bookstores, motion picture theaters, mini motion picture theaters, bathhouses, massage parlors, modeling studios, body painting studios, cabarets, and video stores as defined in this chapter and provided that the adult establishments remain 750 feet from any school, church, park, day care facility, another adult establishment, or residential zoned property.

**ADULT MASSAGE PARLORS.** An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional massage or physical therapist licensed by the Commonwealth of Kentucky and which establishment provides for its patrons the opportunity to engage in “specified sexual activity” as defined in this section.

**ADULT MODELING STUDIOS.** An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise.

**ADULT MOTION PICTURE THEATER (INDOOR).** An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons thereon.

**ADULT MOTION PICTURE THEATER (OUTDOOR).** A parcel of land from which individuals may view a motion picture presented outdoors which presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

**ADULT NOVELTY SHOPS.** An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activity as defined herein or stimulating such activity.

**ADULT VIDEO STORE.** An establishment having as a substantial or significant portion of its stock and trade in videotapes for sale or rent which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or anatomical areas as defined herein or an establishment with a segment or section devoted to the sale, display or rental of such material.

**AGRICULTURAL USE.** The use of a tract of land of at least five contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building developments for sale or lease to the public. See also “confined animal feeding operation.”

**ALLEY.** A local public street used primarily for vehicular service access to the backs or to the sides of properties which otherwise abut on streets.

**ALTERATION.** As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or as an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another. As applied to a building or structure in a historic district, landmark, or landmark site, it shall also mean any construction on or change to the exterior of a building, structure, or site, regardless of the requirement of permit from governmental agencies, including but not limited to the changing of siding or roofing materials and changing, eliminating, or adding doors, door frames, windows, window frames, shutters, steps, fences, railings, porches, balconies, signs, or other ornamentation. As applied to a watercourse, it shall mean changing the carrying capacity or location of a stream, channel, or waterway.

**ANTENNA, HEIGHT ABOVE GRADE OR GROUND.** The vertical distance between the highest point of the antenna and the finished grade directly below this point.

**APARTMENT BUILDING.** A multi-family dwelling in a building containing five or more dwelling units.

**ARTERIAL.** A public street that serves major centers of activity. **ARTERIALS** have the highest traffic volumes, speed limits, and right-of-way widths, and are used for moving vehicles safely and efficiently and providing direct connection between points of heavy traffic generation and neighborhoods at moderate speeds. Typical average daily traffic counts on arterial streets are 3,000 plus vehicles.

**ASSISTED LIVING FACILITY.** An apartment or home-style housing unit residence which provides assisted living to two or more adult persons and which provides supportive services, such as cleaning, shopping, meals, laundry, transportation, 24 hour supervision, and organized activities within the residence or on the grounds of the residence.

**B1 SEAL.** A seal indicating that a dwelling unit has been inspected and found to be in compliance with the applicable standards for human habitation.

**B2 SEAL.** A seal indicating that the dwelling unit has been inspected and found not to be in compliance with the applicable codes, is a salvage unit unfit for human habitation, and shall be sold only for use as a storage or utility building.

**BANNER.** Any sign of lightweight fabric or similar material that is mounted to a pole, suspended between poles, or affixed to a building at one or more edges. National, state, or municipal flags or the official flag of any institution or business shall not be considered banners.

**BASEMENT.** Any portion of a building the average height of which is at least 1/2 below grade plane.

**BED AND BREAKFAST OR TOURIST HOME.** An establishment that supplies temporary accommodations to overnight guests in a private dwelling for compensation.

**BILLBOARD OR OUTDOOR ADVERTISING SIGN.** An off-premises sign which directs attention to businesses, products, services, or establishments not usually conducted on the premises on which the sign is located or other sign erected by a company or individual for the purpose of selling advertising messages for lease or rent or otherwise for profit. The term outdoor advertising shall include billboard signs.

**BOARDING OR ROOMING HOUSE.** A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three persons and where meals are regularly prepared and served for compensation.

**BOARD OF ADJUSTMENTS.** Lebanon Board of Adjustments.



***BUFFER.*** An area within a property, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, or berms, designed to limit sight and sound from the site to adjacent properties.

***BUILDING.*** Any structure, but not a mobile home or trailer, used or intended for supporting or sheltering any use or occupancy. All buildings shall be required to be positioned within all building setback lines. When measuring the distance required for the building setback lines, the outermost portion of the structure shall be used.

***BUILDING CODE.*** Rules and regulations adopted by local legislative bodies to regulate building and construction standards. These include, but are not limited to, the Kentucky Building Code and the BOCA one and two family Building Code, and the National Electrical Code.

***BUILDING HEIGHT.*** A distance measured from the highest point of the roof for flat roofs; to the deck line of mansard roofs; to the ridge for gable, hip and gambrel roofs (excludes chimney). Building height limitations of this chapter shall not apply to church spires, belfries, cupolas, monuments, water towers, observation towers, flagpoles, or, chimneys.

***BUILDING INSPECTOR.*** A person appointed by the Mayor and whose responsibility it is to inspect items required by the Building Codes and these Subdivision Regulations.

***BUILDING PERMIT.*** A permit issued by the Building Inspector allowing a property owner or their agent to construct, alter, or remove a building, structure, etc., or engage in similar activity which would alter the character or the lot in question.

***BUILDING OR WALL SIGN.*** A sign which is painted on the exterior wall of a building, or attached to or placed flat against, or no more than 18 inches from, an exterior wall of a building, but not extending above the roof line.

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

***CELLULAR TELECOMMUNICATIONS SERVICES.*** A retail telecommunications services that uses radio signals transmitted through cell sites and mobile switching stations.

***CENTERLINE.*** The center of the street established by survey, or when not established, center of a paved roadway.

***CERTIFICATE OF APPROPRIATENESS.*** Document issued by the Historic Preservation Board that gives approval of work to be completed on a landmark or property in a historic district.

***CERTIFIED LOCAL GOVERNMENT.*** A government meeting the requirements of the National Historic Preservation Amendments Act of 1980 (P.L. 96-515) and the implementing regulations of the

U.S. Department of the Interior and the State Historic Preservation Office (Kentucky Heritage Council) of the Commonwealth of Kentucky.

**CHILD DAY CARE CENTER.** A facility which provides full- or part-time care, day or night, to at least seven children who are not the children, grandchildren, children in legal custody, nieces, or nephews of the operator.

**CITY LIMITS.** The municipal or corporate limits of the city.

**COLLECTOR.** A public street that functions to conduct traffic between major arterial streets, minor activity centers, and local streets and provides access to adjacent property. **COLLECTOR** streets may be further divided into major and minor collectors.

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

**COMMERCIAL ANIMAL KENNEL.** An establishment where more than five dogs or other domesticated animals are housed, groomed, bred, boarded, trained, or sold.

**COMMISSION.** Lebanon Planning Commission.

**COMPREHENSIVE PLAN.** The adopted plan for the city that serves as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. Such plan shall include all elements whether expressed in words, graphics, or other forms.

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

**CONDITIONAL USE PERMIT.** A legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustments, consisting of two parts: (a) a statement of the factual determination by the board of adjustment which justifies the issuance of the permit and (b) a statement of the specific conditions which must be met in order for the use to be permitted.

**CONDOMINIUM.** A form of ownership with the following characteristics: (a) the unit (the interior and associated exterior areas designated for private use in the development plan) is owned or rented by the occupant and (b) all or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with KRS 381.805 et seq. and in accordance with the provisions for open spaces, roads, or other development features as specified in this chapter and the Subdivision Regulations.

**CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL.** A one-acre site properly permitted by the Commonwealth of Kentucky on which non-hazardous materials from construction and demolition debris projects are disposed.

**CORNER LOT.** A lot that abuts on two intersecting streets at their intersection.

**COUNTY CLERK.** Marion County Court Clerk.

**CUL-DE-SAC STREET.** A local street with only one end open to vehicular traffic and the other end terminated by a permanent vehicular turnaround.

**DEDICATED STREET.** A street designated by plat or written deed to be used for public purposes.

**DEMOLITION.** Any act that destroys in whole or in part a landmark, building, structure, building or structure in an historic district, physical feature, or other site destruction.

**DENSITY.** A measure of the intensity of the use of a piece of land expressed or can be calculated in dwelling units, families, or housing structures per acre.

**DESIGN.** The arrangement of land for lots, rights-of-way, easements, setback lines and improvements to include alignment, grade, length, and width of those elements.

**DESIGN STANDARDS.** Standards that set forth specific improvement or rehabilitation requirements.

**DEVELOPER.** An individual, partnership, corporation, limited liability company (LLC) or other legal entity or agent thereof, which undertakes the activities covered by these Subdivision Regulations. Inasmuch as the subdivision plan drawings are merely a necessary means to the end of assuring development, the term “developer” includes “subdivider,” “owner,” “builder,” etc., although the persons and their precise interests may vary at different project stages.

**DEVELOPMENT.** Land being subdivided by a developer in accordance with the Subdivision Regulations; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any use or change in use of any buildings or land; any extension, landfill, or land disturbance, clearing, or other man-induced movement of land.

**DEVELOPMENT PLAN.** Written and/or graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

**DIRECTIONAL OR MOTOR VEHICLE CONTROL SIGN.** An on-premise sign that is erected, constructed, and maintained for the purpose of directing traffic in off-street parking areas. See also “Motor Vehicle Control Sign.”

***DRIVE-IN OR DRIVE-THROUGH EATING AND DRINKING ESTABLISHMENT.*** A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where a significant portion of the consumption takes place or is designed to take place outside the confines of the building. Such use often includes an intercom or speaker system, a menu board, and an outside service window. The terms “drive-in” and “drive-through” shall be considered interchangeable.

***DRIVEWAY.*** A paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a building or other structure or facility.

***DUPLEX.*** A building containing two dwelling units on a single lot with separate entrances.

***DWELLING.*** A building or structure designed or used for permanent human habitation.

***DWELLING UNIT.*** One or more rooms connected together, constituting a separate independent housekeeping establishment with separate toilets and containing independent cooking and sleeping facilities for owner occupancy, rental, or lease on a weekly, monthly or longer basis.

***EASEMENT.*** The right, not ownership of the land, to cross property with facilities, such as but not limited to sewer, water, and transmission lines, or the right distinct from the ownership of the land to reserve and hold an area for drainage, access or other specified purposes.

***ELECTRIC SIGN.*** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

***ENGINEER.*** A qualified person registered and currently licensed to practice civil engineering by the state Board of Registration for Professional Engineers and Land Surveyors in the Commonwealth of Kentucky.

***ENTRANCE SIGN.*** A permanent on-premise sign identifying a vehicular entrance.

***FACADE.*** That portion of an exterior elevation on the building extending from grade to top of the parapet.

***FAMILY.*** A person living alone, or any of the following groups living together as a single non-profit housekeeping unit sharing common living, sleeping, cooking, and eating facilities: (a) any number of people related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship; (b) four unrelated people; (c) four unrelated people and any children related to either of them; or (d) not more than eight people living in a residential care facility.

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

***FINAL ACTION.*** Any final adjudication of the application for any zoning map amendment, variance, conditional use permit, or appeal from any administrative official before the Planning

Commission or Board of Adjustments, or appeal from the decision of the Planning Commission or Board of Adjustments to the Lebanon City Council, or the highest state or federal court to which any appeals shall be taken.

**FINAL PLAT.** The record plat of a subdivision prepared by a Registered Land Surveyor in accordance with the Minimum Standards of Practice for Land Surveyors in Kentucky established by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors and meeting the minimum standards of the Subdivision Regulations.

**FLAG.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other officially designated symbol of any institution or business.

**FLAG LOT.** An irregularly shaped lot where access is provided from a public street frontage through a narrow, unobstructed strip (or “panhandle”), which is a part of the lot. The building site within a flag lot does not immediately abut a public street, but is located at the terminus of the access strip described herein. Building setback lines are to be shown the appropriate distance from the terminus of the access strip. No building shall be placed in the access strip. Within the Lebanon corporate limits, **FLAG LOTS** shall only be used in those locations where, due to geometric, topographic, and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in said areas, as determined by the Planning Commission. Outside the Lebanon corporate limits, one **FLAG LOT** shall be permitted every 500 feet between access strips or “panhandles”, and shall have a minimum of a 50 foot access strip or “panhandle.” Before any **FLAG LOT** can be further subdivided, the developer shall build and dedicate the access strip into a public right-of-way pursuant to this chapter.

**FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland water, the unusual and rapid accumulation of runoff of surface waters from any source, and mudslides, which are caused or precipitated by accumulations of water on or underground.

**FLOOD PLAIN.** Any land designated as **FLOOD PLAIN** on the flood insurance maps of the Federal Emergency Management Agency (FEMA).

**FOURPLEX.** A building containing four dwelling units.

**FREESTANDING SIGN.** Any on-premise sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**FRONTAGE.** That side of a lot abutting on a public street or otherwise approved street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

**FRONT YARD.** A space extending the full width of the lot between any building and the front lot, and measured perpendicular to the building at the closest point to the front lot line. In case of corner or through lots, **FRONT YARDS** shall be provided on all frontages.

**FRONT YARD SETBACK LINE.** A line in the interior of a lot, parallel with and measured a specific distance from the street right-of-way line. No buildings shall be placed in the space between the front yard setback lines and the right-of-way. Lots that front on more than one street or right-of-way must have a **FRONT YARD SETBACK LINE** and a principal **FRONT YARD SETBACK LINE**.

**GRADE.** The inclination with the horizontal of a road, unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

**GRADE PLANE.** A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

**GROSS FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions are to be measured by the exterior faces of walls, including the walls of the roofed porches having more than one wall. The floor area of a building shall include the floor area of accessory buildings on the same lot.

**HEALTH DEPARTMENT.** Marion County Health Department.

**HISTORIC DISTRICT.** An area meeting one or more criteria as set forth in this chapter, designated by the City Council, and containing definable geographic boundaries, properties, or buildings, which may or may not contain landmarks, which contribute to the overall historic character of the designated area.

**HISTORIC PRESERVATION BOARD.** The Lebanon Historic Preservation Board.

**HOME OCCUPATION.** Any use customarily conducted within a dwelling, carried on by a member or members of a family residing on the premises, which is clearly incidental to the residential use and which does not alter the character thereof by reason of noise, odor, traffic generation, or otherwise change the character of the principal structure or the surrounding area.

**HOUSEHOLD.** A single housekeeping unit with common access to and use of all living and eating areas within the dwelling unit.

**HOUSING OR BUILDING REGULATION.** Kentucky building code, plumbing code, and any other building or structural code promulgated by the Commonwealth of Kentucky or by its political subdivisions.

**HUD CODE.** The Federal Manufactured Home Construction and Safety Standards for construction, design, and performance of manufactured housing as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, et seq. and as mandated in the United States of America and as administered by the United States Department for Housing and Urban Development.

**HUD LABEL.** A label affixed by a manufacturer to a newly manufactured home after a third-party inspector, as required under the HUD Act, has approved it. Also referred to as an “A” Seal.

**IDENTIFICATION SIGN.** Any sign that carries only the name of the firm, major enterprise, or principal product offered for sale on the premises, or a combination of these.

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

**IMPROVEMENTS PLAN.** Engineering and land surveying drawings that indicate the proposed manner or layout of specific design features and infrastructure improvements for a subdivision. Written and graphic material for the provision of a development, including but not limited to the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, roadways, parking facilities, signs, drainage of surface water, access points, plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

**LAND SURVEYOR.** A person licensed as a **LAND SURVEYOR** by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

**LANDMARK.** A building, structure, or site having a special historical, architectural, cultural, or aesthetic value, meeting one or more of the criteria set forth in this chapter and designed by the City Council.

**LANDMARK SITE.** The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the landmark.

**LANDOWNER.** The legal or beneficial owner or owners of all the land to be included in a development.

**LEGISLATIVE BODY.** Lebanon City Council.

**LOADING/UNLOADING/AREA.** An off-street space or berth used for the loading or unloading of vehicles.

**LOCAL STREET.** Public streets providing vehicular access and services to abutting property. A **LOCAL STREET** has a directional flow served by one lane in each direction and allows on-street parking. The layout of a local street should discourage through traffic. Traffic volume should not exceed 300 ADT count per day.

**LOT.** A portion of a subdivision or other parcel of land occupied by or to be occupied by only one principal building and its accessory buildings. **LOTS** are the basic unit of a subdivision plan or the smallest division of land owned by a person. The term **LOT** is used interchangeably with the term “tract.”

**LOT AREA.** The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

**LOT COVERAGE.** That portion of the lot that is covered by buildings, structures, patios, walkways, travel ways, sidewalks, and parking areas. **LOT COVERAGE** does not include uncovered, semi-pervious decks or outdoor pools. The percent of **LOT COVERAGE** shall be determined by dividing the total covered area by the gross area of the lot.

**LOT DEPTH.** The horizontal distance between front and rear lot lines measured along the median between two side lot lines.

**LOT FRONTAGE.** The length of the front lot line measured at the street right-of-way line. A property line which abuts a fully controlled access street and which permanently has no access to that street shall be deemed not to have frontage.

**LOT LINE.** A line dividing one lot from another or from a street or public way.

**LOT OF RECORD.** A lot lawfully created which is part of a subdivision, the plat of which was recorded in the office of the Marion County Court Clerk; or a parcel of land, the metes and bounds description of which is contained in a recorded deed in the office of the Marion County Court Clerk prior to the adoption of this chapter or which was recorded prior to the amendment of an article of this chapter which rendered such lot or parcel a nonconforming lot.

**LOT WIDTH.** The horizontal distance between the side property lines measured at the front setback line. **LOT WIDTH** is measured along the front setback line, except that the **LOT WIDTH** of curve or cul-de-sac lots shall be measured along the chord distance at the front setback between side property lines.

**MAJOR COLLECTOR.** A public street that carries the majority of traffic entering arterial streets. For major collectors, the concept of service to abutting land should be subordinate to the provision of travel for major traffic movements. Generally, **MAJOR COLLECTORS** are state-maintained roads. The **MAJOR COLLECTOR** street should carry an average daily traffic count between 1,000 to 3,000 trips per day.

**MAJOR CONSTRUCTION OF SITE IMPROVEMENTS.** Construction of the following improvements, including but not limited to: new streets, including improvement or widening of existing streets; storm water management facilities; water supply system installation; and fire hydrant installation.

**MAJOR STREET PLAN.** The official map of the city showing the existing and proposed public streets.



**MAJOR SUBDIVISION.** Division of land, not classified as a minor subdivision, into three lots or more from the parent tract, and/or where there is a need for major construction of site improvements. A Preliminary Plat, Improvements plan, and Final Plat are required for this type of subdivision.

**MANUFACTURED HOME.** A single-family residential dwelling unit fabricated as defined by KRS 227.550 and constructed in accordance with the federal act on or after June 15, 1976, in an off-site manufacturing facility for installation and assembly at the building site as a permanent structure with transport features removed, connected to all required utilities and including plumbing, heating, air conditioning, and electrical systems contained therein, and bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards, as defined in this section.

**MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.** Standards for the construction, design, and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, et seq. and as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development, commonly referred to as the HUD Code.

**MAYOR.** The chief elected official of the city.

**MINIMUM LOT AREA OR SIZE.** The smallest lot area established by the chapter on which a use or structure may be located in a particular zoning district.

**MINOR COLLECTOR.** A public street that primarily serves residential or commercial development. Roadways within this classification are intended to convey traffic to an adjoining major collector or arterial street. Traffic volume should not exceed 1,000 average daily trips.

**MINOR SUBDIVISION.** Division of land into two lots or less from the parent tract for residential use; provided that there is no need for major construction of site improvements, including any new street or other public right-of-way or provision for a public area or public facility, and that the subdivision conforms to the setback line requirements and other requirements of the applicable zoning district, and conveys the right-of-way necessary for road widening and maintenance of city streets or county roads, where the granting of such right-of-way can be given without undue hardship.

**MOBILE HOME.** A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when created on site, is 320 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. These homes bear a numbered Class A or B seal issued by the Kentucky Department of Housing, Building, and Construction, Office of the State Fire Marshal.

**MOBILE HOME PARK.** A tract of land prepared and approved by the Planning Commission for the placement, either free of charge or for revenue purposes, of two or more spaces for mobile or manufactured homes, according to applicable chapter regulations.

**MOBILE HOME OR MANUFACTURED HOME SPACE.** That part of a mobile home park which is planned and improved for the placement of the stand, driveway, parking area, and related yard intended for the exclusive use of the dwelling occupant.

**MODIFICATION.** See definition of “alteration.”

**MODULAR HOME.** A dwelling unit constructed on-site in accordance with the state or municipal code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**MONUMENT.** An object (concrete, iron pin, or pipe) set in the ground to mark the boundaries of real estate or to mark a survey station.

**MONUMENT SIGN.** A freestanding sign supported primarily by solid structural features other than support poles.

**MOTOR VEHICLE CONTROL SIGN.** An on-premise sign that is erected, constructed, and maintained for the purpose of directing traffic in off-street parking areas. See also **DIRECTIONAL SIGN**.

**MULCH OPERATION.** Any use involving the grinding, shredding, storing, stockpiling, or recycling of natural materials, such as trees, leaves, or bark, into a usable product for landscaping or other purposes.

**MULTI-BUILDING DEVELOPMENT.** Construction of two or more buildings on a single tract of land that will not be divided into smaller parcels.

**MULTI-FAMILY DWELLING.** A dwelling unit within a building containing five or more dwelling units.

**NEW CONSTRUCTION.** The act of making an addition to an existing building or structure or the erection of a new principal or accessory building or structure.

**NONCONFORMING LOT.** A lot, the area, dimensions, or locations of which was lawful prior to the adoption, revision, or amendment of this chapter and the Subdivision Regulations, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the regulations.

**NONCONFORMING USE OR STRUCTURE.** An activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of this chapter, but which does not conform to all the regulations contained in this chapter which pertain to the zoning district in which it is located.

**OFF-PREMISE SIGN.** Any sign that identifies, advertises, or promotes goods, services, individual and firm products, a person, place, activity, event, idea, or facility which is not conducted, sold, or offered upon the premises where such sign is located.

**OFF-STREET PARKING.** A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

**ON-PREMISE SIGN.** A sign other than a temporary sign, which identifies, advertises, or promotes goods, services, individual and firm products, a person, place, activity, event, idea, or facility which is available on the premises where the sign is located. **ON-PREMISE SIGNS** do not include signs erected by the outdoor or billboard advertising industry in the conduct of the outdoor business.

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

**ORDINARY REPAIRS AND MAINTENANCE.** Any work that corrects any deterioration or damage to a building or structure in order to restore it to its condition prior to the deterioration or damage.

**OUTDOOR OR BILLBOARD ADVERTISING SIGN.** An off-premises sign which directs attention to businesses, products, services, or establishments not usually conducted on the premises on which the sign is located or other sign erected by a company or individual for the purpose of selling advertising messages for lease or rent or otherwise for profit. The term outdoor advertising shall include billboard signs.

**OWNER.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient propriety interest in the land sought to be subdivided under these regulations.

**PARKING AREA.** Any public or private unobstructed land area that has access to a street and which is designed and used for parking motor vehicles. The term includes parking lots, structures, garages, travelways, and private driveways.

**PARKING LOT.** An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. This term does not include areas for demolished, wrecked, junked, or for-sale motor vehicles or where motor vehicle parts are located.

**PARKING SPACE.** The area for the parking of a motor vehicle within a public or private parking area. As used in this chapter, it is a numerical designation used to determine the size of parking areas.

**PAVE(D).** To cover or surface with asphalt, gravel, concrete, macadam, etc. as a road.

**PAVEMENT.** The actual road surface area from curbing to curbing, and where there are no curbs, the pavement is that portion between the edges of the paved, or hard surface, width.

**PERMANENT FOUNDATION.** A permanent masonry, concrete, or other footing approved by the Building Inspector to which a building, structure, or manufactured home may be affixed.

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

**PERSONAL COMMUNICATIONS SERVICES.** As defined in 47 U.S.C. sec. 332(c).

**PLANNED UNIT DEVELOPMENT (PUD).** An area of minimum contiguous size, as specified by this chapter, to be planned, developed, operated, and maintained as a single entity containing multiple principal buildings to accommodate residential or commercial uses, or both, and appurtenant common areas and other uses incidental to the predominant uses, and of common ownership on one lot; commonly referred to as cluster developments.

**PLANNING COMMISSION.** The Lebanon Planning and Zoning Commission.

**PLAT.** A map of subdivision showing the boundaries and location of individual properties, easements, streets, and other required information and prepared by a licensed land surveyor.

**POLE SIGN.** Any freestanding sign that is mounted on a freestanding pole or other support so the bottom edge of the sign face is six feet or more above grade.

**PORTABLE SIGN.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

**PRELIMINARY PLAT.** A map or plan of proposed land subdivision containing the information and materials specified in the Lebanon Subdivision Regulations.

**PREMISES.** A general term meaning part or all of any lot or part or all of any building or structure or group of buildings or structures located thereon.

**PRINCIPAL BUILDING.** A building, including covered porches or any part of a permitted structure above the foundation, in which the principal use of the lot on which it is located or conducted. Any dwelling shall be deemed the **PRINCIPAL BUILDING** on the lot on which it is situated.

**PRINCIPAL FRONT YARD SETBACK LINE.** A line in the interior of a lot, parallel with and measured a specific distance from the street right-of-way line. A **PRINCIPAL FRONT YARD SETBACK LINE** establishes the direction a principal structure must face on a lot with multiple road frontages. No buildings shall be placed in the space between the principal front yard setback line and the right-of-way.

**PRINCIPAL USE.** The primary or predominant use of any lot.

**PRIVATE STREET.** A means of access to a public street. A **PRIVATE STREET** is owned and maintained by the property owners. No future re-subdivision can occur on a private street.

**PROJECTING SIGN.** A sign, other than a flat wall sign, which projects from, and is supported by, a wall of a building or structure.

**PROPERTY LINE.** A line dividing one lot from another or from a street or public way.

**PUBLIC FACILITY.** Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, or recreational centers, including parks, and cemeteries.

**PUBLIC RIGHT-OF-WAY.** A publicly owned strip of land occupied or intended to be occupied by a public street or road, and any associated utilities.

**PUBLIC STREET.** A roadway set aside for vehicular traffic regardless of size or designation but excluding private easements, rights-of-ways and driveways. The word **“PUBLIC STREET”** is used interchangeably with the term “road,” “highway,” “thoroughfare,” “avenue,” “drive,” “circle,” “parkway,” “place,” “court,” or similar term.

**REAR YARD.** A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

**REAR YARD SETBACK LINE.** A line in the interior of a lot, parallel with and measured a specific distance from the rear property line. No buildings shall be placed in the space between the **REAR YARD SETBACK LINES** and the rear property line.

**RECREATIONAL VEHICLE.** Any vehicle used for transient dwelling purposes, including but not limited to a travel trailer, pick-up coach, motor home, or camping trailer.

**RECREATIONAL VEHICLE PARK.** A parcel of land available to the public in which two or more recreational vehicle spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes and includes any service building, structure, enclosure, or other facility used as a part of the park.

**RECYCLING CENTER OR PLANT.** A lot or parcel of land, upon which used materials are separated and processed for shipment for reuse in new products. A facility in which recyclables, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they again may be used in new products. A recycling center or plant does not include junkyards.

**RESIDENTIAL CARE FACILITY.** A residence operated and maintained by a sponsoring private, non-profit or governmental agency to provide services in a homelike setting for persons with disabilities, as defined in KRS 100.982.

**RESTAURANT.** An establishment whose principal business is the serving of food and beverages primarily to persons seated within the building.

**RIGHT-OF-WAY.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary sewer main, shade trees, drainage facilities, or for another special use. The usage of the term **RIGHT-OF-WAY** for land platting purposes shall mean that every **RIGHT-OF-WAY** hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such **RIGHT-OF-WAY** and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains and drainage facilities, shade trees, or the owner of the property on which such right-of-way is established shall dedicate any other use involving maintenance by a public agency to public use.

**ROADWAY OR TRAVELWAY.** That portion of a street or parking lot intended for vehicular traffic.

**ROOF LINE.** The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**ROOF SIGN.** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

**ROUTINE MAINTENANCE.** To repair or refurbish a sign, structure, or building, or any part thereof but not including expansion or total replacement.

**SALE OR LEASE.** Any immediate or future transfer of ownership or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

**SCREENING.** A method of visually or audibly shielding or obscuring an adjacent or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**SEPTIC TANK.** A watertight receptacle that receives the discharge of sewerage.

**SETBACK LINE.** The required distance between every structure and the lot lines of the lot on which it is located, measured perpendicular to the building (at the eave overhang) and related front, side, or rear property line, exclusive of uncovered first floor porch, steps, and HVAC equipment (HVAC equipment must, however, be located a minimum of 30 inches from the property line), and in which no building may be located.

***SIDEWALK.*** A paved path provided for pedestrian use and usually located at the side of a street within the right-of-way.

***SIDE YARD.*** A yard extending along the side lot from the front yard to the rear yard and lying between the side lot line and the nearest portion of the principal building. In the case of through lots, ***SIDE YARDS*** shall extend from the rear lot lines to the front lot line.

***SIDE YARD SETBACK LINE.*** A line in the interior of a lot, parallel with and measured a specific distance from the side property line. No buildings shall be placed in the space between the ***SIDE YARD SETBACK LINES*** and the side property line.

***SIGN.*** Any device, display, or structure, other than a building or landscaping, which is readily visible from public property and is used primarily for visual communication for the purpose of, or having the effect of, bringing the subject matter on the device, display or structure, to the attention of persons off the premises on which the ***SIGN*** is displayed. The foregoing definition includes, but is not limited to numerals, pictorial representations, emblems, trademarks, flags, banners, streamers, pennants, inscriptions, and patterns and shall include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in connection therewith.

***SIGN AREA.*** The area enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure does not form part of the sign proper or of the display. The sign area composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle which encloses the whole group.

***SIGN FACE.*** The total surface area of a sign facing in one direction and visible from the street such sign is intended to face.

***SIGN HEIGHT.*** The vertical distance measured from the top most part of the sign or sign structure to the average grade level at the base of the sign.

***SIGN PROJECTION.*** The distance by which a sign extends over public property or beyond the building line.

***SINGLE-FAMILY DWELLING.*** A detached building designed for, or occupied exclusively by, one family.

***SINKHOLE.*** A pit in the ground caused by the dissolving or collapse of underlying rock layers, generally limestone. Some ***SINKHOLES*** result from enlargement of joints or crevices, the overlaying soil slumping into the hollow thus created. Others are formed by collapse of cave roofs.

***SITE PLAN.*** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. Its purpose is to show how the intended use relates to the major landscape features and surrounding area.

***SOLID WASTE.*** Any garbage, refuse, sludge, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, residential, agricultural operations, or community uses.

***SPECIAL WASTES.*** Wastes of high volume and low hazard which include, but are not limited to, mining wastes, utility wastes (fly ash, bottom ash, scrubber sludge), sludge from water treatment facilities and wastewater treatment facilities, cement kiln dust, gas and oil drillings, mud and oil production brines. This definition includes the definition of ***SPECIAL WASTE*** in KRS 224.868, as amended.

***SPECIFIED ANATOMICAL AREAS.*** Areas including less than completely and opaquely covered human genitals, pubic region, buttocks, anal region, or female breast below a point immediately above the top of the areola or human male genitals in a discernibly turgid state even if completely and opaquely covered.

***SPECIFIED SEXUAL ACTIVITIES.*** Activities involving human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock, or female breast; flagellation or torture in the context of sexual relationship; masochism, erotic or sexually oriented torture, beating, or infliction of pain; erotic touching, fondling, or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this definition.

***STORAGE BUILDING.*** Any building or structure used to provide storage area for a residential, commercial, or industrial structure, and which meets the definition of accessory structure.

***STREET.*** Any vehicular roadway.

***STORY.*** That part of a building between the surface of one floor and the floor or roof immediately above. For the purpose of measuring maximum building height in stories, a maximum of 20 feet of height shall be considered a story.

***STORY ABOVE GRADE.*** Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is more than six feet above grade plan, more than six feet above the finished ground level for more than 50% of the total building perimeter, or more than 12 feet above the finished grade level at any point.

***STRUCTURE.*** Anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground as may be required for the purposes of carrying out this chapter. The term shall include poles and appurtenances thereto used for the provision of public utilities. Structure includes any building or accessory building, mobile homes, signs, towers, billboards, porches, swimming or other recreation or commercial pools, and retaining walls, gas or liquid storage tanks, fences, and other manmade facilities or infrastructure.



**SUBDIVIDER.** Any person who (a) having an interest in land causes it, directly or indirectly, to be divided into a subdivision, or (b) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or develops any interest, lot, parcel site, unit, or plat in a subdivision, or (c) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or develops a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, or (d) directly or indirectly is controlled by, or under direct or indirect common control with any of the foregoing. The term “subdivider” includes “developer,” “builder,” etc., although the persons and their precise interest may vary at different project stages.

**SUBDIVISION.** The division of a lot, tract, or parcel of land into two or more lots, for the purpose, whether immediate or future, of sale, lease, or building developments or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one acre occurring within 12 months following a division of the same land shall be deemed a subdivision within the meaning of this definition.

**SUBDIVISION AGENT.** Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except any attorney-at-law whose representation of another person consists solely of rendering legal services.

**SURVEY.** The process of precisely ascertaining the area, dimensions, and location of a tract of land.

**TEMPORARY BUILDING.** A **TEMPORARY BUILDING** used for the storage of construction materials and equipment incidental to on-site permitted construction or for temporary storage incidental to that of a principal building.

**TEMPORARY CONSTRUCTION UNIT.** Any transportable facility built on its own chassis used for offices or storage and which is located on a construction site. No **TEMPORARY CONSTRUCTION UNIT** shall be used for sleeping or residential purposes in whole or in part.

**TEMPORARY SIGN.** Any sign or advertising display intended to be displayed for a period of less than 30 days per calendar year except that construction project signs may remain for the duration of the construction.

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

**TOWNHOUSE OR TOWNHOME.** An attached or semi-detached single-family dwelling with one or two side walls party to the adjacent dwelling. A **TOWNHOUSE OR TOWNHOME** building includes at least three and no more than eight dwelling units, may be one or more stories, and may include a basement.

**TRANSMISSION TOWER.** A structure principally intended for the location of wireless transmission and/or receiving antennas.

**TRANSMISSION TOWER ACCESSORY FACILITY.** A detached subordinate structure or building that is incidental and related to the transmission tower function, but not including broadcast studios or offices.

**TRAVELWAY OR ROADWAY.** That portion of a street or parking lot intended for vehicular traffic.

**TRIPLEX.** A building containing three individual dwelling units.

**TWINHOME.** A building containing two individual dwelling units.

**UNIFORM APPLICATION.** An application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunication services or personal communications service in a jurisdiction, that has adopted planning and zoning regulations in accordance with KRS Chapter 100.

**USABLE FLOOR SPACE.** The area of all floors that may be used as living, working, or storage areas.

**USE.** The purpose or activity for which land, building, or structure, or combination thereof, is designed, arranged, or intended, or for which it is occupied or maintained.

**UTILITY.** Any company, except a city, who owns, controls, or operates, or manages any facility used or to be used for or in connection with: (a) the generation, production, transmission, or distribution of electricity to or for the public, for compensation, for lights, heat, power, or other uses; (b) the production, manufacturing, storage, distribution, sale, or furnishing of natural or manufactured gas or a mixture of the same, to or for the public, for compensation, for lights, heat, power, or other uses; (c) the transporting or conveying of gas, crude oil, or other fluid substance by pipeline to or for the public, for compensation; (d) the diverting, developing, pumping, impounding, distributing, or furnishing of water to or for the public, for compensation; (e) the transmission or conveyance over wire, in air, or otherwise, of any message by telephone or telegraph for the public, for compensation; or (f) the treatment of sewerage for the public, for compensation.

**VARIANCE.** A departure from the dimensional terms of these regulations pertaining to height, width, or location of structures, and the size of yards and open spaces.

**VEHICLE USE AREA.** Any area occupied in whole or in part by motorized vehicles, including, but not limited to, parking lots, parking stalls, driveways, service areas, and roadways.

**WALL OR BUILDING SIGN.** An on-premise sign which is painted on the exterior wall of a building, or attached to or placed flat against, or no more than 18 inches from, an exterior wall of a building, but not extending above the roof line.

**WASTE DISPOSAL FACILITY.** Any place where solid waste is managed, processed, or disposed of by incineration, landfilling, or any other method. A waste disposal facility does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal.

**WASTE TRANSFER STATION.** Any facility including loading docks, parking areas, and other similar areas, where shipments of solid waste are held, stored, or transferred during the normal course of transportation

**YARD.** That portion of a lot that is unobstructed by buildings or structures, from the ground to the sky.

**ZERO LOT LINE.** The location of a building on a lot in such a manner that one side of the building rests directly on a property line.

**ZONING DISTRICT.** A classification of areas or parcels of land to which specific land use regulations apply.  
(Ord. 05-11, passed 12-12-05)

## **REVIEW BODIES**

### **§ 154.035 LEBANON PLANNING COMMISSION AND ADMINISTRATIVE OFFICIAL.**

#### *(A) Lebanon Planning Commission.*

(1) *Duties and responsibilities.* The duties of the Lebanon Planning Commission in regard to this chapter are established by KRS Chapter 100 and include, but are not limited to:

(a) Hold public hearing in accordance with KRS and make a recommendation to the Lebanon City Council in regard to zoning text or map amendments, including the designation of planned unit developments (PUDs);

(b) Review and take final action on detailed development plans; and,

(c) Review and make a recommendation to the Lebanon City Council in regard to the designation of local historic districts and landmarks.

(2) *Membership.* The Lebanon Planning Commission shall consist of nine citizen members appointed by the Mayor of the city, subject to the approval of the Lebanon City Council.

(3) *Term of office.* The term of office shall be four years ending on June 30 of the designated year. The term of all present members shall be staggered as existed at the time of the original adoption

of this chapter. The Planning Commission shall otherwise be organized and operated in accordance with KRS 100.133 through 100.182.

(4) *Jurisdiction.* The area of jurisdiction of the Lebanon Planning Commission shall include all land within the corporate boundaries of the city.

(B) *Administrative Official.*

(1) *Duties and responsibilities.* The duties of the Administrative Official, or designee, in regard to this chapter, shall include the following:

- (a) Make written interpretations of this chapter;
  - (b) Serve as the Administrative Official pursuant to KRS 100.271;
  - (c) Approve minor amendments to a PUD District;
  - (d) Approve minor amendments to Detailed Development Plans; and
  - (e) Review building permits and certificates of occupancy for conformance with this chapter.
  - (f) Any other duties as assigned by the Planning Commission or City Council as allowed by law.
- (Ord. 05-11, passed 12-12-05)

**§ 154.036 LEBANON BOARD OF ADJUSTMENTS.**

(A) *Duties and responsibilities.* The Board of Adjustments shall have powers, duties, and responsibilities as set forth in KRS Chapter 100 and including, but not limited to, the following:

- (1) Hear and decide administrative appeals where it is alleged by the appellants that there is an error in any order, requirement, permit, decision, determination, or refusal made by any administrative official in carrying out or enforcing any provision of this chapter;
- (2) To make interpretations of the official zoning map;
- (3) To make final action on conditional uses;
- (4) To take final action on variances; and,
- (5) To administer the non-conforming use regulations per KRS 100.253.

(B) *Membership.* The Lebanon Board of Adjustments shall consist of five citizen members appointed by the Mayor of the city, subject to the approval of the Lebanon City Council. The Board of Adjustments membership shall include not more than two members of the Planning Commission.

(C) *Term of office.* The term of office shall be four years ending on June 30 of the designated year. The term of all present members shall be staggered so that no more than two members terms shall expire within one year. The Board of Adjustments shall otherwise be organized and operated in accordance with KRS 100.217 through 100.271.

(D) *Jurisdiction.* The area of jurisdiction of the Lebanon Board of Adjustments shall include all land within the corporate boundaries of the city.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.037 BUILDING INSPECTOR.**

*Duties and responsibilities.* The duties of the Building Inspector in regard to this chapter shall include the following:

(A) To enforce any applicable Building Code adopted by the Lebanon City Council;

(B) To ensure building permit compliance with this chapter; and

(C) To take final action on all building permits and certificates of occupancy.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.038 HISTORIC PRESERVATION BOARD.**

(A) *Duties and responsibilities.* In addition to the powers, duties, and responsibilities stated elsewhere in this chapter, the Lebanon Historic Preservation Board shall take action necessary and appropriate to accomplish the purpose of this chapter. These actions may include, but are not limited to:

(1) Conduct and maintain a survey of historic buildings, structures, and areas and prepare a plan for their preservation;

(2) Draft and update the historic preservation element of the Lebanon Comprehensive Plan;

(3) Recommend the designation of historic districts and landmarks to the Lebanon City Council;

(4) Adopt written guidelines for making exterior changes to designated property and undertaking new construction on designated property;

(5) Regulate alterations visible to the public that are proposed for designated property and regulating demolitions, relocations, and new construction involving designated property;

(6) Work with and advise the federal, state, city, and county governments and other city government agencies on historic preservation issues;

(7) Advise and assist owners of historic property and other persons and groups, including neighborhood groups, who are interested in historic preservation;

(8) Report on the present condition of historic buildings in the city and identify problems that may, at a later time, threaten the preservation of these buildings;

(9) Attend informational and educational programs covering the duties of the Board and current developments in historic preservation;

(10) Initiate and review all local nominations to the National Register of Historic Places;

(11) Conduct educational programs, including the preparation of publications and placing of historical and architectural markers;

(12) Recommend that the city apply for, receive, or use public and private grants or gifts to help historic preservation activities;

(13) Assess fees on applications for Certificates of Appropriateness (COAs); and

(14) Perform other responsibilities and duties that may be delegated to the city under the National Historic Preservation Act.

(B) *Membership.* The Lebanon Historic Preservation Board shall consist of five citizen members who shall be appointed by the Mayor of the city, subject to the approval of the Lebanon City Council. The members shall have demonstrated an interest in historic preservation, and at least two members shall have training and experience in a preservation-related profession, such as architecture, history, archaeology, architectural history, construction, planning, or related fields. When one or two professional members are not available, the Mayor may appoint persons with a demonstrated interest in historic preservation. When the Historic Preservation Board reviews an issue that is normally evaluated by a professional member and that field is not represented on the Board, the Board shall seek expert advice before rendering its decision. In making appointments, the Mayor may include a person who is active in real estate

(C) *Term of office.* The term of office of the Historic Preservation Board members shall be three years, except for the terms of two members of the original Board that shall end after two years and the terms of two other members of the original Board that will end after one year. Each member shall serve until the appointment and qualification of a successor. Vacancies on the Board shall be filled within 60

days. When a vacancy occurs during a term of office, the person selected shall be appointed for the unexpired portion of the term.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.039 LEGISLATIVE BODY - LEBANON CITY COUNCIL.**

*Duties and responsibilities.* The powers, duties, and responsibilities of the Lebanon City Council in regard to this chapter shall include, but not limited to, the following:

(A) To take final action on text amendment of this chapter or the Official Zoning Map, including designation of planned unit developments (PUDs);

(B) To make final action on the designation of local historic districts or individual historic landmarks; and,

(C) To concur in the appointment of board membership as defined in this subchapter.  
(Ord. 05-11, passed 12-12-05)

### ***ZONING DISTRICTS***

#### **§ 154.050 ESTABLISHMENT OF DISTRICTS.**

For purposes of this chapter, the area of jurisdiction of this chapter is hereby divided into zoning districts which shall be designated as set forth below, and the district names in effect immediately prior to the effective date of this chapter, if any, are hereby converted as follows:

<b><i>Zoning district</i></b>	<b><i>Old designation</i></b>	<b><i>New designation</i></b>	<b><i>Section(s)</i></b>
Agriculture District	A	A	154.080 - 154.085
Single-Family Residential District	R-1	R-1	154.100 - 154.106
Two- to Four-Family Residential District	R-2	R-2	154.120 - 154.126
Multi-Family Residential District	R-3	R-3	154.140 - 154.146
Mobile Home Park District	MHP	MHP	154.160 - 154.162

<b><i>Zoning district</i></b>	<b><i>Old designation</i></b>	<b><i>New designation</i></b>	<b><i>Page(s)</i></b>
Central Business District	B-1	B-1	154.175 - 154.180
General Business District	B-2	B-2	154.190 - 154.196
Highway Business District	--	B-3	154.210 - 154.216
Health District	H	--	--
Office and Professional District	--	OP	154.230 - 154.235
Light Industrial District	I-1	I-1	154.245 - 154.250
Heavy Industrial District	I-2	I-2	154.260 - 154.265
Conservation District	C	--	--
Public District	C	P	154.275 - 154.279
Planned Unit Development District	--	PUD	154.290 - 154.293
Historic District, Landmark or Landmark Site	--	H	154.330 - 154.335
Residential Cluster Development	--	RCD	154.305 - 154.317

(Ord. 05-11, passed 12-12-05)

#### **§ 154.051 OFFICIAL ZONING MAP.**

(A) *Official zoning map establishment.* The boundaries of any and all zoning districts are hereby established on Official Zoning Map entitled “Zoning Map of the City of Lebanon,” dated \_\_\_\_\_, as amended, which shall be permanently located in the offices of the Lebanon City Clerk and/or the Planning Commission. These official zoning maps together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this chapter. Any territory hereafter annexed to the city shall remain in the same district as legally existed before annexation unless the district is



specifically changed by ordinance according to the requirements of the relevant provisions of KRS or this chapter pertaining to amendments.

(B) *Official zoning map replacement.* In the event that either the Official Zoning Map becomes damaged, destroyed, lost, or is deemed necessary to be replaced due to age of the map, the Lebanon Planning Commission may by authorization through resolution adopted by the city, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof of the remaining shall be preserved, together with all available records pertaining to its adoption or amendment. Nothing herein shall be deemed to limit the power of the Planning Commission or City Council to amend and/or readopt as provided in KRS Chapter 100.

(C) *Zoning district boundary interpretation.* The zoning district boundary lines of the Official Zoning Map are intended to follow lot or tract lines or farm boundaries, the centerlines of streets or the corporate limit lines, all as they existed at the time of enactment of this chapter. Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

(1) Where the lot in question is divided into two or more districts, the entire area may be used in conformity with and is subject to the regulations established for the district in which is located 51% of the area of the entire lot.

(2) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines; vacated rights-of-ways shall not affect the original zoning.

(3) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(4) Boundaries indicated as approximately political boundaries shall be construed as following such boundaries.

(5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines.

(6) Boundaries indicated as approximately parallel to features indicated in the paragraphs above shall so be construed; distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map, if an accurate legal description cannot be determined.

(7) Where boundary lines are established by zoning map amendment, the legal description used for that zoning map amendment shall control.

(8) Where the above stated rules do not indicate the exact locations of the zoning district boundaries, then said boundaries shall be determined by the Zoning Administrator and may be subject to appeal to the Lebanon Board of Adjustments.

### ***GENERAL USE REGULATIONS***

#### **§ 154.065 USES.**

Appendix A lists the uses allowed within zoning districts.

(A) *Permitted uses (P)*. A “P” indicates that a use category is allowed by right in the respective zoning district. These permitted uses are subject to all other applicable regulations of this chapter.

(B) *Conditional uses (C)*. A “C” indicates that a use category is allowed only if reviewed and approved as a conditional use in accordance with the conditional use permit procedures of §§ 154.430 - 154.433, Conditional Use Permit. Conditional uses are subject to all other applicable regulations of this chapter and may have specific conditions set forth by the Board of Adjustment.

(C) *Prohibited uses*. A blank or empty cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this chapter. Any use not allowed or not listed is deemed prohibited and detrimental to the development of the district.

(D) *New or unlisted uses*. If an application is submitted for a use type that is not listed in the use table, the Zoning Administrator shall be authorized to make a similar use interpretation based on the criteria set forth below. If the Zoning Administrator determines that the proposed use does not fit any of the use descriptions of Appendix A, no similar use interpretation shall be made. The Zoning Administrator shall make a determination as to the use for the application that has been made.

(1) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;

(2) The relative amount of the area of floor space and equipment devoted to the activity;

(3) Relative amounts of sales from each activity;

(4) The customer type for each activity, retail or wholesale;

(5) The relative number of employees in each activity;

(6) Hours of operation;

(7) Building and site arrangement;

- (8) Vehicles used with the activity;
- (9) The relative number of vehicle trips generated by the use; How the use advertises itself;
- (10) Parking needs;
- (11) Noise level, odor, dust, vibrations, or smoke generated; and
- (12) Utility use.

(E) *Developments with multiple permitted uses.* When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, then each use is subject to all applicable regulations for that category.

(F) *Accessory uses.* Accessory uses are customarily incidental and necessary to any permitted use and are allowed by right in conjunction with a principal use unless otherwise stated in the regulations. Accessory structures shall not include any business, trade, or industry or any access driveway or walkway thereto, unless clearly incidental to the permitted use. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal uses.

(G) *Home occupations.* Home occupations shall be permitted on a limited basis in the residential and agricultural districts. Permitted home occupations in these districts are set forth in the Use Table in Appendix A and may include academic tutoring, music lessons, catering, child care, sewing/alterations, hair salon/cosmetologist, lawn care service (only in the Agricultural District), and limited art/photography studio. Permitted home occupations shall meet the standards of the zoning district in which it is located.

(Ord. 05-11, passed 12-12-05)

## **§ 154.066 GENERAL DEVELOPMENT REQUIREMENTS AND STANDARDS.**

(A) *Development plan.* A development plan is intended to demonstrate the character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the effect of the proposed development on the community and to determine what provisions, if any, shall be altered for the protection and promotion of the general public health, safety, and welfare. As a condition to the granting of any zoning map amendment, the Planning Commission is authorized to require the submission of a development plan. The Development Plan shall be filed in accordance with the provisions and requirements of §§ 154.415 - 154.417. Where agreed upon, this Development Plan shall be followed and shall be binding on all parties.

(B) *Sanitary sewage systems.* All uses within the corporate limits of the city shall be served by the public sanitary sewage system, unless otherwise specified by the city.

(C) *Principal and accessory buildings and structures.* Unless a plat and/or development plan has been approved for multi-building development, only one principal building and accessory structures customarily incidental to any permitted use shall be allowed per permitted lot. No accessory building shall be used for residential purposes, except for necessary tenant dwellings required for agricultural production.

(D) *Lot area.*

(1) *Minimum lot area.* Unless otherwise specified in this chapter, lots served by sanitary sewer shall have a minimum lot area of 7,500 square feet, and lots not served by sanitary sewer shall have a minimum lot area of 30,000 square feet.

(2) *Minimum lot area above 100-year flood level required.* No lot shall be created or developed which does not have at least 5,000 square feet of lot area above the 100-year frequency flood level.

(E) *Lot width.* Unless otherwise specified in this Zoning Ordinance, lots served by sanitary sewer shall have a minimum lot width of 50 feet, and lots not served by sanitary sewer shall have a minimum lot width of 100 feet.

(F) *Yards.*

(1) *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.

(2) *Use of yards for accessory buildings.* No accessory buildings are permitted in front or side yards. They are permitted only in the rear yards according to the dimensions and area regulations set forth in the specific zoning district regulations of this chapter.

(3) *Rear dwelling prohibited.* No building in the rear of a main building on the same lot may be erected for residential purposes, except as approved or in a multifamily residential district.

(G) *Building line setbacks.*

(1) *Distance greater than minimum required.* Building setback lines as established by this section may be greater than the minimums set forth.

(2) *Front yard setback line.* Unless otherwise specified in this chapter, the minimum front yard setback line shall be 1/2 the width of the street right-of-way, and in no case shall this distance be less than 30 feet. Lots fronting on a cul-de-sac shall have a minimum 100 foot front yard setback line. A waiver from strict enforcement of this front yard setback may be granted by the Zoning Administrator where the majority of existing development on the same block face is set back less than the required setback. In such case, the front yard setback may be the average setback line for that block face.

(3) *Rear yard setback line.* Unless otherwise specified in this chapter, the minimum rear yard setback line shall be no less than 25 feet.



(4) *Side yard setback line.* Unless otherwise specified in this chapter, the minimum side yard setback line shall be no less than eight feet.

(5) *Additional setbacks for corner lots.* Corner lots shall be required to provide a front yard along any lot line abutting a street. Unless the plat is expressly marked as to the street the dwelling will front, a rear yard shall be substituted for any side yard not abutting a street. Corner lots shall be required to provide a side yard abutting a street of at least 30 feet.

(6) *Additional setbacks adjacent to parkways or other highways.* Lots that abut or are adjacent to a parkway or other fully controlled access highways which allow no direct access shall have a minimum building setback line from the right-of-way of said highway of 25 feet. This building line shall be the same whether considered as front, side, or rear setback.

(H) *Building height.*

(1) *Maximum building height.* Unless otherwise specified in this chapter, no building shall exceed 45 feet in height.

(2) *Height exceptions.* Building height regulations apply to buildings occupied regularly by persons or their activities. They do not apply to structures or portions of buildings, such as church spires, belfries, cupolas, and domes not intended for human occupancy; monuments; water towers; observation towers; flagpoles; or, chimneys. The Board of Adjustment shall interpret whether or not height regulations apply upon application by the Administrative Official in doubtful cases. The Kentucky Airport Zoning and Federal Aviation Agency height regulations in the vicinity of an airport shall take precedence over all other height regulations.

(I) *Access and visibility.* All lots shall have access to a public street and shall comply with the access and visibility requirements set forth in the Subdivision Regulations. The Planning Commission shall approve access to buildings in a Planned Unit Development.

(J) *Accessory buildings and structures.*

(1) *General.* Accessory buildings and structures, except as otherwise permitted by this chapter, shall be subject to the following regulations. Accessory buildings and structures shall be permanently affixed to the ground and shall not include mobile homes, buses, travel trailers, recreational vehicles, trailers, coolers, vehicles, or freight containers. No accessory structure that is not designated to breakaway on impact shall be permitted in the right-of-way. Such structures include, but are not limited to, rock or brick mailbox structures. Any accessory structure may be connected to the principal building by a breezeway or other similar structure but shall not be considered as an attached accessory building, carport, or similar structure. Said breezeway shall not project nearer to the side lot line than the minimum side yard required for the principal building.

(2) *Setbacks.* Accessory structures shall not be located in the front yard and side yard and shall not extend beyond the principal structure. Accessory structures shall be located behind the principal structure. Accessory structures on corner lots adjoining residential uses or districts shall not extend

beyond the front of the principal structure or be nearer to the side street than the depth of the required front setback for the principal structure along such street.

(3) *Height.* The height of accessory structures shall not exceed the height of the principal structure.

(4) *Size.* The maximum size of accessory structures shall be 50% of gross floor area of principal structure.

(5) *Fencing.*

(a) *Height.* Unless otherwise specified in this chapter, fencing shall be permitted and shall conform to height restrictions. Fencing less than four feet in height shall be permitted along all property lines. Fencing that is four to six feet in height shall be permitted along rear and side property lines and from the rear property line to the rear of the principal building. Fencing greater than six feet in height shall be permitted with the prior approval of the Planning Commission.

(b) *Materials.* Fencing or screening constructed in front or side yards abutting a public street must be constructed of materials not eliminating or impeding view of the principal building from the public street and requires Planning Commission approval for location, height, material, and construction.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.067 SINKHOLES.**

Sinkholes and other similar depressions and the area within 50 feet horizontally from the rim of said 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. The Planning Commission or its Administrative Official is hereby empowered to require appropriate survey work to identify such features, of any applicant seeking approval to divide, develop, or rezone property in Marion County where it is reasonably anticipated that such problems occur.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.068 FLOOD PLAINS.**

The Administrative Officer may approve but shall advise the applicant of a zoning permit when the site on which the applicant wants to build is within the 100-year flood plain, as determined by the United States Army Corps of Engineers. All applicable flood plain regulations and requirements must be completed. All buildings or structures in a designated flood-way or floodplain which tend to increase

flood heights or obstruct the flow of flood waters shall be regulated by the Planning Commission, and therefore, require the review and approval of the Marion County Planning Commission.  
(Ord. 05-11, passed 12-12-05)

### ***AGRICULTURE DISTRICT (A)***

#### **§ 154.080 PURPOSE AND INTENT.**

The Agriculture District is intended to provide for the location of land situated on the fringe of the urban area of Lebanon and for agricultural and related open space purposes, but that may become an urban area in the future. Generally these areas will be located near urban development. Therefore, the agricultural uses and activities conducted in this District should not be detrimental to urban land uses. The types of uses the area and intensity of use permitted in this District shall encourage and protect agricultural uses until urbanization is warranted. The Agriculture District shall be served by public sanitary sewer.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.081 USES.**

General use regulations are set forth in §§ 154.065 - 154.068, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this chapter. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.082 PERMITTED RESIDENTIAL UNIT TYPES.**

The following residential unit types shall be permitted in the Agriculture District:

- (A) Single-family detached dwelling;
- (B) Modular or manufactured home; and,

(C) Class A and Class B mobile homes as tenant dwellings with the issuance of Conditional Use Permit by the Board of Adjustments and in accordance with §§ 154.345 - 154.348.  
(Ord. 05-11, passed 12-12-05)



**§ 154.083 PROPERTY DEVELOPMENT STANDARDS.**

Development in the Agriculture District shall comply with the property development standards set forth in this chapter. Sections 154.065 - 154.068 sets forth general use regulations for all zoning districts. Residential development in the Agricultural District shall comply with the standards of the Single-Family Residential District (R-1).

Lot area (minimum)	12,000 square feet
Lot width (minimum)	100 feet
Lot coverage (maximum)	50%
Setbacks and yards (minimum) Front yard setback Side yard setback Rear yard setback	30 feet 12 feet; two side yards required 25 feet
Building height (maximum)	45 feet
Accessory structure rear and side yard setbacks (minimum)	8 feet

(Ord. 05-11, passed 12-12-05)

**§ 154.084 SIGNAGE.**

All signage shall comply with the provisions of §§ 154.380 et seq.  
(Ord. 05-11, passed 12-12-05)

**§ 154.085 OFF-STREET PARKING AND LOADING/UNLOADING.**

All off-street parking and loading/unloading areas shall comply with the provisions of §§ 154.400 - 154.402.  
(Ord. 05-11, passed 12-12-05)

***SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)*****§ 154.100 PURPOSE AND INTENT.**

The Single-Family Residential District (R-1) is intended to provide opportunities for single-family residential development, including zero lot line homes. Occupancy in these districts is limited to one

family per residential unit. No accessory apartments shall be allowed in these districts. The R-1 District shall be served by public sanitary sewer.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.101 USES.**

General use regulations are set forth in §§ 154.065 - 154.068, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this chapter. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.102 PERMITTED RESIDENTIAL UNIT TYPES.**

The following residential unit types shall be permitted in the R-1 District:

(A) Single-family detached,

(B) Modular or manufactured home in compliance with §§ 154.345 - 154.348.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.103 PERMITTED OVERLAY DISTRICTS.**

The following overlay districts may be permitted in the R-1 District:

(A) Planned Unit Development (PUD) Overlay District as set forth in §§ 154.290 - 154.292, and

(B) Residential Cluster Development (RCD) Overlay District as set forth in §§ 154.305 - 154.316.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.104 R-1 PROPERTY DEVELOPMENT STANDARDS.**

Development in the R-1 District shall comply with the property development standards set forth in this chapter. Sections 154.065 - 154.068 sets forth general use regulations for all zoning districts.

Lot area (minimum)	12,000 square feet
Lot width (minimum)	80 feet
Lot coverage (maximum)	50%

Setbacks and yards (minimum)	
Front yard setback	30 feet
Side yard setback	12 feet; two side yards required
Rear yard setback	25 feet
Building height (maximum)	45 feet
Accessory structure	8 feet
Rear and side yard setbacks (minimum)	

(Ord. 05-11, passed 12-12-05)

#### **§ 154.105 SIGNAGE.**

All signage shall comply with the provisions of §§ 154.380 et seq.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.106 OFF-STREET PARKING AND LOADING/UNLOADING.**

All off-street parking and loading/unloading areas shall comply with the provisions of §§ 154.400 - 154.402.

(Ord. 05-11, passed 12-12-05)

### ***TWO- TO FOUR-FAMILY RESIDENTIAL DISTRICT (R-2)***

#### **§ 154.120 PURPOSE AND INTENT.**

The Two- to Four-Family Residential District (R-2) is intended to provide opportunities for two-, three-, and four-family residential development, including duplexes or twinhomes, triplexes, fourplexes and townhouse and multi-family developments of up to four-units in a single building. The R-2 District shall be served by public sanitary sewer.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.121 USES.**

General use regulations are set forth in §§ 154.065 - 154.068, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this

chapter. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.122 PERMITTED RESIDENTIAL UNIT TYPES.**

The following residential unit types shall be permitted in the R-2 district:

(A) Duplexes or twinhomes,

(B) Triplexes,

(C) Fourplexes,

(D) Townhomes or condominiums containing two to four units per building;

(E) Single-family detached dwellings; and,

(F) Manufactured or modular homes in compliance with §§ 154.345 - 154.348.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.123 PERMITTED OVERLAY DISTRICTS.**

The following overlay districts may be permitted in the R-2 district:

Planned Unit Development (PUD) Overlay District as set forth in §§ 154.290 - 154.292.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.124 R-2 PROPERTY DEVELOPMENT STANDARDS.**

Development in the R-2 District shall comply with the property development standards set forth in this chapter. Sections 154.065 - 154.068 sets forth general use regulations for all zoning districts.

Lot area (minimum)	
Single-family residential	9,750 square feet
Two-family residential	12,000 square feet
Three-family residential	14,250 square feet
Four-family residential	16,500 square feet
Lot width (minimum)	65 feet
Lot coverage (maximum)	65%

Setbacks and yards (minimum)	
Front yard setback	30 feet
Side yard setback	10 feet; two side yards required
Rear yard setback	25 feet
Building height (maximum)	45 feet
Accessory structure	
Rear and side yard setbacks (minimum)	5 feet

(Ord. 05-11, passed 12-12-05)

**§ 154.125 SIGNAGE.**

All signage shall comply with the provisions of §§ 154.380 et seq.

(Ord. 05-11, passed 12-12-05)

**§ 154.126 OFF-STREET PARKING AND LOADING/UNLOADING.**

All off-street parking and loading/unloading areas shall comply with the provisions of §§ 154.400 - 154.402.

(Ord. 05-11, passed 12-12-05)

***MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)***

**§ 154.140 PURPOSE AND INTENT.**

The Multi-Family Residential District (R-3) is intended to provide opportunities for townhouse and multi-family developments with greater than five units in a single building. The R-3 District shall be served by public sanitary sewer.

(Ord. 05-11, passed 12-12-05)

**§ 154.141 USES.**

General use regulations are set forth in §§ 154.065 - 154.068, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this chapter. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.

(Ord. 05-11, passed 12-12-05)

**§ 154.142 PERMITTED RESIDENTIAL UNIT TYPES.**

The following residential unit types shall be permitted in the R-3 district:

- (A) Townhomes or condominiums;
  - (B) Apartments containing greater than three units per building;
  - (C) Residential unit types permitted in R-2 district utilizing the R-2 standards; and
  - (D) Residential unit types permitted in R-1 district utilizing the R-1 standards.
- (Ord. 05-11, passed 12-12-05)

**§ 154.143 PERMITTED OVERLAY DISTRICTS.**

The following overlay districts may be permitted in the R-3 district:

Planned Unit Development (PUD) Overlay District as set forth in §§ 154.290 - 154.292.  
(Ord. 05-11, passed 12-12-05)

**§ 154.144 R-3 PROPERTY DEVELOPMENT STANDARDS.**

Development in the R-3 District shall comply with the property development standards set forth in this chapter. Sections 154.065 - 154.068 set forth general use regulations for all zoning districts.

Lot area (minimum) Single-family residential Two-family residential Three-family residential Four-family residential Multi-family residential     (5+ units)	7,500 square feet 9,000 square feet 10,500 square feet 12,000 square feet 13,500 square feet for first five units plus an additional 1,500 square feet for each additional unit
Lot width (minimum)	50 feet
Lot coverage (maximum)	75%
Setbacks and yards (minimum) Front yard setback Side yard setback Rear yard setback	30 feet 8 feet; two side yards required 25 feet

Building height (maximum)	45 feet
Accessory structure Rear and side yard setbacks (minimum)	5 feet

(Ord. 05-11, passed 12-12-05)

**§ 154.145 SIGNAGE.**

All signage shall comply with the provisions of §§ 154.380 et seq.

(Ord. 05-11, passed 12-12-05)

**§ 154.146 OFF-STREET PARKING AND LOADING/UNLOADING.**

All off-street parking and loading/unloading areas shall comply with the provisions of §§ 154.400 - 154.402.

(Ord. 05-11, passed 12-12-05)

***MOBILE HOME PARK DISTRICT (MHP)***

**§ 154.160 PURPOSE AND INTENT.**

The purpose of the Mobile Home Park District is to allow for the placement of mobile homes in the city in designated parks. All mobile home parks shall conform to all applicable local, state, and federal rules, regulations, and laws. The Mobile Home Park District shall be served by public sanitary sewer.

(Ord. 05-11, passed 12-12-05)

**§ 154.161 USES.**

General use regulations are set forth in §§ 154.065 - 154.068, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this chapter. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.

(Ord. 05-11, passed 12-12-05)

**§ 154.162 MHP PROPERTY DEVELOPMENT STANDARDS.**

(A) *General.* Development in the MHP District shall comply with the property development standards set forth in this chapter. Sections 154.065 - 154.068 sets forth general use regulations for all zoning districts. Only one individual mobile home unit and accessory buildings customarily incidental to the individual mobile home unit shall be allowed per individual lot within the mobile home park.

<b><i>Mobile home park standards</i></b>	
Park Area (minimum)	1 acre (43,560 square feet)
Park Density (minimum)	10 mobile home lots per acre
<b><i>Individual mobile home lot standards</i></b>	
Lot area (minimum)	4,000 square feet
Lot width (minimum)	
1-way street	14 feet
1-way street with parking on 1 side	23 feet
1-way street with parking on both sides	32 feet
2-way street	18 feet
2-way street with parking on 1 side	27 feet
2-way street with parking on both sides	36 feet
Lot coverage (maximum)	50%
Setbacks and yards (minimum)	
Front yard setback	20 feet
Side yard setback	10 feet; two side yards required
Rear yard setback	10 feet
Mobile home spacing	25 feet minimum
<b><i>Accessory structure standards</i></b>	
Rear and side yard setbacks (minimum)	5 feet
Note: If an accessory structure is less than 25 square feet in area or within 15 feet of the individual mobile home unit, the structure shall be considered to be a part of the unit.	

(B) *Multi-phase park development.* A mobile home park may be developed in phases or stages as long as the developer complies with the overall approved plan for the entire park development and the initial phase or stage has a minimum of two mobile home lots developed for use.



(C) *Foundation requirements.* Individual mobile home lots shall have a concrete pad or other foundation satisfactory to the Planning Commission. Each pad shall be sufficient size to accommodate the mobile home unit to be situated thereon. Individual lot pads or foundations shall be a minimum of 10 feet from lot lines.

(D) *Internal street system.* All mobile home parks shall be provided with convenient and safe internal vehicular access. Entrances shall be adequate to accommodate traffic and parking and shall meet all specifications and requirements of this chapter and the Subdivision Regulations. Entrances shall be approved by the city. All internal streets shall have a right-of-way of not less than 50 feet and pavement width of not less than 22 feet. Each park shall have at least one street which gives access to a public street. Such access streets in either a single mobile home park or adjoining parks shall not be less than 100 feet apart and no less than 125 feet from an intersection of two or more public streets. All streets within the park shall be paved and well lighted as specified in the Subdivision Regulations. No street within the mobile home park shall be closer than five feet from any property line.

(E) *Utilities.*

(1) *Water system.* All mobile home parks and individual mobile home lots shall be served by water system meeting the standards specified by local and state regulations, and each mobile home lot shall be properly connected to the water system. The mobile home park and lots shall be served by a completely looped water distribution system adequate to serve the park, and each individual mobile home lots shall be connected. The mobile home park shall be served by fire hydrants spaced a maximum of 600 feet apart.

(2) *Sanitary sewer system.* All mobile home parks and individual mobile home lots shall be served by a public sanitary sewer system. The mobile home park and lots shall be served by a complete collection system, including lateral collection for each individual mobile home lot and if necessary, lift or pumping stations. Where a public sanitary system is not readily accessible, mobile home parks and individual mobile home lots shall be served by an individual sanitary sewer system approved by the appropriate agency. Septic systems are prohibited.

(3) *Electric and telephone.* All mobile home parks and individual mobile home lots shall be served by underground electrical and telephone utilities, unless waived by the Planning Commission through a public hearing process and demonstration of extreme hardship by the developer.

(F) *Off-street parking requirements.*

(1) *General requirements.* Off-street parking shall be provided with vehicular access to the public right-of-way in the MHP District and shall conform to the regulations set forth in this subchapter. Off-street parking shall be located on the same property as the permitted use, unless the Planning Commission authorizes the use of other properties. The off-street parking requirements and ingress/egress shall not, except for single-family residences, be used in the computation of parking spaces. The required parking area for the permitted use shall not be reduced or encroached upon in any manner. Combined uses shall provide parking equal to the sum of the individual uses. All off-street parking shall be paved.

(2) *Minimum parking area.* The minimum dimensions of off-street parking shall be 10 by 20 feet, or 200 square feet

(3) *Minimum parking spaces.* The minimum number of off-street parking spaces for individual mobile home lots shall be two spaces.

(G) *On-street parking and loading/unloading.* The on-street parking of vehicles 20 feet or longer in length on public streets shall be prohibited in a residential district, except for delivery, maintenance, construction, or other loading/unloading purposes.  
(Ord. 05-11, passed 12-12-05)

### ***CENTRAL BUSINESS DISTRICT (B-1)***

#### **§ 154.175 PURPOSE AND INTENT.**

The Central Business District is intended to provide for the continued vitality of downtown Lebanon and the maintenance and re-use of existing historic structures. There shall be only one contiguous B-1 District within the corporate limits of the city. This district shall be served by public sanitary sewer.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.176 USES.**

General use regulations are set forth in §§ 154.065 - 154.068, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this chapter. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.177 PERMITTED RESIDENTIAL UNIT TYPES.**

Residential unit types permitted in R-3 district shall be permitted in the B-1 District. In mixed use buildings, ground floor residential uses are prohibited, and residential and nonresidential uses shall not be permitted on the same floor unless served by separate entrances.  
(Ord. 05-11, passed 12-12-05)

**§ 154.178 B-1 PROPERTY DEVELOPMENT STANDARDS.**

Development in the B-1 District shall comply with the property development standards set forth in this chapter. Sections 154.065 - 154.068 set forth general use regulations for all zoning districts.

Lot area (minimum)	7,500 square feet
Lot width (minimum)	25 feet
Lot coverage (maximum)	100%
Setbacks and yards (minimum) Front yard setback Side yard setback Rear yard setback	None None None
Building height (maximum)	75 feet
Accessory structure Rear and side yard setbacks (minimum)	5 feet

(Ord. 05-11, passed 12-12-05)

**§ 154.179 SIGNAGE.**

All signage shall comply with the provisions of §§ 154.380 et seq.

(Ord. 05-11, passed 12-12-05)

**§ 154.180 OFF-STREET PARKING AND LOADING/UNLOADING.**

All off-street parking and loading/unloading areas shall comply with the provisions of §§ 154.400 - 154.402.

(Ord. 05-11, passed 12-12-05)

***GENERAL BUSINESS DISTRICT (B-2)*****§ 154.190 PURPOSE AND INTENT.**

The General Business District is intended to provide retail and service uses, not exceeding 15,000 square feet in building area, to serve the adjoining neighboring residential areas. The General Business

also may provide selected retail and service uses serving the entire community, but it is not intended to serve the regional retail service area of Lebanon. These districts are located adjacent to the B-1 Zoning District and on selected residential neighborhoods, on highways leading from the B-1 District and near or adjacent to the B-1 District. This district shall be served by public sanitary sewer.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.191 USES.**

General use regulations are set forth in §§ 154.065 - 154.068, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this chapter. Permitted and conditional uses shall not exceed 5,000 square feet in building area. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.192 PERMITTED RESIDENTIAL UNIT TYPES.**

Multi-family residential unit types permitted in R-3 District and utilizing the R-3 property development standards shall be permitted in the B-2 District.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.193 B-2 PROPERTY DEVELOPMENT STANDARDS.**

Development in the B-2 District shall comply with the property development standards set forth in this chapter. Sections 154.065 - 154.068 set forth general use regulations for all zoning districts.

Lot area (minimum)	7,500 square feet
Lot width (minimum)	50 feet
Lot coverage (maximum)	75%
Setbacks and yards (minimum)	
Front yard setback	25 feet
Side yard setback	5 feet and 12 feet; two side yards required
Rear yard setback	25 feet
Building height (maximum)	45 feet

Building gross floor area (maximum)	15,000 square feet
Accessory structure Rear and side yard setbacks (minimum)	5 feet

(Ord. 05-11, passed 12-12-05)

#### **§ 154.194 SIGNAGE.**

All signage shall comply with the provisions of §§ 154.380 et seq.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.195 OFF-STREET PARKING AND LOADING/UNLOADING.**

All off-street parking and loading/unloading areas shall comply with the provisions of §§ 154.400 - 154.402.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.196 BUFFERING.**

(A) *General.* All B-2 development abutting a residential district or use shall be required to provide a buffer as deemed appropriate and approved by the Planning Commission in order to protect the residential area from unreasonable disturbance by movement of people or vehicles, light, noises, or views incompatible with residential areas.

(B) *Height.* All buffers shall be a minimum of eight feet in height and shall not exceed 20 feet.

(C) *Design.* The design and materials of buffering shall be compatible with adjacent residential areas and sufficient to minimize adverse impacts of the commercial development. The Planning Commission shall review and approve the design and materials of buffering.

(Ord. 05-11, passed 12-12-05)

### ***HIGHWAY BUSINESS DISTRICT (B-3)***

#### **§ 154.210 PURPOSE AND INTENT.**

The Highway Business District is intended to encourage the establishment of intensive commercial use areas designed to meet the needs of a community or regional market area and typically oriented to

customers who travel by motor vehicles. This district primarily provides retail and wholesale trade dependent upon vehicular traffic to supply both merchandise and customers and has large space uses, such as department stores, fast food restaurants, service stations, and specialty stores. This district shall have direct access to arterial or collector roads, and areas adjacent to residential districts shall be adequately buffered. The B-3 District shall be served by public sanitary sewer.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.211 USES.**

General use regulations are set forth in §§ 154.065 - 154.068, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this chapter. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.212 PERMITTED RESIDENTIAL UNIT TYPES.**

Multi-family residential unit types permitted in R-3 district and utilizing the R-3 property development standards shall be permitted in the B-3 District.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.213 B-3 PROPERTY DEVELOPMENT STANDARDS.**

Development in the B-3 District shall comply with the property development standards set forth in this chapter. Sections 154.065 - 154.068 set forth general use regulations for all zoning districts.

Lot area (minimum)	21,780 square feet
Lot width (minimum)	100 feet
Lot coverage (maximum)	90%
Setbacks and yards (minimum) Front yard setback Side yard setback Rear yard setback	25 feet 25 feet; two side yards required 25 feet
Building height (maximum)	45 feet
Accessory structure Rear and side yard setbacks (minimum)	5 feet

(Ord. 05-11, passed 12-12-05)

**§ 154.214 SIGNAGE.**

All signage shall comply with the provisions of §§ 154.380 et seq.  
(Ord. 05-11, passed 12-12-05)

**§ 154.215 OFF-STREET PARKING AND LOADING/UNLOADING.**

All off-street parking and loading/unloading areas shall comply with the provisions of §§ 154.400 - 154.402.  
(Ord. 05-11, passed 12-12-05)

**§ 154.216 BUFFERING.**

(A) *General.* All B-3 development abutting a residential district or use shall be required to provide a buffer as deemed appropriate and approved by the Planning Commission in order to protect the residential area from unreasonable disturbance by movement of people or vehicles, light, noises, or views incompatible with residential areas.

(B) *Height.* All buffers shall be a minimum of eight feet in height and shall not exceed 20 feet.

(C) *Design.* The design and materials of buffering shall be compatible with adjacent residential areas and sufficient to minimize adverse impacts of the commercial development. The Planning Commission shall review and approve the design and materials of buffering.  
(Ord. 05-11, passed 12-12-05)

***OFFICE AND PROFESSIONAL DISTRICT (OP)***

**§ 154.230 PURPOSE AND INTENT.**

The purpose of the Office and Professional District is to provide opportunities for professional offices in appropriate locations to accommodate the needs of the community. The OP district is designed to serve as a transitional district between business and residential districts and should be adjacent or near to R-2 and R-3, B-1, B-2, and B-3 districts. The OP District shall be served by public sanitary sewer.  
(Ord. 05-11, passed 12-12-05)

**§ 154.231 USES.**

General use regulations are set forth in §§ 154.065 - 154.068, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix

A of this chapter. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.

(Ord. 05-11, passed 12-12-05)

### **§ 154.232 OP PROPERTY DEVELOPMENT STANDARDS.**

Development in the OP District shall comply with the property development standards set forth in this chapter. Sections 154.065 - 154.068 set forth general use regulations for all zoning districts.

Lot area (minimum)	7,500 square feet
Lot width (minimum)	50 feet
Lot coverage (maximum)	50%
Setbacks and yards (minimum) Front yard setback Side yard setback Rear yard setback	25 feet 8 feet; two side yards required 25 feet
Building height (maximum)	45 feet
Accessory structure Rear and side yard setbacks (minimum)	5 feet

(Ord. 05-11, passed 12-12-05)

### **§ 154.233 SIGNAGE.**

All signage shall comply with the provisions of §§ 154.380 et seq.

(Ord. 05-11, passed 12-12-05)

### **§ 154.234 OFF-STREET PARKING AND LOADING/UNLOADING.**

All off-street parking and loading/unloading areas shall comply with the provisions of §§ 154.400 - 154.402.

(Ord. 05-11, passed 12-12-05)

### **§ 154.235 BUFFERING.**

(A) *General.* All OP development abutting a residential district or use shall be required to provide a buffer as deemed appropriate and approved by the Planning Commission in order to protect the



residential area from unreasonable disturbance by movement of people or vehicles, light, noises, or views incompatible with residential areas.

(B) *Height.* All buffers shall be a minimum of eight feet in height and shall not exceed 20 feet.

(C) *Design.* The design and materials of buffering shall be compatible with adjacent residential areas and sufficient to minimize adverse impacts of the commercial development. The Planning Commission shall review and approve the design and materials of buffering.  
(Ord. 05-11, passed 12-12-05)

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

#### **§ 154.245 PURPOSE AND INTENT.**

The purpose of the Light Industrial District (I-1) is to provide locations for warehouse, distribution, and service operations and those industrial uses that are primarily assembling or light fabricating operations where there is no outside storage or activity other than loading or unloading. The I-1 District is designed to upgrade industrial development standards, prevent industrial blight, and protect light industrial development from incompatible residential, commercial, or heavy industrial uses. This I-1 District may function as a buffer or transition between commercial and heavy industrial development and should be located near or adjacent to B-2 or B-3 Districts. The I-1 District shall be served by public sanitary sewer.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.246 USES.**

General use regulations are set forth in §§ 154.065 - 154.068, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.247 I-1 PROPERTY DEVELOPMENT STANDARDS.**

Development in the I-1 District shall comply with the property development standards set forth in this chapter. Sections 154.065 - 154.068 sets forth general use regulations for all zoning districts.

Lot area (minimum)	21,780 square feet
Lot width (minimum)	100 feet
Lot coverage (maximum)	90%
Setbacks and yards (minimum) Front yard setback Side yard setback Rear yard setback	50 feet 30 feet; two side yards required 30 feet
Building height (maximum)	Not applicable
Accessory structure Rear and side yard setbacks (minimum)	5 feet

(Ord. 05-11, passed 12-12-05)

#### **§ 154.248 SIGNAGE.**

All signage shall comply with the provisions of §§ 154.380 et seq.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.249 OFF-STREET PARKING AND LOADING/UNLOADING.**

All off-street parking and loading/unloading areas shall comply with the provisions of §§ 154.400 - 154.402.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.250 PERFORMANCE STANDARDS.**

(A) *Building enclosures.* Every use permitted in the I-1 District shall be operated in its entirety within a completely enclosed building. The Planning Commission may exempt uses from total enclosure and require an area screened from view at the nearest district boundary.

(B) *Landscaping.* All I-1 lots shall have a ten foot wide landscaping strip along all property lines abutting public streets, and all required yards shall be graded to ensure proper drainage and shall either be open landscaped and grassed areas or be left in a natural state, if acceptable to the Planning Commission. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, or other plantings, according to the initial submitted plans which were first approved. Landscaping shall not interfere with or block views of buildings or the identification of such buildings.

(C) *Buffering.* All I-1 development abutting a residential or business district or use shall be required to provide a buffer as deemed appropriate and approved by the Planning Commission in order to protect the residential area from unreasonable disturbance by movement of people or vehicles, light, noises, or views incompatible with residential areas. Buffering shall be a minimum of eight feet in height but not exceed ten feet in height.

(D) *Noise.* Industrial noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness.

(E) *Exterior lighting.* Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from adjoining zoning districts and shall minimize disturbance of adjacent properties and interference with traffic.

(F) *Internal circulation and ingress/egress.* Lots shall include sufficient internal circulation and ingress/egress to minimize traffic congestion. Ingress and egress shall have minimum 12 foot wide lanes and minimum radius of curve at the pavement edge of 36 feet.

(G) *Odorous matter.* No emission of odorous matter shall be allowed in excess of ambient air quality standards as set forth by the regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Bowling Green Air Quality Region.

(H) *Humidity, heat, or glare.* Any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at or beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.

(I) *Vibration.* Vibrations shall be measured at the lot line. No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour.

(J) *Emissions and open burning.* No emission of particulate matter, sulfur compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Bowling Green Air Quality Region.

(K) *Radiation.* All sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.

(L) *Electrical radiation.* Any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate mutual scheduling of operations is permitted.

(M) *Storage.* Storage of material, supplies, and products on the property outside the building constructed thereon is permitted to the side and rear of the property providing that storage of materials, products, supplies, and products are within an area screened from view at the nearest district boundary, adjacent properties, public streets, or highways.

(N) *Fire and explosive hazards.* Storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in an industrial district, provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. The bulk storage of flammable liquids or materials which produce flammable or explosive vapors or gases shall not be permitted in above-ground storage facilities, with the exception of fuel tanks or drums connected to heating devices or appliances located on the same lot as the fuel tanks and drums. Where a permitted use requires the storage of flammable liquids or materials that produce flammable or explosive vapors or gases, storage facilities shall have the following minimum setback from all boundary lines:

(1) *Liquid petroleum gases.*

<b><i>Underground storage capacity</i></b>	<b><i>Minimum setback</i></b>
Less than 500 gallons	10 ft
501 - 2,000 gallons	25 ft
Over 2,000 gallons	50 ft.

(2) *Flammable liquids.*

<b><i>Underground storage capacity</i></b>	<b><i>Minimum setback</i></b>
Less than 500 gallons	6 ft
501 -2,000 gallons	10 ft
2,001 - 5,000 gallons	20 ft
5,001 - 15,000 gallons	30 ft
15,001 - 20,000 gallons	40 ft
20,001 - 35,000 gallons	50 ft.

(3) *Explosives.*

<b><i>Capacity</i></b>	<b><i>Minimum setback</i></b>
Less than 5 pounds	70 ft
6 -10 pounds	90 ft
11 - 20 pounds	110 ft

21 - 25 pounds	125 ft
Greater than 25 pounds	Not permitted without prior approval from the Planning Commission

(O) *Waste.* No waste material or refuse shall be dumped upon or permitted to remain upon any part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit. All waste shall be disposed of in accordance with the regulations of the Kentucky Department of Natural Resources and Environmental Protection, Division of Waste Management.

(P) *Mining and reclamation.* All methods of operation, construction of roads, backfilling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department of the Natural Resources and Environmental Protection, Bureau of Surface Mining Reclamation and Environment (KRS 352). Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.

(Q) *Blasting and explosives.* All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (KRS 351).  
(Ord. 05-11, passed 12-12-05)

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

#### **§ 154.260 PURPOSE AND INTENT.**

The purpose of the Heavy Industrial District (I-2) is to provide appropriate locations for heavy industrial uses and other uses not otherwise permitted in other districts. A heavy industrial use is a use ordinarily requiring buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, and storage or disposal of equipment, raw materials, manufacturing products, or wastes. This district shall be adjacent to I-1 district and shall be served by public sanitary sewer.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.261 USES.**

General use regulations are set forth in §§ 154.065 - 154.068, and a listing of permitted, accessory, and conditional uses and structures in this district are set forth in the Use Table in Appendix A. Any

use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.

(Ord. 05-11, passed 12-12-05)

### **§ 154.262 I-2 PROPERTY DEVELOPMENT STANDARDS.**

Development in the I-2 District shall comply with the property development standards set forth in this chapter. Sections 154.065 - 154.068 set forth general use regulations for all zoning districts.

Lot area (minimum)	43,560 square feet (1 acre)
Lot width (minimum)	100 feet
Lot coverage (maximum)	90%
Setbacks and yards (minimum) Front yard setback Side yard setback Rear yard setback	50 feet 30 feet; two side yards required 30 feet
Building height (maximum)	Not applicable
Accessory structure rear and side yard setbacks (minimum)	5 feet

(Ord. 05-11, passed 12-12-05)

### **§ 154.263 SIGNAGE.**

All signage shall comply with the provisions of §§ 154.380 et seq.

(Ord. 05-11, passed 12-12-05)

### **§ 154.264 OFF-STREET PARKING AND LOADING/UNLOADING.**

All off-street parking and loading/unloading areas shall comply with the provisions of §§ 154.400 - 154.402.

(Ord. 05-11, passed 12-12-05)

**§ 154.265 PERFORMANCE STANDARDS.**

(A) *Building enclosures.* Every use permitted in the I-2 District shall be operated in its entirety within a completely enclosed building. The Planning Commission may exempt uses from total enclosure and require an area screened from view at the nearest district boundary.

(B) *Landscaping.* All I-2 lots shall have a ten foot wide landscaping strip along all property lines abutting public streets, and all required yards shall be graded to ensure proper drainage and shall either be open landscaped and grassed areas or be left in a natural state, if acceptable to the Planning Commission. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, or other plantings, according to the initial submitted plans which were first approved. Landscaping shall not interfere with or block views of buildings or the identification of such buildings. The Planning Commission shall approve all landscaping plans.

(C) *Buffering.* All I-2 development abutting a residential or business district or use shall be required to provide a buffer in order to protect the residential area from unreasonable disturbance by movement of people or vehicles, light, noises, or views incompatible with residential areas. Principal and accessory buildings and structures shall have a minimum setback of 80 feet from any adjacent residential or business district or use, and buffering shall be a minimum of eight feet in height but not exceed ten feet in height. The Planning Commission shall approve all buffering plans.

(D) *Noise.* Industrial noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness.

(E) *Exterior lighting.* Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from adjoining zoning districts and shall minimize disturbance of adjacent properties and interference with traffic.

(F) *Internal circulation and ingress/egress.* Lots shall include sufficient internal circulation and ingress/egress to minimize traffic congestion. Ingress and egress shall have minimum 12 foot wide lanes and minimum radius of curve at the pavement edge of 36 feet.

(G) *Odorous matter.* No emission of odorous matter shall be allowed in excess of ambient air quality standards as set forth by the regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Bowling Green Air Quality Region.

(H) *Humidity, heat, or glare.* Any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at or beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.

(I) *Vibration.* Vibrations shall be measured at the lot line. No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour.

(J) *Emissions and open burning.* No emission of particulate matter, sulfur compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Bowling Green Air Quality Region.

(K) *Radiation.* All sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.

(L) *Electrical radiation.* Any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate mutual scheduling of operations is permitted.

(M) *Storage.* Storage of material, supplies, and products on the property outside the building constructed thereon is permitted to the side and rear of the property providing that storage of materials, products, supplies, and products are within an area screened from view at the nearest district boundary, adjacent properties, public streets, or highways.

(N) *Fire and explosive hazards.* Storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in an industrial district, provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. The bulk storage of flammable liquids or materials which produce flammable or explosive vapors or gases shall not be permitted in above-ground storage facilities, with the exception of fuel tanks or drums connected to heating devices or appliances located on the same lot as the fuel tanks and drums. Where a permitted use requires the storage of flammable liquids or materials that produce flammable or explosive vapors or gases, storage facilities shall have the following minimum setback from all boundary lines:

(1) *Liquid petroleum gases.*

<i>Underground storage capacity</i>	<i>Minimum setback</i>
Less than 500 gallons	10 feet
501 - 2,000 gallons	25 feet
Over 2,000 gallons	50 feet

(2) *Flammable liquids.*

<i>Underground storage capacity</i>	<i>Minimum setback</i>
Less than 500 gallons	6 feet
501 - 2,000 gallons	10 feet



<b><i>Underground storage capacity</i></b>	<b><i>Minimum setback</i></b>
2,001 - 5,000 gallons	20 feet
5,001 - 15,000 gallons	30 feet
15,001 - 20,000 gallons	40 feet
20,001 - 35,000 gallons	50 feet

(3) *Explosives.*

<b><i>Capacity</i></b>	<b><i>Minimum setback</i></b>
Less than 5 pounds	70 ft
6 -10 pounds	90 ft
11 - 20 pounds	110ft
21 - 25 pounds	125 ft
Greater than 25 pounds	Not permitted without prior approval from the Planning Commission

(O) *Waste.* No waste material or refuse shall be dumped upon or permitted to remain upon any part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit. All waste shall be disposed of in accordance with the regulations of the Kentucky Department of Natural Resources and Environmental Protection, Division of Waste Management.

(P) *Mining and reclamation.* All methods of operation, construction of roads, backfilling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department of the Natural Resources and Environmental Protection, Bureau of Surface Mining Reclamation and Environment (KRS 352). Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.

(Q) *Blasting and Explosives.* All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (KRS 351).  
(Ord. 05-11, passed 12-12-05)

***PUBLIC DISTRICT (P)*****§ 154.275 PURPOSE AND INTENT.**

The purpose of the Public District is to provide areas for public and public-related uses in appropriate locations to accommodate the needs of the community. Public District includes areas with flooding tendencies, drainage problems, sinkholes or similar problems; or public property, such as schools, parks, and cemeteries.

(Ord. 05-11, passed 12-12-05)

**§ 154.276 USES.**

General use regulations are set forth in §§ 154.065 - 154.068, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.

(Ord. 05-11, passed 12-12-05)

**§ 154.277 P PROPERTY DEVELOPMENT STANDARDS.**

Development in the P District shall comply with the property development standards set forth in this chapter. Sections 154.065 - 154.068 set forth general use regulations for all zoning districts.

Lot area (minimum)	7,500 square feet
Lot width (minimum)	50 feet
Lot coverage (maximum)	50%
Setbacks and yards (minimum)	
Front yard setback	25 feet
Side yard setback	8 feet; two side yards required
Rear yard setback	25 feet
Building height (maximum)	45 feet
Accessory structure	
Rear and side yard setbacks (minimum)	5 feet

(Ord. 05-11, passed 12-12-05)

**§ 154.278 SIGNAGE.**

All signage shall comply with the provisions of §§ 154.380 et seq.  
(Ord. 05-11, passed 12-12-05)

**§ 154.279 OFF-STREET PARKING AND LOADING/UNLOADING.**

All off-street parking and loading/unloading areas shall comply with the provisions of §§ 154.400 - 154.402.  
(Ord. 05-11, passed 12-12-05)

***PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)***

**§ 154.290 PURPOSE AND INTENT.**

The city shall promote progressive development of land and construction thereon by encouraging planned unit developments to achieve the following purposes:

(A) A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements;

(B) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;

(C) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation and prevents the disruption of natural drainage patterns;

(D) A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and,

(E) A development pattern in harmony with land use, density, transportation facilities, and community facilities of the Comprehensive Plan.  
(Ord. 05-11, passed 12-12-05)

**§ 154.291 APPLICABILITY.**

The Planned Unit Development is an alternative to the traditional zoning and because of the special characteristics of these developments; special provisions governing the development of land for this

purpose are required. Whenever there is a conflict or difference between provisions of this subchapter and other sections of the Zoning Ordinance, the provisions of this section shall prevail for the development of land for Planned Unit Developments. As necessary, Planned Unit Developments shall also comply with all applicable requirements of the Kentucky Horizontal Property Law (KRS 381.805 et seq.).

(Ord. 05-11, passed 12-12-05)

## **§ 154.292 STANDARDS.**

### *(A) Minimum PUD acreage.*

(1) *Residential development.* Planned Unit Developments exclusively for residential development shall have a minimum of one acre.

(2) *Mixed use development.* Planned Unit Developments for mixed commercial and residential uses shall have a minimum of five acres.

### *(B) Permitted uses.*

(1) Permitted uses in a Planned Unit Development shall conform to the permitted uses of the zoning district in which it is located.

(2) Planned unit developments which include mixed residential and commercial uses may be permitted in B-2 and B-3 districts if the following provisions are met:

(a) The PUD must contain at least five gross acres;

(b) The commercial area shall be located on a continuous public arterial street;

(c) The total land area for the commercial use shall not exceed 8% of the gross land area within the Planned Unit Development;

(d) The commercial area shall be compatible with the overall design of the Planned Unit Development, provide primarily for the needs of the residents of the development, and visually harmonize with the residential areas within the development;

(e) No building permits may be issued for structures designated for commercial use until occupancy permits have been issued for at least 50% of the total residential dwelling units contained within the Planned Unit Development.

### *(C) Accessory uses.* The following accessory uses shall be provided for in the PUD District:

(1) Private garages, storage sheds, and parking areas;

(2) Swimming pools, tennis courts, clubhouses, and other private or common use open space and recreational areas; and

(3) Other uses and structures which are customarily accessory, clearly incidental and subordinate to the permitted uses.

(D) *Conditional uses.* Conditional uses are not permitted in the PUD District.

(E) *Special design conditions.* The Planning Commission shall attach special design conditions to insure that the Planned Unit Development does not depart from the intent of this chapter and the Subdivision Regulations. Although Planned Unit Developments may be permitted to depart from the literal conformance with the individual lot dimensions and area regulations, the development shall not diminish the total equivalent lot area, parking area, and loading/unloading area requirements necessary for the equivalent individual lot development. The Planning Commission may allow reductions in individual lot dimensions and area requirements; however, the developer shall provide evidence that the efficiencies of large-scale development may permit reductions without destroying the intent of the Zoning Ordinance and Subdivision Regulations.

(F) *Phased development.* A PUD designation may be developed in phases. The Planning Commission must approve the overall PUD plan, and individual phases must comply with the overall approved plan.

(G) *Development ownership.* The Planned Unit Development may be owned, leased, or controlled either by a single person or corporation or by a group of individuals or corporations. Such ownership may be a public or private corporation. The PUD shall not have separate ownership of individual parcels different than the ownership of the entire project, except in exclusively residential developments.

(H) *Common space ownership.* The required common space land reserved under the PUD shall either be held in corporate ownership by the owners of the project area for the use of each owner who buys property within the PUD or be dedicated to the city and retained as common open space for parks, recreation, and related uses. All land dedicated to the city must meet the Planning Commission's area and dimensional requirements. Public utility and other similar easements and rights-of-way for waterways and other similar channels are not acceptable for common open space dedication to the city unless such right-of-way or land is usable as a trail or other similar purpose and approved by the Planning Commission. Before approval of the final PUD, the developer shall specify the responsibility for maintenance of all open space.

(I) *Utilities.* Underground utilities, including telephone, electric, and cable, may be required within the limits of all PUDs. Appurtenances to these systems that can be effectively screened may be exempted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed PUD.

(Ord. 05-11, passed 12-12-05)

**§ 154.293 DESIGNATION PROCEDURES.**

(A) *Subdivision plat requirements.* Planned Unit Developments shall be reviewed in accordance to the Major Subdivision application procedure and approval process and all other provisions of the Subdivision Regulations and Zoning Ordinance. A zoning map amendment for Planned Unit Development overlay designation shall only be considered after the conditional approval of the preliminary plat.

(B) *Zoning map amendment requirements.* Upon conditional approval of the Planned Unit Development preliminary plat, a Planned Unit Development District designation shall be considered. The policies and procedures for zoning map amendments set forth in §§ 154.400 - 154.402 shall be required for Planned Unit Development overlay designations. The zoning map amendment for PUD designation shall be accompanied by any proposed restrictive covenants or homeowners' association documents and development plan.

(C) *PUD development plan requirements.* As a condition to the granting of any Planned Unit Development District overlay district designation, the Planning Commission shall require the submission of a development plan. Where agreed upon, this Development Plan shall be followed and shall be binding on all parties. The Development Plan shall be filed in accordance with the provisions and requirements of §§ 154.400 - 154.402 and shall also the following:

(1) The PUD shall provide a road system that will be adequate to serve both the residents of the PUD and surrounding residents. The design shall provide for the continuation of existing or dedicated streets on adjoining or nearby tracts and provide for connection to adjoining unsubdivided tracts, especially those that would otherwise be landlocked. Collector streets as designated in the Comprehensive Plan shall be extended as shown therein. The developer may petition the Lebanon City Council for acceptance of the maintenance of any PUD street.

(2) The PUD shall have a harmonious relationship with surrounding land uses. Certain uses may be limited to specified locations within the PUD district or other restrictions or requirements may be made as necessary.

(3) The PUD design shall provide for adequate light for each dwelling unit during all seasons of the year. The Planning Commission or City Council may require a winter shadow plan to be submitted prior to making a recommendation or decision on the PUD designation. Usable open space shall be distributed throughout the site so that open space is readily available to each unit. Dwelling units shall be arranged in relationship to each other in the terrain so that adequate ventilation is provided to each unit.

(4) The Development Plan shall provide for the proper maintenance of common open space and other common ownership of facilities. Homeowners associations shall be generally required. The restrictive covenants creating homeowners associations shall provide for the equitable sharing of responsibility for maintenance among property owners and shall provide for means of exacting annual assessments from owners to ensure that funds for maintenance will be available. Proposed covenants, prepared by a licensed attorney in the Commonwealth, shall be reviewed by the Planning Commission

attorney as to their form and content with no assumption of liability on the part of the city. Such covenants shall also be filed with the PUD plan and shall be recorded prior to or in conjunction with the recording of the subdivision record plats.

(D) *Final plat approval and building permit issuance.* The developer shall file a final subdivision plat for all Planned Unit Developments, and upon certification of the Development Plan and Final Subdivision Plat, the city will issue building permits in accordance with the Development Plan. (Ord. 05-11, passed 12-12-05)

### ***RESIDENTIAL CLUSTER DEVELOPMENT (RCD) OVERLAY DISTRICT***

#### **§ 154.305 PURPOSE AND INTENT.**

The purposes and intent of the Residential Cluster Development (RCD) Overlay District are:

(A) Provide a means whereby clusters of attached and detached single-family residential units may be constructed in the R-1 District;

(B) Provide a wide flexibility in the design, location, site of the building, and yard and setback requirements in order to provide for, to the greatest extent possible, the preservation of unique geographic and topographic features; and,

(C) Provide for more usable and suitably located recreation facilities and open space than would otherwise be provided under conventional R-1 residential development procedures and requirements. (Ord. 05-11, passed 12-12-05)

#### **§ 154.306 GENERAL.**

A Residential Cluster Development (RCD) Overlay District may only be permitted to be superimposed over the R-1 District, provided that all conditions or provisions of this subchapter of the Zoning Ordinance, the applicable requirements of the Subdivision Regulations, and any additional requirements, as may be determined necessary to provide for the most efficient layout of the RCD and its proper integration with the surrounding development, are met; and a public hearing is held on the RCD application.

(Ord. 05-11, passed 12-12-05)

**§ 154.307 APPLICATION AND PROCESSING.**

RCD applications shall be processed in two phases:

(A) *Phase I: Zoning Map Amendment and Development Plan.* The first phase of a RCD Overlay District designation is the application and approval process for zoning map amendments and development plans. The policies and procedures for zoning map amendments set forth in §§ 154.415 - 154.417 of this Zoning Ordinance shall be required for RCD Overlay District designations. The Zoning Map Amendment application shall be accompanied by a Phase I Development Plan and any proposed restrictive covenants or homeowners' association documents. The Phase I Development Plan shall include written and/or graphic material and plans of the subject property, drawn to scale not smaller than one inch equaling 100 feet and showing the following:

- (1) The total area in the project;
- (2) The present zoning of the subject property and all adjacent properties;
- (3) All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned;
- (4) Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed five feet;
- (5) Delineation of all existing and proposed residential areas in the project with a statement indicating net density of the total project:
  - (a) *Detached housing.* Location and approximate number of lots, including typical section(s) identifying approximate lot sizes and dimensions, and setback and height of buildings;
  - (b) *Attached housing.* Location and description of the various housing types (i.e. townhouse, fourplex, garden apartment, etc.) including approximate heights of typical structures, and the approximate number of units by housing type;
- (6) Delineation of all existing and proposed nonresidential uses in the project:
  - (a) *Commercial uses.* Location and type of all uses including approximate number of acres, gross floor area and heights of buildings;
  - (b) *Open space/recreation.* The approximate amount of area proposed for common open space, including the location of recreational facilities, and identification of unique natural features to be retained;
  - (c) *Other public and semi-public uses.* Location and type of all uses, including approximate number of acreage, and height of buildings;



- (7) Location of proposed pedestrian walkways, identifying approximate dimensions;
- (8) Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades;
- (9) Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service.
- (10) Certification from appropriate water and sewer agencies that services will be available.
- (11) Identification of the soil types and geological formations on the subject property, indicating anticipated problems and proposed methods of handling said problems.
- (12) Other information that may be determined necessary for description and/or to insure proper integration of the proposed project in the area.

Where agreed upon, this Development Plan shall be followed and shall be binding on all parties. Upon approval, the official zoning map shall be amended by adding the suffix “RCD” to the existing residential zone (e.g., R-1-RCD) for the area shown on the approved plan.

(B) *Phase 2: Improvements Plan and Subdivision Plat.* The second phase involves the review of RCD Overlay Districts in accordance with the Major Subdivision application procedure and approval process. An Improvements Plan and Major Subdivision Plat shall be developed in conformance with the Phase I Development Plan. The Improvements Plan and Major Subdivision Plat shall be prepared, filed, and approved in accordance with §§ 153.30 through 153.35 of the Lebanon Subdivision Regulations. In addition to the requirements in Subdivision Regulations, the Improvements Plan shall also include the following information:

- (1) All housing units on the subject property:
  - (a) *Detached housing.* Location, arrangement, and number of all lots, including lot dimensions and setbacks, and maximum height of buildings, and
  - (b) *Attached housing.* Location, height, and arrangement of all buildings, indicating the number of units in each building, and, where applicable, location, arrangement, and dimensions of all lots.
- (2) Location, height, arrangement, and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions;
- (3) Location and arrangement of all common open space areas, and recreational facilities, including lot dimensions. Methods of ownership and operation and maintenance of such lands shall be identified;

- (4) Landscaping features, including identification of planting areas and the location, type, and height of walls and fences;
- (5) Location of signs indicating their orientation and size and height;
- (6) All utility lines and easements:
  - (a) Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
  - (b) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
  - (c) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property;
  - (d) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements;
- (7) Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking and loading and/or unloading spaces;
- (8) Circulation system, including the following:
  - (a) Pedestrian walkways, including alignment, grades, type of surfacing, and width;
  - (b) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections;
- (9) A schedule of development, including the staging and phasing of:
  - (a) Residential area, in order of priority, by type of dwelling unit;
  - (b) Streets, utilities, and other public facility improvements, in order of priority;
  - (c) Dedication of land to public use or set aside for common ownership; and
  - (d) Non-residential buildings and uses, in order of priority.

(C) Upon approval of the Improvements Plan and Final Plat approval, the plat shall be recorded and building permits may be issued in accordance with all Phase 1 and Phase 2 plans and plats.  
(Ord. 05-11, passed 12-12-05)

**§ 154.308 RESIDENTIAL USES AND DENSITIES.**

Attached and detached single-family dwellings may be permitted within a RCD Overlay District. The density of dwelling units in a RCD shall be determined by the density as calculated from the existing residential zoning district superimposed by the RCD Overlay District. This density shall be applied to the total project area, excluding the land developed for commercial uses and public and private streets.  
(Ord. 05-11, passed 12-12-05)

**§ 154.309 PUBLIC AND SEMI-PUBLIC USES.**

Public and semi-public structures and uses may be permitted in the RCD. These uses shall be delineated on the development plan and shall be limited to the following uses:

- (A) Church;
- (B) Community center, including day care facility;
- (C) Country club;
- (D) Fire or police station;
- (E) Library;
- (F) Open space/recreation area; and

(G) Nursery, elementary, and secondary school;  
(Ord. 05-11, passed 12-12-05)

**§ 154.310 AREA REQUIREMENTS.**

No RCD Overlay District shall be permitted on less than four acres of land. However, development of a smaller tract adjacent to an existing PUD Overlay District may be permitted if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.  
(Ord. 05-11, passed 12-12-05)

**§ 154.311 HEIGHT, YARD, AND SETBACK REQUIREMENTS.**

Requirements shall be as approved in the development plan.  
(Ord. 05-11, passed 12-12-05)

**§ 154.312 OFF-STREET PARKING AND LOADING AND/OR UNLOADING AREA.**

Off-street parking and, when applicable, loading and/or unloading areas shall be provided in accordance with §§ 154.400 - 154.402.  
(Ord. 05-11, passed 12-12-05)

**§ 154.313 FENCES, WALLS, AND SIGNS.**

The location, height, and type of all fences, walls, and signs shall be shown on and approved in the development plan.  
(Ord. 05-11, passed 12-12-05)

**§ 154.314 COMMON OPEN SPACE/RECREATION AREAS.**

At least 20% of the total acreage of the proposed RCD shall be retained as common open space/recreation area and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the RCD. Common open space/recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreation-oriented facilities.  
(Ord. 05-11, passed 12-12-05)

**§ 154.315 UTILITIES.**

All utilities must be underground in any new RCD.  
(Ord. 05-11, passed 12-12-05)

**§ 154.316 AMENDMENTS.**

Any amendments to plans shall be made in accordance with the procedure required by this chapter and any minor amendments may be approved by the Lebanon City Council without a hearing as provided herein and any major changes shall be heard by the Lebanon City Council at a public hearing after due notice.  
(Ord. 05-11, passed 12-12-05)

**§ 154.317 EXPIRATION.**

Any amendment to the RCD Overlay District shall be subject to the time constraints, as noted below. Upon expiration of said time period, and any extensions thereto, the Lebanon City Council may initiate a request for a public hearing by the Lebanon Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said RCD Overlay District should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:

(A) A particular section of the original Phase I Development Plan has not had Phase II approval by Lebanon City Council within 24 consecutive months from the date of the approval of the Phase I approved plan for that particular section, provided an extension may be permitted by the Lebanon City Council, or its duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Phase I approved plan obsolete.

(B) Substantial construction has not been initiated within a period of 12 consecutive months from the date of approval of the Phase II plan by the Lebanon City Council of a particular section; provided that an extension may be permitted upon approval of the Lebanon City Council, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Phase I approved plan obsolete. The amount of construction constituting initiating substantial completion shall be as approved in the Phase II approved plan.

(Ord. 05-11, passed 12-12-05)

***HISTORIC OVERLAY DISTRICT (H)***

**§ 154.330 PURPOSE AND INTENT.**

The purpose and intent of the Historic Overlay District is to:

(A) Accomplish the preservation, protection, and use of historic districts and landmarks having a special character or special historic, architectural, aesthetic, or cultural interest and value to the city, Marion County, Kentucky, and United States;

(B) Promote the educational, cultural, economic, and general welfare of the people and protect the city's history and heritage as reflected in such districts and landmarks;

(C) Stabilize and improve property values in such districts and in the city as a whole;

(D) Foster civic pride in the value of notable accomplishments of the past including the construction of outstanding buildings and creative of livable neighborhoods;

(E) Strengthen the economy of the city by encouraging the appropriate use of its historic buildings;

(F) Provide a review process to help the preservation and the use of historic buildings;

(G) Protect and enhance the city's attractions to residents, tourists, and visitors and serve as a support and stimulus to business;

(H) Enhance the visual and aesthetic character, diversity and interest of the city;

(I) Identify as early as possible and resolve conflicts between the preservation of historic property and alternative use of the land;

(J) Integrate the preservation and rehabilitation of historic property into public and private land use management, planning, and development;

(K) Encourage neighborhood conservation activities and compatible new development that will strengthen the historic districts; and;

(L) Encourage public participation in identifying and preserving the city's landmarks and historic districts.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.331 LEBANON HISTORIC PRESERVATION BOARD.**

The general duties and responsibilities, membership, terms of office, and other organizational structure and processes of the Lebanon Historic Preservation Board are set forth in §§ 154.035 - 154.039 and its adopted bylaws.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.332 NATIONAL REGISTER OF HISTORIC PLACES NOMINATIONS.**

(A) *Initiation of nominations.* To participate in the Certified Local Government program, the city of Lebanon shall initiate all local nominations to the National Register of Historic Places and shall request the Historic Preservation Board and City Council to submit recommendations on each proposed nomination to the National Register. The Board and City Council shall obtain comments from the public that shall be included in their National Register recommendations.

(B) *Recommendations from the city.* Within 60 days of the receipt of a nomination from a private individual or the initiation of a nomination by the city, the city shall inform the Kentucky Heritage Council and owner of the property of the two recommendations regarding the eligibility of the property. If the Board and City Council do not agree, then both opinions shall be forwarded in the city's report. If both the Board and City Council recommend that a property not be nominated, the Kentucky Heritage

Council shall inform the property owner and the Kentucky Historic Preservation Review Board and the property will not be nominated unless an appeal is filed with the State Historic Preservation Officer.

(C) *Review of nominations.* If the Board and City Council agree that a property should be nominated or if either agrees that a property should be nominated, the nomination will receive a preliminary review by the Kentucky Historic Preservation Review Board. The Review Board shall make a recommendation to the State Historic Preservation Officer who then decides whether to forward the nomination to the U.S. Secretary of the Interior who shall make the decision on listing the property on the National Register.

(D) *Appeal.* The Board, City Council, or property owner may appeal the final decision by the State Historic Preservation Officer.  
(Ord. 05-11, passed 12-12-05)

### **§ 154.333 DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS.**

The procedures for the designation of landmarks and historic districts in the city shall be set forth as follows:

(A) *Initiation of designations.* The Board may study a property or an area in order to make a recommendation whether it qualifies for designation as a landmark or a historic district. The City Council, property owner, individual, or neighborhood organization may also request the Board to make such a study and recommendation. The Board shall hold at least one public hearing after proper notice is given. The designation shall be adopted by the City Council.

(B) *Adoption of design guidelines.* At least 30 days before the public hearing for the designation of landmarks or historic districts, the Board shall develop and adopt general design guidelines that will apply to the landmarks and historic districts and will assist owners in the preservation and rehabilitation of their property. The general design guidelines shall include the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and may include other guidelines that will apply to all designated property in the city. In its guidelines and in its decisions, the Board shall not limit the new construction to any one architectural style but shall seek to preserve the character and integrity of the landmark or the historic district. The Board shall adopt the original guidelines and shall expand or amend the design guidelines upon holding a public hearing on the changes and submitting its recommendations to the Planning Commission and City Council for their comments. The Board may adopt specific design guidelines for individual landmarks, historic districts, or individual property within a historic district.

(C) *Public notice.* The Board shall give notice of the public hearing in accordance with the provisions of KRS Chapters 100 and 424 and as set forth in this chapter:

(1) *Published notice.* The Board shall publish a notice in a newspaper of general circulation in the city at least seven and no more than 21 days before the public hearing in accordance with KRS Chapter 424.

(2) *Mailed notice.* Notice of the required public hearing shall be sent by first class mail to owners of property under consideration of designation and owners of adjacent property to the subject land at least 14 days prior to the public hearing. The Board shall utilize the records of the Marion County Property Valuation Administrator for names and mailing address of property owners of the subject and adjacent properties.

(3) *Posted notice.* The Board shall post a notice of the public hearing conspicuously on the property for 14 consecutive days immediately prior to the hearing and as set forth in KRS Chapter 100.

(D) *Public hearing and recommendation.*

(1) *Public hearing.* The Board shall hold at least one public hearing and make findings of fact and a recommendation of approval or disapproval of the landmark or historic district designation. The Board must find that designation meets one or more of the following criteria that shall be recorded in the Board's minutes, records, and report and recommendations to the Lebanon Planning Commission and City Council:

- (a) Its value as a reminder of the cultural or archaeological heritage of the city, state, or nation;
- (b) Its location as a site of a significant local, state, or national event;
- (c) Its identification with a person or persons who significantly contributed to the development of the city, state, or nation;
- (d) Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state, or nation;
- (e) Its value as a building or buildings that are recognized for the quality of their architecture and that retain sufficient elements showing their architectural significance;
- (f) Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;
- (g) Its character as a geographically definable area possessing a significant concentration of buildings, structures, or sites united by past events or aesthetically by plan or physical development;
- (h) Its character as an established and geographically definable residential neighborhood, united by culture, architectural styles or physical plan and development.

(2) *Findings of fact and recommendation.* The Board shall forward its findings of fact and recommendations in a written report, including a summary of the evidence and testimony presented by the proponents and opponents of the proposed designation, to the Lebanon Planning Commission and City Council.



(E) *Planning Commission action.* Upon receipt of the written report, findings of fact, and recommendations of the Board, the Lebanon Planning Commission shall hold a public hearing on the proposed zoning overlay designation in accordance with the requirements of a zoning map amendment as set forth in §§ 154.415 - 154.417. The Planning Commission shall forward its findings of fact, comments on Comprehensive Plan and zoning map amendments, and recommendations on the proposed historic zoning overlay district (H) to the City Council.

(F) *Legislative body action.* The City Council shall approve, modify, or disapprove the proposed designation within 60 days upon receipt of the Planning Commission's findings of fact and recommendations. If the City Council approves the designation without amendment to the Comprehensive Plan or zoning map, or if the City Council modifies the proposed designation, the City Council shall request the Planning Commission to consider an amendment of the Comprehensive Plan and/or the zoning map or reconsider its earlier recommendations and actions.

(G) *Land use certification recordation.* The Planning Commission secretary shall file a land use certificate in the Marion County Court Clerk's office for all designations within 30 days of the date upon which the legislative body takes final action. The land use certificate shall be completed and recorded in conformance with KRS Chapter 100.

(H) *Notification.* Upon full designation of a landmark or historic district, the Board shall notify each owner and any and all governmental entities of the designation of a historic overlay zoning district.

(I) *Amendment or rescission of designation.* The amendment or rescission of any designation shall be accomplished through the same processes and procedures of the original designation. (Ord. 05-11, passed 12-12-05)

#### **§ 154.334 CERTIFICATES OF APPROPRIATENESS (COAS).**

(A) *Certificate of appropriateness required.* A Certificate of Appropriateness from the Board shall be required before a person or entity may undertake the following actions affecting a landmark or property in a historic district. A Certificate of Appropriateness shall be required even when the proposed work does not require a building permit. The Board shall hold one public hearing on the Certificate of Appropriateness application for any of the following activities:

- (1) Alterations of the exterior part of a building or structure that is visible to the public from a public street;
- (2) New construction;
- (3) Demolition; or
- (4) Relocation.

(B) *Exception.* Routine repairs and maintenance as defined in this chapter and in the design guidelines shall not require the issuance of a Certificate of Appropriateness provided that the routine repairs and maintenance does not change the exterior of the designated property that is visible to the public. The Board's Administrative Official shall review any and all routine repairs and maintenance to ensure compliance with this Section and the design guidelines.

(C) *Pre-application conference.* Prior to filing an application for a Certificate of Appropriateness, the applicant may meet with the Board's Administrative Official to discuss the proposed plans, requirements, procedures, and issues related to the proposed Certificate of Appropriateness. This pre-application conference is intended to alleviate potential problems and conflicts by recognition and consideration of existing conditions, design guidelines and other recommendations, and other issues related to the proposed work. The pre-application conference should be held no less than five working days and not more than three months prior to the filing of a Certificate of Appropriateness application.

(D) *Certificate of appropriateness application.* An application for a Certificate of Appropriateness shall be filed with the Board at least 21 days prior to the Board's scheduled meeting. The Board may request additional information from the applicant, and the Board shall not consider an application as complete until all required and requested materials, information, and documentation has been submitted. A COA application shall include the following information and documentation:

- (1) Application signed by an owner or the owner's agent;
- (2) Drawings and specifications of the proposed work;
- (3) Photographs of the existing building, structure, or site and of adjacent properties;
- (4) Listing of adjoining property owners obtained from Marion County Property Valuation Administrator's records, including name(s), mailing address, PVA number, and property street address;
- (5) An estimate of the cost of the proposed alteration, demolition, relocation, or new construction;
- (6) For demolition applications, report of a licensed structural engineer or architect with experience in rehabilitation about the building's structural condition and suitability for rehabilitation;
- (7) For demolition applications, estimated market value of the property both in its current condition and after completion of proposed demolition prepared and/or presented by a qualified appraiser;
- (8) For demolition applications, a report from a developer or other real estate professional experienced in rehabilitation as to the economic feasibility of placing the building to a new use;
- (9) For demolition applications, any listing of the property for sale or rent and any offers received during the previous two years;

(10) For demolition applications, the annual gross and net income from the property for the previous two years;

(11) For demolition applications, information on the new building to be constructed on the site, including construction start date and evidence of project completion;

(12) Any and all additional information, materials, and documentation requested by the Board; and

(13) *Non-refundable fee.* For Certificate of Appropriateness applications originated by the Planning Commission, city, or other governmental agency or entity, the filing fee shall be waived.

(E) *Stop Work Order; injunction.* In the event work is being performed without a Certificate of Appropriateness, the city shall issue a Stop Work Order. All work shall cease on the designated property, and no additional work shall be undertaken as long as the Order shall continue in effect. The Board or its representative shall meet with the owner or tenant to resolve the problem. The City Attorney may seek an injunction in Circuit Court and any other appropriate relief in order that the intent of this chapter be carried out.

(F) *Public notice.* The Board shall give notice of the public hearing in accordance with the provisions of KRS Chapters 100 and 424 and as set forth in this chapter:

(1) *Published notice.* The Board shall publish a notice in a newspaper of general circulation in the City of Lebanon at least seven and no more than 21 days before the public hearing in accordance with KRS Chapter 424.

(2) *Mailed notice.* Notice of the required public hearing shall be sent by first class mail to the applicant and owners of adjacent property to the subject land at least 14 days prior to the public hearing. The Board shall utilize the records of the Marion County Property Valuation Administrator for names and mailing address of property owners of the subject and adjacent properties.

(3) *Posted notice.* The Board shall post a notice of the public hearing conspicuously on the property for 14 consecutive days immediately prior to the hearing and as set forth in KRS Chapter 100.

(G) *Public hearing and board recommendation.* The Board shall hold at least one public hearing within 30 days upon the receipt of a complete application by the Board.

(H) *Board action.* The Board shall make a decision on the Certificate of Appropriateness application within 45 days after receipt of a complete application. When the application is for demolition or new construction, the Board may extend the time for its decision for an additional 60 days. The Board shall approve, approve with modifications, or disapprove each application, and it shall make findings based on the following criteria and design guidelines. When the Board approves an application with modifications, the Board's findings of fact shall set forth the modifications accepted by the applicant. The Board's decision shall not relieve the applicant from complying with the requirements of other local,

state, and federal laws, rules, and regulations. If the Commission fails to decide upon an application within the specified time period, the application shall be deemed approved as submitted.

(1) *Alterations.* When an applicant requests a Certificate of Appropriateness for exterior alterations of a designated property visible to the public from a public right-of-way, the Board shall consider the existing conditions, design guidelines and other recommendations, and other issues related to the proposed work and shall make findings based on the design guidelines.

(2) *Demolition.* When an applicant requests a Certificate of Appropriateness for the demolition of a designated property, the Board shall negotiate with the applicant alternatives to demolition. When an applicant requests approval of demolition based on economic hardship, the Board shall consider whether the property can be placed into a reasonable beneficial use without the approval of the application and in the case of an income-producing building, whether a reasonable return can be realized from the building. The Board may approve demolition applications if a designated building or structure does not have architectural or historical significance and value. In cases of economic hardship, the Board may approve applications if the applicant has not proved economic hardship or lack of reasonable return.

(3) *Relocation.* When an applicant proposes to relocate a designated building or structure or when an applicant proposes to relocate a building or structure to a lot containing a landmark or to a lot within a designated historic district, the Board shall consider the following in deciding upon an application: the contribution of the building or structure to its present setting, the definite plans for the proposed vacated site, evidence of effects of relocation on the physical integrity of the designated building or structure, and compatibility of the building or structure to its site and adjacent properties.

(4) *Archaeological sites.* Applications involving designated archaeological sites shall be reviewed through the same procedures and processes as other Certificate of Appropriateness applications considered by the Board. When an unidentified archaeological site is discovered during construction, the owner and builder shall stop work and immediately notify the Board and seek assistance of a qualified archaeologist to evaluate the significance of the archaeological finding. If the Board and archaeologist agree that no adverse effect on the archaeological site will occur, the project may proceed immediately. If the Board and archaeologist determine that an adverse effect will occur, the Board shall meet with the owner and builder to develop methods to avoid, reduce, or mitigate the effects on the site while balancing the needs of the owner and protection of the archaeological site.

(I) *Land use certification recordation.* The Board's secretary shall file a land use certificate in the Marion County Court Clerk's office for all Certificates of Appropriateness within 30 days of the date upon which the Board takes final action. The land use certificate shall be completed and recorded in conformance with KRS Chapter 100.

(J) *Length of validity of certificate of appropriateness.* A Certificate of Appropriateness shall remain valid for one year after it is issued. Work shall start before the end of the one year period. If the approved work is not completed within one year after the issuance of a Certificate of Appropriateness, the Board shall review the situation and require a new application for the work to be submitted.

(K) *Appeal.* An applicant may appeal the decision of the Board to the Circuit Court.

(L) *Conformity with certificate of appropriateness.* All work performed pursuant to a Certificate of Appropriateness shall conform to any and all provisions of such Certificate. It shall be the responsibility of the Board or its Administrative Official or authorized representative to inspect from time to time any work being performed to assure such compliance. If work is being performed and is not in compliance with the Certificate of Appropriateness, the city shall issue a Stop Work Order. All work shall cease on the designated property. No additional work shall be undertaken as long as the Stop Work Order remains in effect. The Board or its representative shall meet with the owner or tenant to resolve the problem. The City Attorney may seek an injunction in Circuit Court and any other appropriate relief in Circuit Court in order to carry out the intent of this chapter.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.335 EMERGENCY CONDITIONS AND DEMOLITION BY NEGLECT.**

Every owner or person in charge of a designated landmark or property within a designated historic district shall maintain all exterior and interior portions of such building or structure to minimize deterioration, damage, or disrepair. Every owner or person in charge shall undertake any and all necessary maintenance and repairs to prevent deterioration, damage, or disrepair. In any case where the Building Inspector, Board, or city determines that demolition by neglect has occurred or that emergency conditions dangerous to safety, health, and welfare of the general public have occurred, the city shall order the remedy of the conditions without the Board's approval. The city shall immediately notify the Board and the owner or person in charge of the designated property and order that necessary work begin immediately to protect and preserve the property and to ensure the public safety, health, and welfare.  
(Ord. 05-11, passed 12-12-05)

### ***MANUFACTURED AND MOBILE HOME STANDARDS***

#### **§ 154.345 PURPOSE AND INTENT.**

The purpose of this subchapter is to provide the minimum standards to safeguard the health, welfare, and safety of the citizens of the city by establishing standards for the placement of manufactured and modular homes on individual lots or subdivision development lots in the city and distinguishing between manufactured and modular homes and mobile homes.  
(Ord. 05-11, passed 12-12-05)

**§ 154.346 STANDARDS.**

(A) A manufactured or mobile home as defined in KRS 227.550, which does not bear a seal certifying that it was manufactured in accordance with the Federal Manufactured Home Construction and Safety Standards Act, and not bearing either a Class A or B Seal issued by the Kentucky Department of Housing, Building, and Construction, Office of the State Fire Marshal is not acceptable for residential occupation.

(B) Establishment, location, and use of manufactured homes as scattered site residences shall be permitted in agriculture and residential zones permitting installation of a single-family dwelling unit applying generally to such residential use in the district, subject to the following additional requirements:

(1) Permanent foundation system shall be anchored in accordance with the state standards set forth in KRS 227.570.

(2) Exterior material shall be material customarily used on site-built dwellings, such as board siding, plywood or presswood siding, vinyl, stucco, brick, non-reflective aluminum, etc. and shall be compatible with the conventionally built residential structures in the neighborhood.

(3) Roofing material shall be of wood, tile, composition shingles, or other materials compatible with the conventionally built residential structures in the neighborhood that shall be installed on a surface appropriately pitched for the materials used.

(4) Exterior covering material extending to the ground or the top of the foundation shall be used. Skirting materials which harmonize with the architectural style of the home shall be used and be compatible with the conventionally built residential structures in the neighborhood.

(5) Structural additions or alterations shall be subject to the same regulations and requirements and procedures, including building permits which must be complied with, in order to obtain such a permit for additions or alterations to a conventionally built house.

(6) Manufactured homes in a manufactured home community or mobile homes in a mobile home park shall conform to the requirements as prescribed in 902 KAR 15:010 for manufactured and mobile home communities.

(7) Manufactured homes not conforming to the requirements of this subchapter shall be permitted in the MHP District designed only for permitting mobile homes.  
(Ord. 05-11, passed 12-12-05)

**§ 154.347 PERMITTED PLACEMENT OF MOBILE HOMES.**

(A) Class A and B mobile homes may be placed in manufactured home communities or mobile home parks as a permitted residential unit type and in accordance with these zoning regulations and the Lebanon Subdivision Regulations.

(B) Class A and B mobile homes may also be placed in the agricultural district for use as a tenant dwelling with the issuance of a conditional use permit by the Board of Adjustment and in accordance with this Zoning Ordinance and Subdivision Regulations.

(C) Manufactured homes with no HUD Code seal and mobile homes with no Class A or B seal are not permitted in any zoning district or in mobile home parks. Those which at the time of the adoption of this chapter are located within the jurisdiction are non-conforming uses, subject to the same requirements as any other non-conforming use.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.348 PERMITS.**

(A) If building permits are required for other single-family residential dwellings, building permits for manufactured homes shall be issued, providing that the other requirements for the zoning district are met, upon presentation of certification either by the United States Department of Housing and Urban Development or the Kentucky Department of Housing, Building, and Construction, or Office of the State Fire Marshal, and that the home has been constructed in accordance with the Manufactured Home Construction and Safety Standards Act. Inspection shall be limited to the foundation of any accessory additions, such as porches, basements, or other added or altered structures.

(B) If building permits are required for other single-family residential dwellings, building permits for Class A and Class B mobile homes shall be issued where permitted upon receipt of certification that they are Class A or Class B mobile homes and after compliance with all the other provisions of this Zoning Ordinance and Subdivision Regulations. Inspection shall be limited to the foundation and other on-site improvements, if any.

(Ord. 05-11, passed 12-12-05)

### ***CELLULAR ANTENNA TOWERS AND TELECOMMUNICATIONS SERVICES STANDARDS***

#### **§ 154.360 PURPOSE AND INTENT.**

The purpose of this subchapter is to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communication services within the community, to provide for such facilities in coordination with the recommendations of the Comprehensive Plan, and to allow for such facilities with the intention of furthering the public health, safety, and general welfare.

(Ord. 05-11, passed 12-12-05) Penalty, see § 154.999

**§ 154.361 GENERAL.**

Cellular antenna towers for cellular telecommunications services or personal communication services may be allowed in any zone after the Planning Commission reviews in accordance with the following procedures to ascertain agreement with the adopted Comprehensive Plan and the regulations contained within the Zoning Ordinance, and after being granted a Certificate of Necessity and Convenience by the Public Service Commission.

(Ord. 05-11, passed 12-12-05) Penalty, see § 154.999

**§ 154.362 APPLICABILITY.**

Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services shall submit a copy of the utility's completed uniform application to the Planning Commission within five consecutive days of applying to the Public Service Commission for a certificate of necessity and convenience.

(Ord. 05-11, passed 12-12-05) Penalty, see § 154.999

**§ 154.363 APPLICATION REQUIREMENTS.**

Applications for the construction of cellular antenna towers or cellular telecommunications services or personal communications services shall include the following:

(A) All information that the applicant is required to submit to the Public Service Commission, per the requirements of the uniform application;

(B) A copy of the applicant's FCC license, or if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower;

(C) Unless co-locating, certification, supported by evidence, that collocation of the proposed facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities within a two mile radius of the proposed tower location, a description of each existing site, and discussion of the ability or inability to collocate on each existing site, according to the following:

(1) No existing towers or facilities are located within a two mile radius of the proposed tower location;

(2) Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements;



(3) Existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment;

(4) The applicant's planned equipment would cause frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause frequency interference with the applicant's planned equipment, and which cannot be reasonably prevented;

(5) Unwillingness of the owner of the existing tower or facility to entertain a collation proposal.

(D) Unless collocating, certification, supported by evidence, that the proposed site is the only appropriate site for the location of the facility, the applicant's certification shall include a listing of all potential sites within a two mile radius of the proposed tower location, a description of each potential site, and a discussion of the ability or inability of the site to host such a facility, according to the following:

(1) Unwillingness of the site owner(s) to entertain such a facility;

(2) Topographic limitations on the site;

(3) Adjacent impediments that would obstruct adequate transmission;

(4) Physical site constraints that would preclude the construction of such a facility;

(5) A statement demonstrating that the proposal is in agreement with the adopted Comprehensive Plan and is in conformity with this section;

(6) A development plan, drawn to scale not smaller than one inch equaling 100 feet, showing;

(a) The total area of the site in question;

(b) All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned;

(c) Existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five feet;

(d) Location, height, arrangement, and identification of all nonresidential buildings, structures, and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions;

(e) Location and arrangement of all common open space areas and methods of ownership and operation and maintenance of such lands shall be identified;

(f) Landscaping features, including identification of planting areas and the location, type, and height of walls and fences;

(g) Location of all signs, indicating their orientation, size, and height;

(h) All utility lines and easements for water distribution systems, including line sizes, easement widths, pipe type, hydrant and valves location, and other appurtenances; for sanitary sewer system, including pipe sizes, easement widths, gradients, pipe types, invert elevations, manhole locations and types; all lift or pumping stations locations, types, sizes, and capacity and process of any necessary treatment facilities and other appurtenances; and for storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, easement widths, inlets and catch basin locations and size, and retention and/or sedimentation basin locations and size, and for other utilities, such as electric, telephone, etc., including the type of service and easement widths.

(i) Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, type of surfacing, dimensions, number and arrangement of off-street parking and loading and/or unloading spaces;

(j) Circulation system, pedestrian walkways, including alignment, grades, surface type, and width; and streets, including alignment, grades, surface type, pavement and right-of-way width, geometric details, and typical cross sections.

(k) Provisions of control of erosion and storm drainage, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.

(Ord. 05-11, passed 12-12-05) Penalty, see § 154.999

#### **§ 154.364 APPLICATION PROCESS.**

Applications for the construction of cellular antenna towers or cellular telecommunications services or personal communications services shall be processed as follows:

*(A) New sites.*

(1) At least one public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two or more times, in a newspaper of general circulation in the county, provided that one publication occurs not less than seven calendar days nor more than 21 days before the occurrence of such hearing;

(2) Notice of such hearing shall be posted conspicuously on the property in question for 14 consecutive days immediately prior to the hearing. Said posting shall consist of one or more signs, constructed of durable material, and clearly depicting the following information: “(Name of Utility)

proposes to construct a telecommunications (“tower” or “monopole”) on this site” (four inch high lettering); date, place, and time of public hearing (one inch high lettering); and address, including telephone number of the Planning Commission where additional information regarding the hearing may be obtained.

(3) Notice of the hearing shall be given at least 14 days in advance of the hearing, by first class mail, with certification by the Planning Commission secretary, or other officer of the Planning Commission, that the notice was mailed to an owner of every parcel of property within 500 feet of the base of the proposed tower or monopole. It shall be the duty of the applicant proposing the facility to furnish the Planning Commission with the names and addresses of said property owners. Records maintained by the PVA may be relied upon consecutively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the PVA’s records as having the same address.

(4) Upon holding such hearing, the Planning Commission shall, within 60 days commencing from the date that the application is received by the Planning Commission, or within a date specified in a written agreement between the Planning Commission and the applicant, make its final decision to approve or disapprove the uniform application. The Planning Commission shall submit to the Public Service Commission, along with their action, the basis for their decision. If the Planning Commission fails to issue a final decision within 60 days, and if there is no written agreement between the Planning Commission and the utility to a specific date for the Planning Commission to issue a decision, it is presumed that the Planning Commission has approved the utility’s uniform application.

(B) *Previously approved site.*

(1) For facilities located on previously approved sites, the Planning Commission’s Administrative Officer shall review the application for its conformity with these regulations and all regulations contained within the Zoning Ordinance;

(2) If the Planning Commission’s Administrative Officer determines that the application is in conformity with these regulations and all regulations contained within the Zoning Ordinance, an administrative approval may be granted;

(3) If the Planning Commission’s Administrative Officer determines that the application is not in conformity with these regulations and all regulations contained within the Zoning Ordinance, a public hearing, pursuant to this section, shall be scheduled.

(Ord. 05-11, passed 12-12-05) Penalty, see § 154.999

## § 154.365 DESIGN STANDARDS.

At the time of the application submittal, the applicant shall provide information demonstrating compliance with the following requirements. Where the Planning Commission or its Administrative

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

(A) All structures, except fences, shall be located at least 50 feet from the property line or lease line of any residentially zoned property;

(B) A cellular antenna tower or alternative antenna tower structure may be constructed to a maximum height of 200 feet. This also applies to any tower taller than 15 feet constructed on the top of another building or structure, with the height being the overall height of the building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antennas greater than 200 feet in height upon review of the applicant's justification that the additional height meets the criteria identified in this subchapter.

(C) When any cellular antenna tower or alternative antenna tower structure is taller than the distance from its base to the nearest property line or lease line, the applicant shall furnish the Planning Commission with a certification from an engineer registered in the Commonwealth of Kentucky that the tower will withstand winds of 70 miles per hour, in accordance with the current ANSI/EIA/TIA standards.

(D) Cellular antenna towers shall not be illuminated, except in accordance with other state and federal regulations.

(E) The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.

(F) A minimum of one off-street parking space per provider shall be provided on the site.

(G) A chain link (80% open) or solid fence made from wood or other materials (less than 50% open) shall be used to enclose the site. Such fences shall not be less than four feet in height nor more than eight feet in height. The use of woven wire, barbed wire, or sharp pointed fences shall be prohibited. Such fences shall be located within the front, side, or rear yard.

(H) Screening shall be required when the site in question abuts residentially zoned property. Screening shall be provided by evergreen trees planted in a staggered pattern at a maximum distance of 15 feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten foot setback.

(I) Any site to be purchased or leased for the installation of a cellular antenna tower or alternative antenna tower and ancillary facilities shall comply with the minimum lot size requirements of the zoning district in which the facility is to be located, provided that such area shall not be required to exceed 1/2 acre.

(J) Surfacing of all driveways and off-street parking areas shall be of either concrete or asphalt and shall comply with the requirements of the Zoning Ordinance.

(K) There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five square feet in area.

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

(M) All option and site lease agreements shall contain non-exclusive co-location clauses.  
(Ord. 05-11, passed 12-12-05) Penalty, see § 154.999

**§ 154.366 CRITERIA.**

Evaluation of the proposal shall be based upon the following criteria:

(A) Agreement with the various elements of the Comprehensive Plan and where applicable, any other adopted plan or regulation;

(B) Extent to which the proposal is consistent with the purposes of these regulations;

(C) Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.)

(D) Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impacts;

(E) Extent to which the proposed cellular antenna tower is camouflaged (e.g., use of “stealth technology”);

(F) Extent to which the proposed facility is integrated with existing structures (e.g., buildings, structures, etc.)

(Ord. 05-11, passed 12-12-05) Penalty, see § 154.999

**§ 154.367 AMENDMENTS.**

Any amendments to plans, except for minor adjustments as determined by the Planning Commission or its Administrative Official, shall be made in accordance with the procedures set forth in this chapter, subject to the same limitations and requirements as those under which such plans were originally approved.

(Ord. 05-11, passed 12-12-05) Penalty, see § 154.999

**§ 154.368 GUARANTEE.**

To ensure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under these regulations shall, at the time of the submittal, deposit with the Planning Commission, and to the benefit of the Planning Commission, a letter of credit, performance bond, or other security acceptable to the Planning Commission in the amount equal to the cost of the demolition and removal of the facility. An applicant having multiple telecommunications facilities within the Planning Commission's jurisdiction may deposit a single guarantee in the amount equal to the cost of the demolition and removal of the one facility it owns which would cost the most to demolish and remove until such time as the number of multiple facilities exceeds four such facilities; then the applicant

shall increase the amount on deposit to an amount equal to the cost of the most costly demolition and removal plus 25% of the cost of demolition and removal of the applicant's other existing facilities. Any guarantee submitted shall be irrevocable and shall provide for the Planning Commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee.

(Ord. 05-11, passed 12-12-05) Penalty, see § 154.999

***SIGN REGULATIONS*****§ 154.380 INTENT.**

This subchapter provides content-neutral sign standards that allow legitimate signage for agricultural, residential, professional office, business, and industrial activities, while promoting signs that:

- (A) Reduce intrusions and protect property values;
- (B) Minimize undue distractions to the motoring public;
- (C) Protect the tourist industry by promoting a pleasing community image; and

(D) Enhance and strengthen economic stability.  
(Ord. 2021-04, passed 6-14-21)

#### **§ 154.381 SCOPE.**

These provisions apply to the display, construction, erection, alteration, location, and maintenance of all new and existing signs within the corporate limits of the city.  
(Ord. 2021-04, passed 6-14-21)

#### **§ 154.382 EXEMPT SIGNS.**

The following signs are exempt from the provisions of this subchapter and are, therefore, exempt from the requirement to obtain a sign permit:

(A) Signs not visible beyond the boundaries of the property upon which they are located;

(B) Government signs that are placed by government officers in the performance of their professional/elected duties;

(C) Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties.

(D) Vehicle signage, when painted directly on or attached magnetically to a vehicle.

(E) Temporary signage of three square feet or smaller placed on or after April 15 and removed by the May 31. Temporary signage of three square feet or smaller placed on or after October 1 and removed by November 15.

(F) Temporary signs for a new business, for up to 30 consecutive days from the first day of business. Exempt signage shall only be displayed on the property where the new business is located.

(G) Signage placed by realtors in the performance of their professional duties on property being sold. Temporary auction signs, not to exceed 32 square feet of sign area, advertising auction sales shall be permitted at street intersections. Auction signs shall be permitted up to seven days in advance of an auction, and shall be removed within 24 hours after an auction.

(H) Window signage.  
(Ord. 2021-04, passed 6-14-21)

### § 154.383 PERMIT REQUIREMENTS.

(A) *Permits required.* No sign regulated by this subchapter (except for those specifically exempted in division (B) below) shall be displayed, erected, relocated, or altered unless all necessary permits have been issued by the Building Inspector/Zoning Official.

(1) Applicants shall submit an application form to the department before any permit may be issued.

(2) Signs shall only be erected or constructed in compliance with the approved permit.

(3) Applicants shall obtain an electrical permit for signs that require electrical service. Final inspections for electrical permits require a minimum notice of 24 hours to the electrical inspector.

(4) Signs permitted as an accessory to a legal, nonconforming use shall be subject to the regulations of the zone in which the nonconforming use is located.

(B) *Signs exempt from permit requirements.* The following signs shall not require a permit:

(1) Incidental signs;

(2) Historic markers;

(3) Change of copy on any sign where the framework or other structural elements are not altered.

(Ord. 2021-04, passed 6-14-21)

### § 154.384 NONCONFORMING SIGNS.

A legal, nonconforming sign may continue in existence as long as it is properly maintained in good condition. These provisions shall not prevent the repair or restoration to a safe condition of any sign, but a nonconforming sign shall not be:

(A) Changed to another nonconforming sign, except where only the face or copy is changed;

(B) Structurally altered so as to increase the degree of its nonconformity;

(C) Expanded or enlarged;

(D) Reestablished after its removal; or

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(E) Moved to a new location on the building or lot.  
(Ord. 2021-04, passed 6-14-21)



## **§ 154.385 ILLEGAL SIGNS.**

All illegal signs shall be subject to immediate enforcement action as outlined in § 154.999.  
(Ord. 2021-04, passed 6-14-21)

## **§ 154.386 GENERAL REQUIREMENTS.**

All signs in all zones shall meet the following requirements:

(A) Illuminated signs shall be located in a fashion that prevents all direct rays of light from shining beyond the property lines of the lot on which the sign is located.

(B) No light, sign, or other advertising device shall be designed or erected to imitate or resemble any official traffic sign, signal, or device or use any words, phrases, symbols, or characters implying the existence of danger, or the need to stop or maneuver the vehicle.

(C) No sign shall be attached to or painted on the surface of any tree, utility pole, or street light.

(D) Projecting signs shall have at least seven feet of clearance above a road or sidewalk.

(E) Neon or other lighted tubing signs shall not be permitted, except where it is used behind solid lettering to produce a “halo” effect, or where it is used indirectly. Neon lighting shall not be used to outline buildings, structures, or ornamental features.

(F) No sign, except for government signs, shall be located within the sight triangle of any intersection. Refer to the street design standards of the city subdivision regulations in § 153.11.

(G) No sign shall be placed in or project into the public or private street right-of-way, except as specifically permitted herein.

(H) Freestanding, monument, and projecting face sign area shall be computed as follows:

(1) Double-faced signs shall have only one face counted in calculating the area.

(2) Sign with more than two faces shall have the area calculated by summing the area of all sign faces and dividing by two.

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(3) The area enclosing the perimeter of each cabinet shall be calculated to determine the area.

(4) The perimeter of the measurable area shall not include embellishments (e.g., pole covers, framing, or decorative roofing), provided there is no written copy on such embellishments.

(5) Maximum height shall be measured from the finished grade at the center of the sign and shall include the sign's base.

(I) Every sign, including those for which a permit is not required, shall be maintained in good condition at all times.

(Ord. 2021-04, passed 6-14-21)

#### **§ 154.387 PROHIBITED SIGNS IN ALL ZONES.**

The following signs and/or sign features shall be prohibited in all zones:

(A) Mobile signs;

(B) Roof signs that extend higher than the top of the roof;

(C) Rotating or moving signs;

(D) Abandoned signs;

(E) Streamers, pennants, and tag signs or similar signs or devices, except when attached to a permitted temporary sign;

(F) Any sign that emits any noise or odor;

(G) Freestanding signs that overhang any part of a building;

(H) Signs in a public right-of-way; and

(I) Handbills.

(Ord. 2021-04, passed 6-14-21)

#### **§ 154.388 SIGNS REQUIRING A CONDITIONAL USE PERMIT IN ALL ZONES.**

(A) Signs painted directly on a building.

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(B) Only the Planning and Zoning Commission shall have the authority to approve sign variances or conditional use permits for signs.

(Ord. 2021-04, passed 6-14-21)

#### **§ 154.389 SIGNS PERMITTED BY SPECIFIC ZONE.**

Any sign not specifically permitted shall require approval of the Planning and Zoning Commission.

(A) *Agricultural Zone (A).*

(1) *Residence.* One wall sign, not exceeding one square foot in area. Every parcel shall be entitled to one sign, not exceeding 36 square inches in area, to be placed in any of the following locations:

- (a) On the front of every building, residence or structure;
- (b) On each side of an authorized U.S. Postal Service mailbox; and
- (c) On one post that measures no more than 48 inches in height and four inches in width.

(2) *Farm.*

(a) Two signs per entrance if incorporated into a fence or wall feature, or one freestanding sign per entrance. Each sign shall not exceed 32 square feet in area.

(b) Incidental signs, which shall not exceed two square feet in area, nor require sign permits.

(3) *Buildings used for religious or educational activities.*

- (a) One freestanding sign, not exceeding 20 square feet in area and eight feet in height.
- (b) One bulletin board, not exceeding 12 square feet in area and eight feet in height.
- (c) One wall sign per building, not exceeding 20 square feet in area.

(d) Incidental signs, which shall not exceed two square feet in area and do not require sign permits.

(4) *All other conditional uses.*

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(a) One freestanding sign for any other permitted or conditional use not noted herein; signage shall not exceed nine square feet in area and eight feet in height.

- (b) One wall sign, which shall not exceed two square feet in area.

(B) *Mobile Home (MH) Zone.*

(1) One freestanding sign per park entrance. The sign shall not exceed 32 square feet in area, eight feet in height, and shall have a minimum setback of 20 feet from any street.

(2) One nameplate wall sign, which shall not exceed one square foot in area, per mobile home.

(C) *Low-Density Residential Zones (R-l).*

(1) *Residence.*

(a) One nameplate wall sign, not exceeding one square foot in area.

(b) Every parcel shall be entitled to one sign, not exceeding 36 square inches in area, to be placed in any of the following locations:

1. On the front of every building, residence or structure;
2. On each side of an authorized U.S. Postal Service mailbox; and
3. On one post that measures no more than 48 inches in height and four inches in width.

(2) *Home occupation.* One wall sign, not exceeding two square feet in area.

(3) *Subdivision.* One freestanding sign per entrance into the subdivision, not to exceed 20 square feet in area and five feet in height.

(4) *Buildings used for religious or educational activities.*

(a) One freestanding sign, which shall not exceed 20 square feet in area and five feet in height;

(b) One wall sign, which shall not exceed 20 square feet in area;

(c) One bulletin board, which shall not exceed 12 square feet in area and eight feet in height; and

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(d) Incidental signs, which shall not exceed two square feet in area, nor require sign permits.

(5) *All other conditional uses.*

(a) One freestanding sign, which shall not exceed nine square feet in area and five feet in height;

(b) One wall sign, which shall not exceed two square feet in area; and

(c) Incidental signs, which shall not exceed one square foot in area, nor require sign permits.

(D) *High-Density Residential Zones (R-2, R-3).*

(1) *Single-family residence.* All single-family homes within these zones shall comply with the signage regulations for low-density residential zones regulated under division (C) above.

(2) *Multi-family residence.* Multi-family residential buildings and conditional uses may have:

(a) One freestanding sign, which shall not exceed nine square feet in area and five feet in height, and shall have a front yard setback of 20 feet;

(b) One wall sign, which shall not exceed two square feet in area; and

(c) Incidental signs, which shall not exceed one square foot in area, nor require sign permits.

(3) *Buildings used for religious or educational activities.*

(a) One freestanding sign, which shall not exceed 20 square feet in area and five feet in height;

(b) One wall sign per building, which shall not to exceed 20 square feet in area;

(c) One bulletin board, which shall not exceed 12 square feet in area and eight feet in height; and

(d) Incidental signs, which shall not exceed one square foot in area, nor require sign permits.

(F) *Office and Professional Zones (OP).*

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(1) One freestanding (monument only) sign per street frontage, with a maximum of two signs per lot.

(a) Freestanding signs (monument only) shall not exceed 40 square feet in area, eight feet in height, and shall have a minimum setback of ten feet.

(b) When street frontage permits two signs, the two freestanding signs may be combined into one freestanding sign, which shall not exceed 60 square feet in area. For buildings with more than one occupying business, this freestanding sign may list all businesses within the building.

(2) One wall sign per tenant or lessee, not exceeding ten square feet in area.

(3) Temporary signs shall include banners, streamers, tethered balloons, inflatable signs and objects. One temporary sign per street frontage shall be allowed, subject to the following conditions:

(a) Shall not exceed 32 square feet per sign;

(b) Shall not remain in place for a period of more than 14 continuous days;

(c) Shall not be displayed for more than a total of eight times in any calendar year;

(d) Shall not be placed within the public right-of-way or the sight triangle at intersections;

(e) Signs with electronic message display systems shall be allowed.

(4) Incidental signs, which shall not exceed two square feet in area, nor require sign permits.

(5) *Buildings used for religious or educational activities.*

(a) One freestanding sign, which shall not exceed 20 square feet in area and five feet in height.

(b) One wall sign per building, which shall not exceed 20 square feet in area.

(c) One bulletin board, which shall not exceed 12 square feet in area and eight feet in height.

(d) Incidental signs, which shall not exceed one square foot in area, nor require sign permits.

(e) One bulletin board, not exceeding 20 square feet and five in height.

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(F) *Downtown Business Zone (B-l).*

(1) Two wall signs, each 50 square feet.

(2) One blade or awning sign, four square feet in area, 12 feet maximum height, and no lower than seven feet in height.

(3) *Sidewalk sign.* Where a building is located adjacent to the public right-of-way, a freestanding (sandwich board) sign may be placed on the public sidewalk, with the following restrictions:

- (a) The sign shall not exceed four square feet in area; and
- (b) The edge of the sign shall not extend beyond the curb line.

(4) *Buildings used for religious or educational activities.*

- (a) One freestanding sign, which shall not exceed 20 square feet in area and five feet in height;
- (b) One wall sign per building, which shall not exceed 20 square feet in area;
- (c) One bulletin board, which shall not exceed 12 square feet in area and eight feet in height;
- (d) Incidental signs, which shall not exceed one square foot in area, nor require sign permits.
- (e) One bulletin board, not exceeding 20 square feet in area and five feet in height.

(G) *General Business (B-2) and Highway Business (B-3) Zones.*

- (1) *Wall signs.* Three wall signs, not exceeding 50 square feet each.

Optional:

- (a) If the business has a total of three wall signs, each sign may be up to 5% of the building elevation on which it is mounted;
- (b) If the business has a total of two wall signs, each sign may be up to 7% of the building elevation on which it is mounted.
- (c) If the business has only one wall sign, it may be up to 9% of the building elevation on which it is mounted.

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(2) *Freestanding or monument signs.* One per lot of 200 feet or less of street frontage, with a maximum of two signs per lot with over 200 feet of street frontage. Such sign(s) shall have a maximum area of 120 square feet and a maximum height of 20 feet.

(3) *Planned shopping center.*

- (a) One wall sign per tenant, 30 square feet or 5% of wall frontage, whichever is larger. Signs projecting out from facade of a building above a walking surface shall be at least eight feet in height from the walking surface.

(b) One freestanding or monument sign per center entrance, 200 square feet in area, with a maximum height of 20 feet.

(4) Electronic message boards are allowed (static dwell must be at least four seconds).

(5) In addition to signage permitted above, wall and freestanding signage for large commercial or shopping center developments may be increased in size and height, if approved by the Planning Commission as part of a development plan.

(6) *Buildings used for religious or educational activities.*

(a) One freestanding sign, which shall not exceed 20 square feet in area and five feet in height;

(b) One wall sign per building, which shall not exceed 20 square feet in area;

(c) One bulletin board, which shall not exceed 12 square feet in area and eight feet in height;

(d) Incidental signs, which shall not exceed one square foot in area, nor require sign permits.

(e) One bulletin board, not exceeding 20 square feet in area and five feet in height.

(H) *Light Industrial (I-1) and Heavy Industrial (I-2) Zones.*

(1) One wall sign, not to exceed 100 square feet in area.

(2) One freestanding or monument sign:

(a) Not to exceed 100 square feet in area;

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(b) Not to exceed 20 feet in height for freestanding signs, and eight feet in height for monument signs;

(c) If designed to face a residential district, shall be located 50 feet from the property line abutting a residential district.

(3) Industrial park identification (entrance sign). One monument sign, not to exceed 50 square feet in area and ten feet in height.

(Ord. 2021-04, passed 6-14-21)

## **§ 154.390 MAINTENANCE STANDARDS.**



Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times.  
(Ord. 2021-04, passed 6-14-21)

#### **§ 154.391 PENALTIES FOR VIOLATION.**

Violation of the provisions of these sign regulations shall constitute a misdemeanor, which shall be subject to the fines and penalties as set forth in § 154.999.  
(Ord. 2021-04, passed 6-14-21)

#### **§ 154.392 SUBSTITUTION CLAUSE.**

The owner of any sign that is otherwise allowed by this chapter may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.  
(Ord. 2021-04, passed 6-14-21)

#### **§ 154.393 DEFINITIONS.**

The definitions contained in this section shall be applied in the interpretation of all sections within this subchapter, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense, the singular number shall include the plural, and the plural shall include the singular.

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**ABANDONED SIGN.** Signage that has been neglected and fallen into disrepair.

**ADDRESS SIGN.** The numeric reference of a use or building to a street name.

**ADMINISTRATOR.** The Sign Administrator as appointed by the Mayor of the city or his/her designated representative.

**AREA OF SIGN.** The total area of the sign face that is used to display a message, not including its supporting poles or structures.

**AWNING.** A shelter projecting from and supported by the exterior wall of a building, and made of non-rigid material with no enclosing framework.

**AWNING BLADE SIGN.** Any sign that is erected under a building's awning and extends beyond the building wall more than 12 inches, but no more than 48 inches. Awning blade signage of any sort must not be more than 18 inches high, 36 inches wide and two inches thick. Awning blade signage may not hang lower than seven feet above the sidewalk, and no more than 12 feet above the sidewalk. Any building having an awning that prohibits signage in compliance with these standards may not have blade signage in place. Accepted color palette for signage includes any color from established Williamsburg period collections.

**AWNING BOARD.** An awning blade sign in which copy is changed manually or electronically on a regular basis.

**AWNING SIGN.** A sign that is applied directly to the surface of an awning.

**BANNER SIGN.** A sign made of non-rigid material, with no enclosing framework.

**BILLBOARD.** Signage intended for lease to a variety of businesses, organizations, and/or individuals. In such case, the sign itself shall be the income generator and the primary commercial use of the property.

**BILLBOARD SIGN.** Any off-site sign available for rent on a permanent structure, on which the copy is periodically changed, and which is not located on the premises to which the advertising copy pertains.

**BLADE SIGN.** Any sign that is erected on a building wall or structure and extends beyond the building wall more than 12 inches, but no more than 48 inches. Blade signage of any sort must not be more than 18 inches high, 36 inches wide and two inches thick. Blade signage must be hung on an approved, black, wrought-iron bar, with non-corroding hanging equipment. Blade signage may not hang any lower than seven feet above the sidewalk, and no more than 12 feet above the sidewalk. Accepted color palette for signage includes any color from established Williamsburg period collections.

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**BLINKING SIGN.** A form of flashing signage where the pattern of sudden illumination changes occur with more than two on-off cycles per second.

**BUILDING.** As defined in the Building Code or Zoning Regulations.

**BUILDING-MOUNTED SIGN.** A sign connected to a building. This includes, but is not limited to, a wall, building canopy, projecting or awning sign.

**BULLETIN BOARD.** A sign that allows for the manual or electronic change of copy, and is used to notify the public of noncommercial events or occurrences such as church services, political rallies, civic meetings, or similar events.

**CANOPY SIGN.** A sign applied directly to the surface of a canopy.

**CANOPY, BUILDING.** A rigid, multi-sided structure covered with fabric, metal or other material, and supported by a building at one or more points, and by columns or posts at the other points. It may be illuminated by means of internal or external sources.

**CANOPY, FREESTANDING.** A rigid, multi-sided structure covered with fabric, metal or other material, and supported by columns or posts. It may be illuminated by means of internal or external sources.

**DIRECTORY SIGN.** A sign that lists the names of the occupants of a multiple-occupancy building.

**DOUBLE-FACED SIGN.** A sign with two faces, either set parallel or at up to a 45-degree angle. Any two sign faces set at an angle greater than 45 degrees shall be considered two separate signs.

**ELECTRONIC MESSAGE DISPLAY SYSTEM.** Copy that uses rotating reflective discs, direct illumination, rotating veins, light emitting diodes (LEDs), liquid crystal diodes (LCDs), or other digital devices, and is changed by a central computer. Static dwell time is a minimum of four seconds.

**FARM.** A tract of at least ten contiguous acres used for the production of agricultural or horticultural crops. Agricultural and horticultural crops shall be defined as, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, ornamental plants, vineyards, and wineries.

**FLASHING OR BLINKING.** Intermittent or sequential illumination for the purpose of attracting attention to the sign. Static dwell time is typically four to ten seconds.

**FREESTANDING SIGN.** A sign that is attached to the ground by columns, poles, braces, or other means, and is not attached to any building.

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**GOVERNMENT SIGN.** A temporary or permanent sign, erected by government employees or officers in the performance of their professional/elected duties.

**HANDBILL.** Printed or written material, a circular, leaflet, pamphlet, or booklet designed for distribution on vehicles or other property, excluding postal distribution, which advertises merchandise, commodities, or services.

**ILLEGAL SIGN.** A sign that does not meet the requirements of this Zoning Ordinance, and has not been identified as a legal, nonconforming sign.

**ILLUMINATED SIGN.** A sign that emits or reflects artificial light from any source.

(1) **DIRECTLY ILLUMINATED SIGN.** A sign that is lighted by an unshielded light source (including neon tubing), which is visible as a part of the sign, and where light travels directly from the source to the viewer's eye.

(2) **INDIRECTLY ILLUMINATED SIGN.** A sign whose light source projects light onto the exterior of the sign surface, or onto the building where the sign is located.

(3) **INTERNALLY ILLUMINATED SIGN.** A sign whose light source is within the sign, with a transparent or translucent background or cover that silhouettes letters or designs.

**INCIDENTAL SIGN.** A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental. An incidental sign does not exceed two square feet in area.

**INTERSTATE SIGN.** A sign designed to be seen from an interstate highway.

**LANDMARK SIGN.** A sign that is designated by the Historic Review Board as having historic and/or architectural significance. A **LANDMARK SIGN** shall be at least 20 years old, unless the Historic Review Board makes a finding that a newer sign with historic and/or architectural significance should be designated to protect it.

**MARQUEE SIGN.** A sign used in conjunction with a theater, which is attached to and projects from the building.

**MENU BOARD SIGNS.** Freestanding signs placed at properties where there is a drive-thru lane, walk-up window or drive-up curbside.

**MOBILE SIGN.** A sign affixed to a frame having wheels or capable of being moved. **MOBILE SIGNS** do not have a permanent foundation and cannot withstand the wind-load stress requirements of

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the adopted building code, as they are designed to stand free from a building. The removal of wheels from such a sign or temporarily securing a sign of this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle.

**MONUMENT SIGN.** A sign attached to a permanent foundation or decorative base, which not attached to or dependent for support from any building, pole, post, or similar upright.

**NONCONFORMING SIGN.** A sign that was legally erected, but does not comply with the current regulations for the zone in which it is located.

**NON-ILLUMINATED SIGN.** A sign that does not emit or reflect artificial light from any source.

**OFF-SITE SIGN.** A sign that directs attention to a business not located on the same lot where the sign is displayed.

**ON-SITE SIGN.** A sign that directs attention to a business located at or a service or product offered on the same lot where the sign is displayed.

**PORTABLE SIGN.** A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to: signs designed to be transported by means of wheels; signs converted to A or T frames; menu board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way.

**PROJECTING SIGN.** A sign that is attached to a building, and extends more than 12 inches.

**ROOF SIGN.** A sign erected and constructed, wholly or in part, upon, against, or above the roof of a building. For purposes of this subchapter, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof.

**ROTATING OR MOVING SIGN.** A sign, any portion of which moves by mechanical means or by the wind. This definition does not refer to changing copy with an electronic message display system.

**SIGN.** Any device, structure, fixture, display, or placard using graphics, symbols, and written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, place, activity, business, or service.

**SIGN CLEARANCE.** The vertical distance between the lowest point of any sign and the grade at the base of the sign.

**SIGN COPY.** Any word, figure, number, symbol, or emblem affixed to a sign.

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**SIGN HEIGHT.** The vertical distance measured from the highest point of the sign, including the frame and any embellishments, to the bottom of the base of the sign.

**SIGN SETBACK.** The horizontal distance between any street right-of-way and a sign. The measurement shall be taken at the closest point between the right-of-way and any part of the sign.

**SIGN SURFACE.** That part of a sign on which a message is displayed.

**SQUARE FOOT.** A unit of area equal to one foot by one foot square.

**STREET FRONTAGE.** The property line that lies adjacent to the street right-of-way.

**TEMPORARY SIGN.** A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials, and that appears to be intended to be displayed for a limited period of time: not more than 14 continuous days or more than eight times per calendar year.

**VEHICLE SIGNAGE.** Signage painted directly on or attached magnetically to a vehicle.

**WALL SIGN.** A sign attached directly to a building, including mansards, canopies, awnings, and signs attached to a roof, which do not project above the roofline.

**WINDOW SIGN.** A sign placed inside a window, or applied or attached to window panes or glass, which is visible from the exterior of the window, and is not permanently painted or otherwise permanently affixed to the window. Signs that are permanently painted or otherwise permanently affixed to the window shall be considered wall-mounted signs.  
(Ord. 2021-04, passed 6-14-21)

## **OFF-STREET AND ON-STREET PARKING AND LOADING/UNLOADING STANDARDS**

### **§ 154.400 OFF-STREET PARKING REQUIREMENTS.**

(A) *General.* Off-street parking shall be provided with vehicular access to the public right-of-way and shall conform to the regulations set forth in this subchapter. The off-street parking requirements and ingress/egress shall not, except for single-family residences, be used in the computation of parking spaces.

(B) *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

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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.

(C) *Minimum parking space dimensions.* The minimum dimensions of off-street parking shall be ten feet in width by 20 feet in length, or 200 square feet. Additional area shall be required in order to provide vehicle maneuvering space, access, and egress.

(D) *Minimum number of off-street parking spaces.* The following table sets forth the minimum number of off-street parking spaces for specific uses. The gross floor area of warehouses, storage space, employee workshop areas, or accessory structures shall not be utilized in the computation of parking space requirements. Where more than one use occupies a building, the total of the combined standards shall be required:

<i>Use</i>	<i>Minimum parking area or parking space(s)</i>
<i>Residential</i>	

Bed and Breakfast	One space per room/unit offered for overnight accommodations plus two spaces per dwelling unit
Home Occupation	One space for each 200 square feet of gross floor area GFA
Residential Structure	Two spaces per dwelling unit
Rooming and boarding house	One space per room/unit offered for overnight accommodations plus two spaces per dwelling unit
<b><i>Commercial or institutional</i></b>	
Assisted living and residential care facilities	Two spaces for every three beds, or 0.66 spaces per bed
Churches, Sunday School, and other place of religious assembly	One space per ten seats at maximum capacity
Day care or child care center	One space per each 420 square feet gross floor area (GFA), exclusive of kitchen and bathroom
General commercial or retail use not specified	Four spaces for the first 1,000 square feet of gross floor area (GFA) of the principal structure and one additional space for each additional 150 square feet of gross floor area (GFA) of the principal structure (Note: The computation of GFA shall not include warehouses, storage space, employee workshop areas, or accessory structures).

<i>Use</i>	<i>Minimum parking area or parking space(s)</i>
Hospital, medical clinic, sanitarium, and nursing home	One space per four beds or each four beds in use, whichever is greater, plus one space for every 1,000 square feet of gross floor area (GFA)
Hotel or motel	One space per room offered for overnight accommodations
Professional office	One space per 200 square feet of gross floor area (GFA)
School, elementary and middle	One space per classroom
School, high school and post secondary	Four spaces per classroom or one space per every six seats in auditorium, gym, arena, or stadium at maximum capacity, whichever is greater; maximum 300 spaces



Theaters, auditorium, stadium, or other place of public assembly	One space for each ten seats at maximum capacity
<b><i>Industrial</i></b>	
General manufacturing or industrial use	One space per two employees at maximum capacity
<b><i>Uses not elsewhere specified</i></b>	
Unspecified use	One space per 300 square feet of gross floor area (GFA)

(E) *Minimum setback.* Parking areas shall be located no closer than five feet from any property line.

(F) *Space arrangement and layout.* Off-street parking shall be located on the same property as the permitted use, unless the Planning Commission authorizes the use of other properties. Combined uses shall provide parking equal to the sum of the individual uses. The required parking area for the permitted use shall not be reduced or encroached upon in any manner.

(G) *Off-street parking on adjacent property.* If off-street parking cannot be reasonably provided on the same lot on which the permitted use is conducted, the Board of Adjustments may permit off-street parking and loading on adjacent property, provided that such space is within 400 feet of an entrance to the permitted use. This off-street parking area shall be deemed as required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. The Planning Commission may require a plat, deed, or any other proof necessary to show that the required loading/unloading space, if located off the premises it serves, is controlled by and available to the applicant.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.401 OFF-STREET LOADING/UNLOADING REQUIREMENTS.**

(A) *General.* Permitted uses shall provide off-street loading/unloading areas and adequate ingress/egress. No building shall be designed, erected, altered, used, or occupied unless the required off-street loading/unloading requirements are satisfied. Off-street loading/unloading areas shall be located on the same property as the permitted use and structure it serves and shall be paved.

(B) *Minimum setback.* Loading/unloading areas shall be located no closer than five feet from any property line.

(C) *Minimum size of off-street loading/unloading spaces.* Loading/unloading berths shall be a minimum of ten feet in width, 35 feet in length, and 15 feet in height.

(D) *Minimum number of off-street loading/unloading.* The following listing sets forth minimum number of off-street loading/unloading berths:

<i>Gross floor area of permitted structures/buildings</i>	<i>Minimum off-street loading/unloading berths</i>
Less than 40,000 square feet	1
40,001 - 100,000 square feet	2
100,001 - 160,000 square feet	3
160,001 - 240,000 square feet	4
240,001 - 320,000 square feet	5
320,001 - 400,000 square feet	6
Greater than 400,000 square feet	1 per additional 100,000 square feet GFA

(E) *Off-street loading/unloading on adjacent property.* If off-street loading/unloading cannot be reasonably provided on the same lot on which the permitted use is conducted, the Board of Adjustments may permit off-street parking and loading on adjacent property, provided that such space is within 400 feet of an entrance to the permitted use. This off-street loading/unloading area shall be deemed as required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. The Planning Commission may require a plat, deed, or any other proof necessary to show that the required loading/unloading space, if located off the premises it serves, is controlled by and available to the applicant.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.402 ON-STREET PARKING AND LOADING/UNLOADING.**

The on-street parking of vehicles 20 feet or longer in length on public streets shall be prohibited in a residential district, except for the delivery, maintenance, construction, or other loading/unloading purposes.

(Ord. 05-11, passed 12-12-05)

**ZONING ORDINANCE TEXT AND ZONING MAP AMENDMENTS****§ 154.415 ZONING ORDINANCE AND ZONING MAP AMENDMENTS.**

The Lebanon Zoning Ordinance and Zoning Map may be amended or repealed but only in accordance with the procedures set forth in KRS Chapter 100 and in this subchapter. (Ord. 05-11, passed 12-12-05; Am. Ord. 06-07, passed 7-12-06)

**§ 154.416 ZONING ORDINANCE TEXT AMENDMENT PROCEDURES.**

The procedure for amendments to the Lebanon Zoning Ordinance shall be the same as the adoption of the original Zoning Ordinance and as set forth in KRS Chapter 100.

(A) *Origination of Zoning Ordinance text amendment.* A proposal to amend the text of the Lebanon Zoning Ordinance may originate with the Lebanon Planning Commission or Lebanon City Council. The Planning Commission must hold at least one public hearing after proper notice is given.

(B) *Public notice.* The Planning Commission shall publish in a newspaper of general circulation in Lebanon-Marion County at least seven days and no more than 21 days before the public hearing in accordance with KRS Chapter 424.

(C) *Public hearing and Planning Commission action.* The Planning Commission shall hold at least one public hearing and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed text amendment originating with the Lebanon City Council, the Planning Commission shall make its recommendation within 60 days of the date of its receipt of the proposed text amendment.

(D) *Legislative body action.* The Planning Commission shall make a recommendation on the proposed zoning text amendment to the Lebanon City Council, and the Lebanon City Council shall take final action on the zoning map amendment and shall approve or disapprove the zoning map amendment pursuant to KRS Chapter 100. Approval of the zoning ordinance text amendment shall take an affirmative vote of a majority of the Lebanon City Council. (Ord. 05-11, passed 12-12-05; Am. Ord. 06-07, passed 7-12-06)

**§ 154.417 ZONING MAP AMENDMENT PROCEDURES.**

The procedures for zoning map amendments shall be the same as defined in KRS Chapter 100 and in addition, as follows:

(A) *Origination of zoning map amendment.* A proposal for a zoning map amendment with an owner of the property in question shall be subject to this subchapter and any other applicable law. If the proposal for a zoning map amendment originates with an owner of the property in question, a pre-

application conference must be conducted and a written application must be filed with the Planning Commission as set forth in these regulations, but no such pre-application conference shall be required if the application originates with the City Council or Planning Commission.

(B) *Pre-application conference.* Prior to the owner of the property in question filing an application for a zoning map amendment, the applicant shall meet with the Planning Commission's Administrative Official to discuss the proposed amendment requirements, procedures, and issues related to the proposed zoning map amendment. This pre-application conference is intended to alleviate potential problems and conflicts by recognition and consideration of existing conditions, necessary facilities, Comprehensive Plan recommendations, and other issues related to the proposed amendment. The pre-application conference shall be held no less than five working days and no more than three months prior to the filing of a zoning map amendment application. The Planning Commission shall not accept a zoning map amendment application from an owner of the property in question if a pre-application conference has not been conducted.

(C) *Zoning map amendment application.* An application for a zoning map amendment from the owner of the property must be filed with the Planning Commission and must include the following information and documentation.

- (1) Application signed by an owner or the owner's agent;
- (2) Plat and site plan of the property in question, prepared by a licensed land surveyor, including the following information:
  - (a) Name of owner(s) and applicant(s);
  - (b) Scale and north arrow;
  - (c) Bearing and distances;
  - (d) Lot dimensions and setbacks;
  - (e) Locating distance to nearest road or railroad centerlines or rights-of-way;
  - (f) Address of property or intersecting street on each side;
  - (g) Rights-of-way of road and pavement width;
  - (h) Adjacent property, showing property lines and names of adjacent property owner(s);
  - (i) Acreage of property;
  - (j) Vicinity map;
  - (k) Surveyor's stamp and certification;

(l) Floodplain area(s) and FEMA certification;

(m) Exterior dimensions and use of all existing and proposed structures; and,

(n) Any and all other information necessary for determining conformance with the Zoning Ordinance.

(3) Listing of adjoining property owners obtained from Marion County Property Valuation Administrator's records, including name(s), mailing address, PVA number, and property street address.

(4) Certificate from the Marion County Health Department approving the proposed water and sewerage facilities.

(5) Fifteen copies of a Development Plan prepared and signed by a licensed land surveyor and/or registered professional engineer dependent upon development content. A Development Plan shall meet the following requirements and contain the information listed below:

(a) Shall be drawn on durable, dimensionally stable media of a size no larger than 24" x 36." More than one sheet may be used. Sheets shall be numbered in sequence if more than one sheet is used, and each shall be labeled "Development Plan."

(b) Shall be drawn at a convenient and standard scale.

(c) Shall have a title block containing the following information:

1. Name of the development, if applicable;
2. Name and mailing address of the property owner(s);
3. Name and mailing address of the developer(s), if different from owner(s);
4. Name and mailing address of the professional land surveyor, if applicable, and name of the firm that performed the survey, if applicable;
5. Name and mailing address of the professional engineer;
6. Date of preparation;
7. All other pertinent data and information.

(d) Graphic and written scale.

(e) North arrow.

(f) Vicinity map of sufficient detail to locate land being subdivided and showing major streets and other durable physical features.

(g) Topographic map shall show the following:

1. Topographic contour lines must be depicted with sufficient accuracy to permit the planning of drainage, streets, and other proposed improvements. The plans must include two foot contours on land less than 5% gradient and five-foot contours on land more than 5% gradient. The contour lines are not to be more than one 100 feet apart horizontally and shall extend for at least 40 feet beyond the boundary lines of the proposed development. Contours shall relate to the United States Geological Survey (USGS) of the area and shall relate to the nearest benchmark. All contours shall be marked in feet above sea level. The benchmark shall be clearly shown or identified.

2. Size, top of frame, and invert elevations for all culverts, manholes or catch basins and flow line elevations for all brooks at 100 foot stations. This data shall be provided for at least 40 feet beyond the boundary lines of the proposed development.

3. Sinkholes shall be clearly labeled and their low point clearly marked.

4. All existing watercourses, inland wetlands, floodplains and flowage easements.

5. Present wooded areas indicated by foliage line.

(h) Names, locations, record sources, and current zoning designation of adjoining subdivisions and locations, record sources, current zoning designation, and names of owners of adjoining property along with intersecting property lines.

(i) Total calculated area of subject land computed either to the nearest hundredth of an acre or nearest square foot.

(j) Layout of proposed tracts of land, including dimensions of lots, lot lines, lot numbers, and minimum building setback lines. Tracts shall be laid out according to sound planning principles.

(k) All existing and proposed structures.

(l) Direction and length of each line as follows: (1) Bearings shown in degrees, minutes, and seconds and distances shown to hundredths of a foot or (2) a geometrically-curved line identified with a beginning point, terminus point, and with sufficient curve data to define the curve.

(m) Cemetery or grave site, if discernible or of notice during the performance of the field survey or the required research.

(n) Accurate location, description and material of all monuments.

(o) Layout of existing and proposed streets and utilities on and adjacent to the subject property.

(6) Other applications for variances or conditional uses.

(7) *Non-refundable fee.* For zoning map amendments originated by the Planning Commission, Lebanon City Council, or other governmental agency or entity, a filing fee shall not be required.

(D) This division (D) shall be applicable to circumstances in which the city has annexed property but has not elected to follow the procedure of KRS 100.209 prior to the adoption of the annexation ordinance. An application for a zoning map amendment, including the designation of zones for annexed property which previously were not zoned or were zoned pursuant to the regulations of a different planning unit, which is filed by the Lebanon City Council or the Planning Commission must include the following information:

(1) Application signed by authorized officer and/or agent of the City Council or Planning Commission per an authorizing resolution of the respective City Council or Planning Commission;

(2) Plat of the property in question, prepared by a licensed land surveyor, including all information required in § 154.417(C) for an application filed by the owner of the property, except that exterior dimensions of existing structures may be estimated from public records and that proposed structures of which the applicant does not have current written information do not have to be identified on the submitted plat.

(3) No Certificate from the Marion County Health Department approving proposed water and sewerage facilities has to be included in the application unless such Certificate exists in the public records of the Health Department at the time of the application filing.

(4) No Development Plan has to be included in the application in that the City Council and/or Planning Commission are not reasonably expected to know of or anticipate specific structures and development of private property which is being zoned subsequent to annexation or is being proposed to be assigned to a new zone based on new circumstances or circumstances not having been previously considered.

(5) The application shall include the applicant's analysis and justification as to why the proposed zoning map amendment is supported under the standards of KRS 100.213 and the application shall include preliminary proposed findings for the Planning Commission consistent with KRS 100.213.

(6) The application may include documents, studies, expert reports, exhibits of any kind, legal analysis, correspondence, surveys, maps, and any other materials the applicant may seek to include. The inclusion or omission of such materials in connection with the filing of the application shall not prohibit the applicant from supplementing the materials to be submitted up through the time the administrative record is open at public hearings before the Planning Commission and City Council.

(E) *Administrative official review and findings.* Upon the filing of a zoning map amendment application, the Administrative Official shall review the application, make whatever studies the Planning Commission deems necessary and report findings at the public hearing. In addition, the Planning Commission may require an applicant to submit further information subsequent to the filing of an application if necessary to make a recommendation.

(F) *Public Notice.* The Planning Commission shall give notice of the public hearing in accordance with the provisions of KRS Chapters 100 and 424 and as set forth in this chapter:

(1) *Published notice.* The Planning Commission shall publish a notice in a newspaper of general circulation in Lebanon and Marion County at least seven and no more than 21 days before the public hearing in accordance with KRS Chapter 424.

(2) *Mailed notice.*

(a) *Map amendments originating with the owner.* Notice of the required public hearing shall be sent by first class mail to owners of property adjacent to the subject land at least 14 days prior to the public hearing. Notice of such required public hearing shall also be sent via first class mail to the County Judge/Executive of Marion County, Kentucky if the property proposed to be subject to a map amendment adjoins property which is in the unincorporated area of Marion County (or to the mayor of any city which the property adjoining the property in Lebanon is located) or such notice shall be sent to any planning unit which has jurisdiction over such incorporated territory in compliance with KRS 100.212(3).

(b) *Map amendments originating with the Planning Commission or Lebanon City Council.* Per KRS Chapter 100, when a map amendment originates with the Planning Commission or the Lebanon City Council, notice of required public hearing shall be sent by first class mail to an owner of every parcel of property for which the classification is proposed to be changed at least 30 days prior to the public hearing. Notice of such required public hearing shall also be sent via first class mail to owners of property adjacent to the subject property and also to owners of the subject property at least fourteen days prior to the public hearing before the Planning Commission in compliance with KRS 100.212(2), as amended. Notice of such required public hearing shall also be sent via first class mail to the County Judge/Executive of Marion County, Kentucky if the property proposed to be subject to a map amendment adjoins property which is in the unincorporated area of Marion County (or to the mayor of any city which the property adjoining the property in Lebanon is located) or such notice shall be sent to any planning unit which has jurisdiction over such incorporated territory in compliance with KRS 100.212(3).

(3) *Posted notice.* The Planning Commission shall post a notice of the public hearing conspicuously on the property for 14 consecutive days immediately prior to the hearing and as set forth



in KRS Chapter 100. The Administrative Official shall seek the advance timely consent of the property owner to posting of such notice when the relevant application has been filed by the City Council or Planning Commission, but the failure of the owner to provide such consent shall not divest the city or the Planning Commission of its authority to pursue a map amendment and the failure of the property owner to consent to posting of such notice shall be deemed a waiver of objection by the owner to notice of the zoning map amendment.

(G) *Public hearing and Planning Commission action.*

(1) The Planning Commission shall hold at least one public hearing and make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the Lebanon City Council. The Planning Commission must find that the zoning map amendment is in agreement with the adopted Lebanon Comprehensive Plan, or in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission:

(a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; and

(b) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Lebanon Comprehensive Plan and which have substantially altered the basic character of such area.

(2) The Planning Commission shall forward its findings of fact and recommendations in writing, including a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment, to the Lebanon City Council.

(H) *Legislative body action.* Upon receipt of the findings of fact and recommendations of the Planning Commission, the Lebanon City Council shall take into consideration the zoning map amendment pursuant to KRS Chapter 100 requirements.

(I) *Land use certification recordation.* The Planning Commission secretary shall file a land use certificate in the Marion County Court Clerk's office for all zoning map amendments within 30 days of the date upon which the legislative body takes final action on the zoning map amendment. The land use certificate shall be completed and recorded in conformance with the KRS Chapter 100. If the zoning map amendment resulted from application of the City Council or Planning Commission, a copy of the recorded land use certificate shall also be mailed to the property owner of the subject property according to the records of the Property Valuation Administrator as of the date of the zoning map amendment within 30 days of such map amendment.

(Ord. 05-11, passed 12-12-05; Am. Ord. 06-07, passed 7-12-06)

***CONDITIONAL USE PERMITS, VARIANCES, AND APPEALS*****§ 154.430 CONDITIONAL USE PERMITS, VARIANCES, AND APPEALS.**

The Lebanon Board of Adjustments shall have the power to hear and decide on applications for conditional use permits, variances, and appeals in accordance with the procedures set forth in KRS Chapter 100 and in this subchapter.  
(Ord. 05-11, passed 12-12-05)

**§ 154.431 CONDITIONAL USE PERMITS.**

The owner of the subject property or an agent of the owner, bearing a written power of attorney granting authority for this purpose, may apply for a conditional use permit.

(A) *Application.* An application for a conditional use permit must be filed with the Board of Adjustment. The application must be accompanied by the following information and documentation:

- (1) Application signed by an owner or the owner's agent;
- (2) Plat and site plan of the property to which the conditional use permit will apply, prepared by a licensed land surveyor and containing the following information:
  - (a) Name of owner(s) and applicant(s);
  - (b) Scale and north arrow;
  - (c) Bearing and distances;
  - (d) Lot dimensions and setbacks;
  - (e) Locating distance to nearest road centerlines or rights-of-way;
  - (f) Address of property or intersecting street on each side;
  - (g) Rights-of-way of road and pavement width;
  - (h) Adjacent property, showing property lines and names of adjacent property owner(s);
  - (i) Acreage of property;
  - (j) Vicinity map;
  - (k) Surveyor's stamp and certification;

(l) Floodplain area(s) and FEMA certification;

(m) Exterior dimensions and use of all existing and proposed structures; and

(n) Any and all other information necessary for determining conformance with the Zoning Ordinance.

(3) Listing of adjoining property owners obtained from Marion County Property Valuation Administrator's records, including name(s), mailing address, PVA number, and property street address.

(4) Certificate from the Marion County Health Department approving the proposed water and sewerage facilities.

(5) Non-refundable fee.

(B) *Staff review and findings.* Upon the filing of a conditional use permit application, the Board of Adjustments staff shall review the application, make whatever studies the Board of Adjustments deems necessary and report findings at the public hearing. In addition, the Planning Commission may require an applicant to submit further information subsequent to the filing of an application if necessary to make a recommendation.

(C) *Public notice.*

(1) *Published notice.* The Board of Adjustments shall publish in a newspaper of general circulation in Lebanon and Marion County a public notice at least seven days and not more than 21 days before the public hearing in accordance with KRS Chapter 424.

(2) *Mailed notice.* The Board of Adjustments shall send notice of the required public hearing by first class mail to owners of real property that are adjacent to the land that is subject to the conditional use permit application at least 14 days prior to the public hearing.

(3) *Posted notice.* The Board of Adjustments shall post a notice of the public hearing conspicuously on the property for 14 consecutive days immediately prior to the hearing and as set forth in KRS Chapter 100.

(D) *Board of Adjustments action.* Within 30 days of the receipt of a conditional use permit application, the Board of Adjustments shall hold at least one public hearing. The Board of Adjustments may approve, modify, or deny any application. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board of Adjustments' minutes and on the conditional use permit, along with a reference to the specific section of the Zoning Ordinance listing the conditional use under consideration.

(E) *Land use certification recordation.* The Board of Adjustments secretary shall file a land use certificate in the Marion County Court Clerk's office for all conditional use permits within 30 days of

the date upon which the Board of Adjustments takes final action to adopt the conditional use permit. The land use certificate shall be completed and recorded in conformance with the KRS Chapter 100.

(F) *Revocation of conditional use permits.* The Board of Adjustments shall have the power, after notifying the permit holder and holding a public hearing, to revoke conditional use permits for noncompliance with the conditions therein or if the property owner violates any requirements of any local, state, or federal regulations. Furthermore, the Board of Adjustments shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.

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

(H) *Annual review.* The Administrative Official shall review all conditional use permits, except those for which all conditions have been satisfied, at least once annually, to determine if the conditions in the permit are being met. The Administrative Official shall review any conditional use permit, except those for which all conditions have been satisfied, on the request of the Board of Adjustments to determine if the use of the conditions in the permit are being met and to determine if the land violates any laws or regulations.

(1) *Inspection and report.* The Administrative Official shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all the conditions that are listed on the conditional use permit. If the property owner is not complying with all of the conditions listed on the conditional use permit, the Administrative Official shall report the fact in writing to the Chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the property owner at the same time that it is furnished to the Chairman of the Board of Adjustment.

(2) *Public hearing.* The Board of Adjustments shall hold a hearing on the report within 30 days, and a notice of the time and place of the hearing shall be furnished to the property owner at least one week prior to the hearing. If the Board of Adjustments finds that the facts alleged in the report of the Administrative Official are true and that the property owner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Administrative Official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(I) *Conditional uses as permitted uses.* Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative Official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of the Zoning Ordinance, will be treated as a permitted use.  
(Ord. 05-11, passed 12-12-05)

#### § 154.432 VARIANCES.

The owner of the subject property or an agent of the owner, bearing a written power of attorney granting authority for this purpose, may apply for a variance.

(A) *Permitted variances.* The Board of Adjustments shall have the authority to hear and decide on applications for variances from the terms of the Zoning Ordinance as defined and permitted in KRS 100, but only in the following situations and provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance. The Board of Adjustments shall deny any request for a variance, from which relief is sought, arising from circumstances that are the result of a willful violation of the Zoning Ordinance by the applicant subsequent to the adoption of the Zoning Ordinance.

(1) Where, by reasons of exceptional narrowness, shallowness, or shape of a specific piece of property, which at the time of the adoption of this Zoning Ordinance, was a lot of record; or,

(2) Where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of dimensional requirements would cause practical difficulties to or exceptional and undue hardship upon the owner of such property. Financial disadvantage to the property owner is no proof of hardship within the purpose of this chapter; or,

(3) Where it is shown that the land in question cannot be subdivided and that more open space is created, a lower density can be established, traffic problems are lessened, and a better relationship between the land and buildings is created by not subdividing the land and where a multi-building development will retain the neighborhood character and not violate this chapter.

(B) *Prohibited variances.* The following variances shall be prohibited:

(1) Variances shall not be issued to allow the extension of a nonconforming use.

(2) Variances shall not be permitted to increase the density of a use above that permitted by the applicable zoning district.

(3) Variances shall not be permitted to allow a use prohibited by the Zoning Ordinance.

(4) Variances shall not be permitted which arise from circumstances that are the result of willful violations of the Zoning Ordinance.

(5) Variances shall not be issued within any designated floodways.

(C) *Application.* An application for a variance must be filed with the Board of Adjustments. The application must be accompanied by the following information and documentation:

(1) Application signed by an owner or the owner's agent;

(2) Boundary survey and site plan of the property to which the conditional use permit will apply, prepared by a licensed land surveyor and containing the following information:

(a) Names of owner(s) and applicant(s);

(b) Scale and north arrow;

(c) Bearing and distances;

(d) Lot dimensions, setbacks, and coverage;

(e) Locating distance to nearest road centerlines or rights-of-way;

(f) Address of property or intersecting street on each side;

(g) Rights-of-way of road and pavement width;

(h) Adjacent property, showing property lines and names of adjacent property owner(s);

(i) Acreage of property;

(j) Vicinity map;

(k) Surveyor's stamp and certification;

(l) Floodplain area(s) and FEMA certification;

(m) Exterior dimensions and use of all existing and proposed structures; and,

(n) Any and all other information necessary for determining conformance with the Zoning Ordinance.

(3) Listing of adjoining property owners obtained from Marion County Property Valuation Administrator's records, including name(s), mailing address, PVA number, and property street address.

(4) Certificate from the Marion County Health Department approving the proposed water and sewerage facilities.

(5) Non-refundable fee.

(D) *Staff review and findings.* Upon the filing of a conditional use permit application, the Board of Adjustments staff shall review the application, make whatever studies the Board of Adjustments deems necessary and report findings at the public hearing. In addition, the Board of Adjustments may require an applicant to submit further information subsequent to the filing of an application if necessary to make a recommendation.

(E) *Public notice.*

(1) *Published notice.* The Board of Adjustments shall publish in a newspaper of general circulation in Lebanon-Marion County a public notice at least seven days and not more than 21 days before the public hearing in accordance with KRS Chapter 424.

(2) *Mailed notice.* The Board of Adjustments shall send notice of the required public hearing by first class mail to owners of real property that are adjacent to the land that is subject to the variance application at least 14 days prior to the public hearing.

(3) *Posted notice.* The Board of Adjustments shall post a notice of the public hearing conspicuously on the property for 14 consecutive days immediately prior to the hearing and as set forth in KRS Chapter 100.

(F) *Board of Adjustment findings and action.*

(1) Within 30 days of the receipt of a variance application, the Board of Adjustments shall hold at least one public hearing. The Board of Adjustments may approve, modify, or deny any application. The Board of Adjustments may grant a variance if it concludes that unnecessary hardship would result from the strict application of this Zoning Ordinance. The Board of Adjustments shall determine and express in writing, all of the following findings:

(a) That the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone;

(b) That the strict application of the provisions of the Zoning Ordinance would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

(c) That the circumstances are not the result of the applicant taken subsequent to the adoption of the Zoning Ordinance from which relief is sought;

(d) That the requested variance will not adversely affect the public health, safety, or welfare, will not alter the character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow unreasonable circumvention of the requirements of the Zoning Ordinance.

(2) In granting a variance, the Board of Adjustments may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in the furtherance of the purposes of the Ordinance.

(G) *Land use certification recordation.* The Board of Adjustments secretary shall file a land use certificate in the Marion County Court Clerk's office for all conditional use permits within 30 days of the date upon which the Board of Adjustments takes final action to grant the variance. The land use certificate shall be completed and recorded in conformance with the KRS Chapter 100.

(Ord. 05-11, passed 12-12-05)

### § 154.433 APPEALS.

Any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Administrative Official may take appeals to the Board of Adjustments.

(A) *Time limitation.* Such appeal shall be made within 30 days of the grievance by filing a notice of appeal with the Board of Adjustments, specifying the grounds therefore and giving notice of such appeal to any and all parties of record.

(B) *Administrative official action.* The Administrative official shall transmit to the Board of Adjustments all papers constituting the record upon which the action appealed was taken, and shall be treated as and be the respondent in such further proceedings.

(C) *Public notice.*

(1) *Published notice.* The Board of Adjustments shall fix a reasonable time for hearing the appeal and give public notice in a newspaper of general circulation in Lebanon and Marion County at least seven days and not more than 21 days before the public hearing in accordance with KRS Chapter 424.

(2) *Mailed notice.* The Board of Adjustments shall send notice of the required public hearing by first class mail to the appellant and the Administrative Official at least one week prior to the hearing.

(D) *Public hearing.* The Board shall hold one public hearing within 60 days and shall fix a reasonable time for the hearing of an appeal. The affected party may appear at the hearing in person or be represented by an attorney. At the public hearing on the appeal held by the Board of Adjustments, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

(E) *Findings requirements.* The Board of Adjustments review on appeal shall be limited to a determination of whether the decision being appealed was (1) not based upon substantial evidence and (2) arbitrary and capricious. The Board of Adjustments shall affirm the decision that is being appealed



unless one or both of the factors set forth above exists. The Board of Adjustments shall not substitute its judgment for the judgment of the Administrative Official.

(Ord. 05-11, passed 12-12-05)

### ***NONCONFORMITIES***

#### **§ 154.445 INTENT.**

Within the districts established by this Zoning Ordinance or amendments that may be later adopted, there exist lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. It is the intent of this Zoning Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon or expanded, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.446 NONCONFORMING STRUCTURES.**

Where a lawful structure exists at the effective date of adoption or amendment of this chapter which could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yard, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No nonconforming structure may be enlarged, moved, or structurally altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

(B) Should such nonconforming structure or nonconforming portion of such structure be destroyed by any means to an extent of 55% or more of its replacement cost at the time of destruction, exclusive of foundations, it shall not be repaired or reconstructed except in conformity with the provisions of this Zoning Ordinance;

(C) Should such nonconforming structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved;

(D) No nonconforming structure may be re-established after it has been discontinued for 24 consecutive months or more, except when government action impedes access to the premises. A vacated premises or building of non-operative status shall be evidence of a discontinued use;

(E) No nonconforming structure may be changed to any other use except one which is a permitted use in the zoning district in which it is located;

(F) The provisions of this subchapter shall not apply to residential structures in industrial districts;

(G) When a nonconforming structure is superseded by a permitted use, the structure shall thereafter conform to the regulations for the zoning district, and the nonconforming use may not thereafter be resumed.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.447 NONCONFORMING USES OF LAND.**

Where at the time of passage of this chapter or amendments, lawful use of land exists which would not be permitted in the zoning district under the terms of this chapter, the lawful use may be continued as it remains otherwise lawful subject to the following provisions:

(A) No nonconforming use, except single-family residential uses in the Agriculture and Single-Family Residential Districts, shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter;

(B) No such nonconforming use shall be moved in whole or part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter;

(C) If any nonconforming use of land ceases for any reason for 24 consecutive months or more, except where government action impedes access to the premises, any subsequent use of land shall not thereafter be used except in conformity with the regulations of the district in which it is located;

(D) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming uses of land.

(Ord. 05-11, passed 12-12-05)

#### **§ 154.448 NONCONFORMING USE OF STRUCTURES OR STRUCTURES/PREMISES.**

Where at the time of passage of this chapter or amendments, lawful use involving individual structures, or of structure and premises in combination, exists which would not be permitted in the zoning district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No structure, or structure and premises in combination, devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located;

(B) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zoning district, and the nonconforming use may not thereafter be resumed;

(C) If any nonconforming use of a structure, or structure and premises in combination, ceases for 24 consecutive months or more, except when government action impedes access to the premises, any subsequent use of the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located. Vacated premises or building of non-operative status shall be evidence of a discontinued use;

(D) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purposes of this division is defined as damage to an extent of more than 55% or more of its replacement cost, exclusive of foundation, at time of destruction.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.449 NONCONFORMING LOTS OF RECORD.**

(A) *Single lot.* In any zoning district in which single-family dwellings were permitted as of the adoption of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zoning district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to these regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustments.

(B) *Variance required.* The owner of a nonconforming lot of record at the time of the adoption of this chapter may submit an application to the Board of Adjustments for a variance from the terms of this chapter in accordance with the provisions of §§ 154.430 - 154.433.  
(Ord. 05-11, passed 12-12-05)

#### **§ 154.450 REPAIRS AND MAINTENANCE.**

(A) *Ordinary repair.* On any nonconforming structure or portion of a structure containing a nonconforming use, any change that does not require a building permit is considered ordinary maintenance and shall not affect the nonconforming status.

(B) *Unsafe buildings.* If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs and maintenance, and is declared by any building official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.

(C) *Mobile homes.* Any mobile home that was properly permitted prior to the adoption of this Zoning Ordinance, but now considered a nonconforming use, may be replaced by a newer model, affixed with an “A” or “B” seal, without affecting its nonconforming status but must meet other requirements of all local, state, and federal rules, requirements, and restrictions.  
(Ord. 05-11, passed 12-12-05)

### ***FEES***

#### **§ 154.460 FEE SCHEDULE.**

The Lebanon City Council shall from time to time set fees for review of applications and inspections by Fee Schedule Resolution. The Fee Schedule Resolution will be provided to the Administrative Official when adopted. Any person may obtain a copy of the Fee Schedule Resolution from the City Clerk or Administrative Official. All applicable fees shall be tendered with the application. Note: If the applicant reschedules a public hearing, all postage and advertising costs shall be paid by the applicant.

(Ord. 05-11, passed 12-12-05; Am. Ord. 2024-03, passed 3-11-24)

#### **§ 154.461 FEE PAYMENT.**

All fees shall be paid in advance and shall be made to the Lebanon City Clerk at the time of application. No hearing, review, request, or application shall be considered until all applicable fees have been paid. All fees are nonrefundable.

(Ord. 05-11, passed 12-12-05)

***ENFORCEMENT*****§ 154.475 ENFORCEMENT OFFICER.**

The provisions of this chapter shall be administered and enforced by the Building Inspector or Codes Enforcement Officer of the city or Lebanon Planning Commission, or any other person authorized by the Lebanon City Council or Lebanon Planning Commission. Such enforcement personnel shall have the power to:

(A) Make inspections of any premises necessary to carry out the enforcement of this chapter;

(B) Issue citations for violations of this chapter in accordance with the provisions of KRS 100.991 and the procedures set forth in KRS 431.015;

(C) Bring action or cause action to be brought in court of appropriate jurisdiction for any and all relief as provided in KRS 100.  
(Ord. 05-11, passed 12-12-05)

**§ 154.999 PENALTY.**

*Violations pursuant to KRS 100.991.* Violations of this Zoning Ordinance pursuant to KRS 100.991 shall be subject to the following:

(A) Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than \$10 but not more than \$500 for each conviction. Each day of violation shall constitute a separate offense.

(B) Any person, owner, or agent who violates this section shall, upon conviction, be fined not less than \$100 dollars nor more than \$500 for each lot or parcel which was subject of sale or transfer, or a contract for sale or transfer.

(C) Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than \$100 nor more than \$500.

(D) Civil injunctions per KRS Chapter 100 and other applicable enforcement remedies as provided in the law.

(E) Any person who violates any of the provisions of §§ 154.360 through 154.368 for which no other penalty is provided shall upon conviction be fined in an amount not less than \$20 nor more than \$250. Each day of the violation shall constitute a separate offense. Any person violating §§ 154.360 through 154.368 may also be found guilty of a civil offense. The civil fine shall be no less than \$20 nor

more than \$250. The civil fine shall be paid directly to the city. If the fine is not paid within 30 days from the date of notification, then the city may recover said fine in a civil action in a court of proper jurisdiction. The city may also obtain injunctions or abatement orders to insure compliance with §§ 154.360 through 154.368 or pursue administrative remedies when appropriate, including injunctions and abatement proceedings.

(Ord. 05-11, passed 12-12-05)

**APPENDIX A: PERMITTED USES**





















































































## **CHAPTER 155: PROPERTY MAINTENANCE CODE ENFORCEMENT**

### **Section**

- 155.01 Title
- 155.02 Definitions
- 155.03 Jurisdiction
- 155.04 Property Maintenance Code Enforcement Officer(s); powers, responsibilities, and procedures
- 155.05 Appeal process
- 155.06 Appointment of members; term of office; removal from office; liability
- 155.07 General powers of the Board
- 155.08 Organization of Board; conduct of meetings and Board members; quorum
- 155.09 Board hearing; notice; final order
- 155.10 Appeal to District Court; final judgement
- 155.11 Citation fine schedule
- 155.12 Lien; charges, costs, penalties, and fees
- 155.13 Transfer of ownership
- 155.14 Property maintenance code
- 155.15 Demolition and demolition permits
- 155.16 Validity of existing liens previously filed

### **§ 155.01 TITLE.**

This chapter shall be known and may be cited as the “Property Maintenance Code Enforcement Chapter.”

(Ord. 09-11, passed 12-7-09)

### **§ 155.02 DEFINITIONS.**

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

***ABANDONED.*** Property or any improvements thereon that is unoccupied, not in use, neglected, and/or not serviced by public utilities.

**DEMOLITION.** The act of demolishing or razing of a building, structure or part thereof to the ground level.

**HEAT SUPPLY DAYS.** As used in § 155.14 and the International Property Maintenance Code §§ 602.3 and 602.4, shall be the period from September 1 to May 30.

**OFFENSES.**

(1) **FIRST OFFENSE.** A citation issued on a specific parcel of property on one occasion within a 12-month period.

(2) **SECOND OFFENSE.** A citation issued on a specific parcel of property on two occasions within a 12-month period.

(3) **THIRD + OFFENSE.** A citation issued on a specific parcel of property on three or more occasions within a 12-month period.

**PROPERTY MAINTENANCE CODE.** Includes the “Nuisance Code” as that term is defined in state law. It shall consist of all of the provisions set forth herein and any and all other ordinances hereafter adopted by the Mayor and City Council pursuant to state law as may be amended from time to time.

**PROPERTY MAINTENANCE CODE ENFORCEMENT BOARD.** The administrative body created and acting under the authority of state law.

**PROPERTY MAINTENANCE CODE ENFORCEMENT OFFICER.** Includes all city citation officers and other positions authorized to enforce this code.

**PUBLIC NUISANCE.** Includes, but is not limited to, the following:

(1) The physical condition or occupancy of any property regarded as a public nuisance at common law;

(2) Any physical condition or occupancy of any property or appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, or swimming pools, shafts, basements, excavations and unsafe fences or structures;

(3) Any property that has unsanitary sewerage or plumbing facilities;

(4) Any property that is unsafe for human habitation;

(5) Any property that is in imminent danger of becoming a fire or other hazard, or is manifestly unsafe or unsecure, so as to pose an imminent threat or danger to life, limb or property;

(6) Any property from which the plumbing, electrical, heating or other facilities required by this code have been removed or from which utilities have been disconnected, destroyed, removed or rendered ineffective or the required precautions against trespassers have not been provided;

(7) Any property that is unsanitary, littered with rubbish or garbage or has uncontrolled grass and weeds growing on it;

(8) Any residence, building, outbuilding or other structure that is in a state of dilapidation, disrepair, deterioration or decay, faulty construction, overcrowded, open, vacant or abandoned, damaged by fire to the extent that it is uninhabitable, in danger of collapse or failure or dangerous to anyone on or near the property.

(9) Any residence, building, outbuilding or other structure that has been abandoned for a minimum continuous period of six months, thereby creating an attractive nuisance to children and/or which tends to diminish the value of adjacent properties.

**REMEDY.** The action taken to abate any nuisance, in order to bring the property determined to be in violation, into compliance with the requirements of this Property Maintenance Code.

**VENTILATION DAYS.** As used in § 155.14 and International Property Maintenance Code § 304.14, the period from April 1 to October 31.  
(Ord. 09-11, passed 12-7-09)

### **§ 155.03 JURISDICTION.**

The Property Maintenance Code Enforcement Officer and Property Maintenance Code Enforcement Board shall have jurisdiction over and shall enforce this Property Maintenance Code and all other ordinances hereafter adopted which specifically provide for the enforcement by the Code Enforcement Officer(s) or Board, in the manner set forth herein.  
(Ord. 09-11, passed 12-7-09)

### **§ 155.04 PROPERTY MAINTENANCE CODE ENFORCEMENT OFFICER(S); POWERS, RESPONSIBILITIES, AND PROCEDURES.**

The following provisions shall govern all enforcement powers, responsibilities and procedures administered by the Property Maintenance Code Enforcement Officer(s).

(A) *Notice of violation.* Except as provided in division (B) below, if a Property Maintenance Code Enforcement Officer believes, based on the Officer's personal observation or investigation, that a person has violated the Property Maintenance Code, the Officer shall issue a notice of violation to the property

owner, resident, tenant, occupant or other violator, allowing that person a specified and reasonable number of days to abate the violation. The violator may upon request, be allowed a reasonable extension of time to abate the violation without imposition of any charges, costs, penalties, and fees, in the sole discretion of the Property Maintenance Code Enforcement Officer. If the violator fails to abate the violation within the time prescribed therein, a new and separate notice of violation may be issued for subsequent and separate violations of the Property Maintenance Code. In the event that the resident, tenant, occupant or other violator is issued a notice of violation, the property owner of record will receive a copy of the notice.

(B) *Notice of violation procedure.* Notices of violation issued by Code Enforcement Officer for violations of the Code shall contain the following information:

- (1) The address, location or description of the property found to be in violation of the Code;
- (2) The date and time of inspection;
- (3) The name and address of the person to whom the notice is issued;
- (4) The date the notice is issued;
- (5) The facts constituting the offense;
- (6) The section of the Code violated;
- (7) The name of the Property Maintenance Code Enforcement Officer;
- (8) The fines, charges, costs, penalties, and/or administrative fees, imposed for the violation if it is not abated in the manner required by the Property Maintenance Code Enforcement Officer;
- (9) The maximum fine that may be imposed under this chapter for the violation in question;
- (10) The procedure for the violator to follow in order to appeal the notice;
- (11) A statement that if the violator fails to appeal the citation or time to abate within the time allowed, the violator shall be deemed to have waived his or her right to a hearing before the Code Enforcement Board to appeal the notice and the Code Enforcement Officer's determination that the violation occurred shall be final; and
- (12) Notice that a lien may be filed against the property on which the violation occurred if it is not abated in the manner required by the Property Maintenance Code Enforcement Officer and that proceedings to enforce the lien may be initiated to collect fines, charges, costs, penalties, and/or fees, including attorney and administrative fees.



(C) *Type and delivery of notice.* The notice of violation shall be in writing and shall be reasonably calculated to inform the violator of the nature of the violation. It may be hand-delivered to the property owner, resident, tenant, occupant or other violator or may be served or sent by first class mail addressed to the last known property owner of record as listed in the Marion County Property Valuation Office. If the notice cannot be delivered to the owner, resident, tenant, occupant or other violator in person or notice sent by first class mail is returned by the US Postal Service because the notice is undeliverable, marked return to sender or the owner has left no forwarding address, notice shall be given by placing it on the door of the most visible entrance to the property with dwellings or structures located thereon, or by posting a sign, at least eight and one-half inches by 11 inches in dimension in a conspicuous location on the property.

(D) *Issuance of citation.* If the property owner, resident, tenant, occupant or other violator fails or refuses to abate the violation within the time and manner required by the Code Enforcement Officer, the Officer is authorized to issue a citation. The citation shall represent a determination by the Code Enforcement Officer that a violation has been committed and that determination shall be final unless it is appealed by the alleged violator to the Property Maintenance Code Enforcement Board in the manner prescribed herein.

(E) *Citation procedure.* Citations issued by Code Enforcement Officer for violations of the Code shall contain the following information:

- (1) The address, location or description of the property found to be in violation of the Code;
- (2) The date and time of inspection;
- (3) The name and address of the person to whom the citation is issued;
- (4) The date the citation is issued;
- (5) The facts constituting the offense;
- (6) The section of the Code violated;
- (7) The name of the Property Maintenance Code Enforcement Officer;
- (8) The fines, charges, costs, penalties, and/or administrative fees, imposed for the violation if the citation is not appealed in the manner prescribed within this chapter;
- (9) The maximum fine that may be imposed under this chapter for the violation in question;
- (10) The procedure for the violator to follow in order to pay the fine or to appeal the citation;

(11) A statement that if the violator fails to pay the fine set forth in the citation or appeal the citation within the time allowed, the violator shall be deemed to have waived his/her right to a hearing before the Code Enforcement Board to appeal the citation and the Code Enforcement Officer's determination that the violation occurred shall be final; and

(12) Notice that a lien may be filed against the property on which the violation occurred and that proceedings to enforce the lien may be initiated to collect fines, charges, costs, penalties, and/or fees, including attorney and administrative fees.

(F) *Type and delivery of citation.* The citation shall be in writing and shall be reasonably calculated to inform the violator of the nature of the violation. It shall be hand-delivered to the property owner, resident, tenant, occupant or other violator or may be served or sent by first class mail addressed to the last known property owner of record as listed in the Marion County Property Valuation Office. If the notice cannot be delivered to the owner in person or notice sent by first class mail is returned by the US Postal Service because the notice is undeliverable, marked return to sender or the owner has left no forwarding address, notice shall be given by placing it on the door of the most visible entrance to the property with dwellings or structures located thereon, or by posting a sign, at least eight and one-half inches by 11 inches in dimension in a conspicuous location on the property.

(G) *Abatement of nuisance.* If the violator does not appeal the citation within the time prescribed, the Code Enforcement Officer issuing the citation shall enter a final order finding and determining that the violation was committed and no appeal was timely filed. The Code Enforcement Officer may thereafter cause the nuisance to be abated by any and all means reasonable and necessary. A copy of the final order shall be served on the property owner, resident, tenant, occupant or other violator found to be in violation of this Code.

(H) *Emergency abatement.* Nothing in division (G) above shall prohibit the city from taking immediate action to abate any violation of this chapter without prior notice to the property owner, resident, tenant, or other occupant when an Enforcement Officer, upon inspection of the property has reason to believe that, in the absence of immediate remedial action, a violation will, within reasonable probability, cause irreparable or irreversible harm and/or property damage. Immediately on the next business day after an emergency abatement by the Officer, the Officer shall immediately provide written notice to the Mayor of the emergency determination and the abatement action undertaken.

(I) *Right of entry.* Enforcement Officer(s), and their duly authorized agents, assistants, employees, or contractors, after first having obtained the consent of the property owner, resident, tenant, or other occupant may enter upon private or public property to conduct inspections. If the property owner, resident, tenant, or other occupant does not give the Enforcement Officer(s) consent to enter upon and inspect the property, an on-site inspection of the property shall not occur until it is authorized by a court of competent jurisdiction.

(J) *Liability.* The Code Enforcement Officer(s), charged with the enforcement of this chapter, while acting within the course and scope of their duties under this chapter, shall not thereby be rendered liable personally and are hereby relieved from any and all personal liability for injuries and damage to persons or property. It is thus intended by this chapter that any suit instituted against any Code Enforcement Officer or employee because of a lawful act performed by that Officer or employee in the discharge of duties imposed under the provisions of this chapter be defended by the city's liability carrier until final adjudication of any proceedings.

(K) *Discretionary modifications.* The Enforcement Officer shall have the discretion to modify a notice of violation, only before the issuance of a citation, provided the Officer shall first find that special circumstances that makes strict compliance with this chapter impractical and the modification is in compliance with the intent and purpose of this chapter. A modified notice shall constitute a "new" notice and shall be deemed to replace the original (voided) notice. The details of actions granting modifications shall be recorded and entered in the Building and Codes Department files.  
(Ord. 09-11, passed 12-7-09)

#### **§ 155.05 APPEAL PROCESS.**

(A) *Appeal of notice of violation.* Any property owner, resident, tenant, occupant or other violator served with a notice of violation or on whose property a notice of violation is posted, shall no later than ten days after the issuance of the notice of violation or posting thereof on the property, may file an appeal in writing to City Hall, attention to the Mayor and the Building and Codes Officer of the City of Lebanon, Kentucky requesting a hearing before the Property Maintenance Code Enforcement Board to appeal the notice of violation. If the violator fails to appeal the notice within ten days as provided herein, the person shall be deemed to have waived his/her right to a hearing before the Property Maintenance Code Enforcement Board and the Code Enforcement Officer's determination that a violation was committed shall be considered final and enforceable.

(B) *Appeal of citation.* Upon receipt of a citation, the property owner, resident, tenant, occupant or other violator shall respond to it not later than ten days following the issuance or posting on the property the notice of violation by either paying the fines, charges, costs, penalties and/or fees, including administrative fees assessed therein, or by filing an appeal in writing with the City of Lebanon, Kentucky, in writing, requesting a hearing before the Property Maintenance Code Enforcement Board. Payment of assessed fines, charges, administrative fees and penalties shall not relieve the property owner, resident, tenant, occupant, or other violator from his or her obligation to bring the property on which the violation occurred into compliance with this Code within a reasonable time thereafter, as solely determined by the Property Maintenance Code Enforcement Officer.  
(Ord. 09-11, passed 12-7-09)

**§ 155.06 APPOINTMENT OF MEMBERS; TERM OF OFFICE; REMOVAL FROM OFFICE; LIABILITY.**

(A) There is hereby created pursuant to state law, a City of Lebanon Property Maintenance Code Enforcement Board (hereafter the “Board”), which shall be composed of five members.

(B) *Qualifications.* Members of the Board shall own property within the city for a period of at least one year prior to appointment to the Board and shall maintain legal ownership interest in at least one parcel of real property within the city throughout the term in office.

(C) Members shall be appointed by the Mayor of the City of Lebanon with the approval of the Lebanon City Council.

(D) The initial appointments to the five-member Board shall be as follows: one member shall be appointed to a one-year term. One member appointed to a two-year term. One member appointed to a three-year term. All subsequent Board appointments shall be for a term of three years.

(E) If a vacancy on the Board occurs, the Mayor with approval of the City Council, shall within 60 days of the vacancy, appoint a new member or members. If the vacancy is not filled within the prescribed time period, the City Council shall appoint a member to fill the vacancy.

(F) Members of the Board shall only be removed therefrom by the Mayor for misconduct, inefficiency or willful neglect of duty. Prior to removal, the Mayor or member(s) of the City Council requesting same, shall submit in writing to the member in question and the Lebanon City Council, the reasons for it.

(G) *Liability.* Members of the Board charged with the enforcement of this chapter, while acting on behalf of the city and within their official duties and capacity, shall not thereby be rendered liable personally, and are hereby relieved individually and collectively from all personal liability for any injury and or damages to persons or property as a result of the discharge of official duties imposed herein. Any suit instituted against any Board Member because of an act performed by that Board Member in the lawful discharge of duties and under the provisions of this chapter shall be defended by the legal representative of the city until the final determination of the proceedings.  
(Ord. 09-11, passed 12-7-09)

**§ 155.07 GENERAL POWERS OF THE BOARD.**

(A) The Board is authorized and directed to conduct evidentiary hearings, issue decisions and abatement orders and impose fines, charges, costs, penalties, and/or fees, including administrative fees in the final adjudication of appeals brought before it.

(B) To adopt any and all policies, rules and regulations, reasonably required to implement, administer and conduct its business and hearings brought before it.

(C) Authorize Enforcement Officer(s) to file liens against properties found to be in violation of the Code to secure the collection of fines, penalties, fees, charges and or cost, including administrative fees.

(Ord. 09-11, passed 12-7-09)

**§ 155.08 ORGANIZATION OF BOARD; CONDUCT OF MEETINGS AND BOARD MEMBERS; QUORUM.**

(A) The Board shall annually elect a chairperson from among its members. The chairperson shall be the presiding officer and a full voting member of the Board.

(B) The Board shall hold regular monthly meetings on a date, and during times to be established by the Board. Regular and special meetings shall be scheduled and held in accordance with requirements of the Kentucky Open Meetings Act. Regular and special meetings may be cancelled if there are no appeals or other business to be considered by the Board.

(C) All meetings and hearings of the Board shall be held in accordance with the requirements of state law, Roberts Rules of Order, the Kentucky Open Meetings Act, and the Kentucky Open Records Act and the City of Lebanon Code of Ethics.

(D) For the purpose of conducting all business and hearings brought before it, three members of the Board, shall, if present, constitute a quorum.

(E) Minutes, records and/or transcripts of all proceedings and action taken shall be kept by the Board and the vote of each member on any issue decided by them shall be recorded therein.

(Ord. 09-11, passed 12-7-09)

**§ 155.09 BOARD HEARING; NOTICE; FINAL ORDER.**

(A) When an appeal has been properly filed and a hearing has been requested, the Board shall convene for the purposes of conducting a hearing not later than 60 days after the appeal has been filed with the city. Otherwise the Board may convene for the purpose of conducting any other business brought before it or a majority of the membership of the Board.

(B) Not less than ten days before any requested hearing, the Board shall notify the appellant of the date, time, and place of the hearing. Notice shall be given by certified mail, return receipt requested at his or her last known address; or by personal delivery.

(C) Any person requesting a hearing before the Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing on an appeal a notice of violation or citation and a determination that a violation was committed shall be entered and become final. The Board shall enter a final order confirming the violation and shall direct the nuisance to be abated and/or impose the fines, charges, costs, penalties, and/or fees, including administrative fees assessed in the citation. If the violator has not abated the nuisance conditions on the notice of violation or citation within the time provided, the city may promptly abate the nuisance and/or issues another violation which may be a new and separate offense in accordance with § 155.04(A). A copy of the final order shall be served upon the violator/appellant.

(D) When a hearing is held under this section, the Board shall elicit testimony from witnesses and allow relative demonstrative evidence. All testimony shall be recorded by audio, video, or stenographic means. The chairperson or any Board member shall have authority to administer the following oath. "Do you solemnly swear and affirm to tell the truth, the whole truth and nothing but the truth". Testimony shall be taken from the Property Maintenance Code Enforcement Officer, the alleged violator and any witnesses to the violation offered by the Property Maintenance Code Enforcement Officer or alleged violator and any witnesses with relevant personal knowledge of the violation or citation on appeal. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(E) In making its determination, the Board shall, based solely on the evidence, adduced during the hearing determine by a preponderance of the evidence whether or not a violation has been committed. If at the conclusion of the hearing, the Board determines that a violation has been committed, an order shall be issued upholding the notice of violation or citation and the Board shall authorize the Building and Codes Department to abate the nuisance condition on appeal and impose reasonable and necessary fines, charges, costs, penalties, and/or fees, including administrative fees imposed therein, or a combination of the forgoing remedies. Provided however, the final order of the Board shall provide the violator with reasonable time, not to exceed 30 days, to abate the violation. If the violator does not abate in the manner required and within the time provided in the final order, another notice of violation may be issued in accordance with § 155.04(A), for another violation of the Property Maintenance Code.

(F) Findings of fact, conclusions of law and decisions of the Board shall be reduced to writing and signed and dated by the majority of the Board the date the order was entered. A copy of the findings of fact, conclusions of law and decisions of the Board shall be furnished to the appellant named in the citation at his or her last known address.

(G) The Property Maintenance Code Enforcement Officer may abate the violation in order to bring the property into compliance with the Property Maintenance Code if a final order upholding the citation is entered by the Board or any court of competent jurisdiction.

(Ord. 09-11, passed 12-7-09)

**§ 155.10 APPEAL TO DISTRICT COURT; FINAL JUDGMENT.**

(A) An appeal from any judgment, decision, or determination of the Board shall be made to the Marion County District Court within seven days of the date of the Board's judgment, decision or determination. The appeal shall be initiated by the filing of a complaint and a copy of the Board's final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

(B) The action before the District Court shall be tried de novo and the burden shall be upon the city to establish that a violation occurred. If the court finds that a violation occurred, the property owner, resident, tenant, occupant or other violator shall be ordered to abate the violation and pay to the city all fines, charges, costs, penalties, and/or fees, including administrative fees occurring as of the date of the judgment. If the District Court finds a violation did not occur, the city shall be ordered to dismiss the notice of violation or citation and the plaintiff /appellant shall be authorized to recover his court costs (filing fees, not attorney fees). If the property owner, resident, tenant, occupant or other violator does not abate the violation in the time provided, another notice of violation may be issued in accordance with § 155.04(A), for each subsequent and separate violation of the Property Maintenance Code.

(C) If no appeal from a final judgment, decision or order of the Board is filed within the time period set in division (A) of this section, the Board's order shall be deemed final and enforceable for all purposes provided herein.

(Ord. 09-11, passed 12-7-09)

**§ 155.11 CITATION FINE SCHEDULE.**

Citations issued by the Property Maintenance Enforcement Officer that are not appealed or which are upheld by the Board or any court of proper jurisdiction, shall be subject to the following schedule of civil penalties for each violation:

<i>Violation</i>	<i>1<sup>st</sup> Offense</i>	<i>2<sup>nd</sup> Offense</i>	<i>3<sup>rd</sup>+ Offense</i>
All Violations	\$100	\$250	\$500

(Ord. 09-11, passed 12-7-09)

**§ 155.12 LIEN; CHARGES, COSTS, PENALTIES, AND FEES.**

(A) The city shall have a lien against any property or properties finally determined by the Code Enforcement Officer, the Board or court of competent jurisdiction to be in violation of the Property Maintenance Code to secure the payment and recovery of the reasonable value of labor and materials used to abate the nuisance violation, including fines, charges, costs, penalties, and/or fees, including

administrative fees authorized in state law. The lien shall be superior to and have priority over, all other subsequent liens on the property except state, county, school board and city taxes and prior perfected secured interest (i.e., mortgage and the like).

(B) The lien shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest, at the rate of 12% per annum thereafter, until paid.

(C) In addition to the remedy prescribed in division (A) of this section, the person found to have committed the violation shall be personally responsible for the amount of all fines, charges, costs, penalties, and/or fees, including administrative fees assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the Property Maintenance Code. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

(Ord. 09-11, passed 12-7-09)

### **§ 155.13 TRANSFER OF OWNERSHIP.**

It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of violation, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the requirements listed in the notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice of violation issued by the Property Maintenance Code Enforcement Officer and shall furnish to the Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the necessary corrections and repairs required by such notice of violation.

(Ord. 09-11, passed 12-7-09) Penalty, see § 10.99

### **§ 155.14 PROPERTY MAINTENANCE CODE.**

(A) *Provisions of the current International Property Maintenance Code adopted by reference herein.* The city hereby adopts, enacts and incorporates by reference, as if fully set forth herein, in their entirety, sections:

108	Unsafe Structures and Equipment
201	General
202	General Definitions
301	General
302	Exterior Property Areas
303	Swimming Pools, Spas and Hot Tubs



304	Exterior Structure
305	Interior Structure
306	Handrails and Guardrails
308	Extermination
401	General
402	Light
403	Ventilation
404	Occupancy limitations
501	General
502	Required Facilities
503	Toilet Rooms
504	Plumbing Systems and Fixtures
505	Water System
506	Sanitary Drainage System
507	Storm Drainage
601	General
602	Heating Facilities
603	Mechanical Equipment
604	Electrical Facilities
605	Electrical Equipment
606	Elevators, Escalators and Dumbwaiters
607	Duct Systems
701	General
702	Means of Egress
703	Fire-Resistance Ratings
704	Fire Protection Systems

of the “2006 International Property Maintenance Code” as published by the International Code Council, Inc., as same may be amended from time to time hereafter. Violations of the provisions therein shall be deemed a nuisance enforceable by any and all provisions of this chapter.

(B) *Unsafe structure: imminent danger.* Pursuant to the notice and citation provisions of this chapter, when, in the opinion of the Property Maintenance Code Enforcement Officer, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual danger to the building occupants or those in proximity of any structure because of explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Enforcement Officer is hereby authorized and empowered to order and require occupants to vacate the premises forthwith. The Enforcement Officer shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Property Maintenance Code Enforcement Officer.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making repairs, removing the hazardous condition or of demolishing the same.

(C) *Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the Property Maintenance Code Enforcement Officer, there is imminent danger due to an unsafe condition as set forth in division (B) of this section, the Enforcement Officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Enforcement Officer deems necessary to meet such emergency.

(D) *Closing streets.* When necessary for public safety, the Property Maintenance Code Enforcement Officer shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit same from being utilized.

(E) *Emergency repairs.* For the purpose of this section, the Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Cost incurred in the performance of emergency work shall be paid by the city. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is located for the recovery of such costs.

(F) *Demolition in general.* Pursuant to notice and citation provisions herein, the Property Maintenance Code Enforcement Officer shall order the owner of any premises upon which is located any structure, which in the Officer's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove the structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

(G) *Junked motor vehicles and appliances.*

(1) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) **JUNKED APPLIANCES.** Any unit, or part thereof, of machinery, furniture, or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, objects of art, and the like, the condition of which upon inspection, are found to be in one or more of the following conditions:

1. Wrecked;
2. Dismantled;
3. Partially dismantled;
4. Inoperative;
5. Abandoned; or
6. Discarded.

(b) **JUNKED MOTOR VEHICLES.** Any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical power that if operational, would be used for transportation of persons or property on public streets and highways, which upon inspection, are found to be in one or more of the following conditions:

1. Wrecked;
2. Dismantled;
3. Partially dismantled;
4. Inoperative;
5. Abandoned; or
6. Discarded.

(2) *Declaration junked motor vehicles and appliances; exceptions.*

(a) The presence of any junked motor vehicle or appliance on public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed a public nuisance, and shall further be considered rubbish or refuse, and it shall be unlawful for any person to cause or maintain such public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle or appliance on the real property of another or to suffer, permit or allow a junked motor vehicle or appliance to be parked, left or maintained on his own real property, provided that this provision shall not apply with regard to:

1. Any motor vehicle or appliance in an enclosed building;
2. Any motor vehicle on the property of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise and the owner can satisfactorily establish the business enterprise is legitimate; or
3. Any motor vehicle on property occupied and used for repair, reconditioning and remodeling of motor vehicles or appliances in conformance with the Zoning Code of the city. With respect to any such vehicle, the vehicle and the property upon which it is located shall be subject to inspection by the Enforcement Official to examine the length of time that vehicle has been so maintained, as well as for production by the property owner of current vehicle registration and licensing.

(b) *Proper disposal of appliances.* All appliances shall be properly disposed of and shall be properly stored, including but not limited to state, federal, environmental or health and safety regulations (i.e., removing doors or other closing mechanisms, and the like) until the appliance can be destroyed or disposed of permanently.

(3) *Liability for damages to removed vehicle.* Neither the owner nor occupant of the property from which any aforesaid junked motor vehicles shall be removed, their servants or agents, or any department of the city, or its agents, shall be liable for any loss or damage to the junked motor vehicle while being removed or as a result of any subsequent sale or other disposition.

(4) *Compliance by removal of vehicle.* The removal of a junked motor vehicle from the property within the number of days required in the notice of violation issued by the Property Maintenance Enforcement Officer, shall be deemed to be in compliance with the provisions of this section and no further action shall be taken against the owner of the junked motor vehicle or appliance or the owner or occupant of the property.

(5) *Right of entry.* In the enforcement of this chapter, a Property Maintenance Code Enforcement Officer, and his or her duly authorized agents, assistants, employees, or contractors with the prior consent of the owner, tenant or occupant, or by order of a court of competent jurisdiction may enter upon private or public property to examine a junked motor vehicle or appliance, or obtain information as to the identity of a junked motor vehicle or appliance and of the owner thereof, and to remove or cause removal of a junked motor vehicle or appliance declared to be a nuisance pursuant to this chapter.

(6) *Chapter supplemental to other regulations.*

(a) The provisions of this chapter are supplemental and in addition to all other regulatory codes, statutes and ordinances heretofore enacted by the city, state or any other legal entity or agency having jurisdiction.

(b) The provisions of this chapter shall be deemed cumulative of the provisions and regulations contained in the Code of Ordinances, City of Lebanon, Kentucky, save and except that, where the provisions of this chapter and the sections hereunder are in conflict with the provisions elsewhere in this Code, then the provisions contained herein shall prevail. Any and all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

(H) *Other miscellaneous nuisances.* It shall be unlawful for the owner, occupant or person having control or management of any real property within the city to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances.

(1) *Accumulation of rubbish.* An accumulation on any property of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insects, or blow rubbish into any street, sidewalk, or property of another.

(2) *Storage of explosives.* The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(3) *Weeds and grass.* The excessive growth of weeds, grass, or other vegetation, except flowers or other ornamental vegetation, which are properly maintained. Unless otherwise provided, "excessive" shall mean growth to a height of eight inches or more.

(4) *Open wells.* The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, basement, or vault situated upon private property in any open or unfenced lot or place.

(5) *Obstructions of storm water and drainage facilities.* Permitting or causing or allowing limbs, leaves, grass clippings, or yard debris or other objects to be placed in a manner that interferes with the use, function or maintenance of any storm water and drainage facilities. In this context, the prohibited activities shall include but not be limited to:

(a) Mowing in such a manner that grass clippings, leaves and yard debris come to rest on the public street, sidewalk or right-of-way; or

(b) Blowing grass clippings, leaves or yard debris onto the public street, sidewalk or right-of-way; or

(c) Allowing placement of limbs, leaves, grass clippings or other yard debris or objects so that it interferes with the storm water and drainage facilities.

(6) *Limitation on RVs and boats.* The parking of any recreational vehicle or boat anywhere in any residential area except for only one of any such vehicles per premises:

(a) In the rear yard of any lot or parcel of real estate such that it is not visible from the street fronting the premises and is not within five feet of any point in the nearest boundary line; or

(b) In a side or rear yard garage or covered carport or other such structure which neatly covers the recreational vehicle or boat and no part of such vehicle is within one foot of any point in the nearest boundary line; or

(c) In any uncovered driveway for a period not to exceed two weeks cumulatively.

(7) *Exterior use or storage of indoor furniture.* The use or storage of furniture which is upholstered or not designed for outdoor use in any uncovered or exposed area in which it is likely to decay, decompose or retain moisture causing a health hazard or diminution in the value of neighboring properties.

(Ord. 09-11, passed 12-7-09; Am. Ord. 2010-12, passed 1-10-11; Am. Ord. 2014-08, passed 9-8-14)  
Penalty, see § 10.99

## **§ 155.15 DEMOLITION AND DEMOLITION PERMITS.**

(A) *Demolition permit required.* It shall be unlawful to demolish any building, structure or part thereof without filing a written application for a demolition permit with the Building and Codes Department.

(B) (1) *Demolition permit fees.* For the demolition of any building, structure or part thereof, the permit fee shall be:

- (a) Two Hundred Fifty dollars (\$250) for all residential structures; and
- (b) Five Hundred dollars (\$500) for any commercial and industrial structures.

(2) The permit fees shall be refunded to the permit applicant if the demolition is deemed timely and properly completed upon inspection by the Enforcement Officer. All demolitions are subject to inspection by the Enforcement Officer for determination of status and compliance with this section.

(C) *Double fee.* Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining the required permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed herein.

(D) *Demolition or alteration of common or fire wall.* When demolition of any structure involves alterations to a common, party wall or a fire wall or fire separation wall, the owner or contractor is (1) required to submit detailed plans to the building official detailing scope of work to correct any defects in the remaining wall(s) and (2) post a bond with the city in an amount not less than \$20,000 to insure proper completion of the exposed, remaining wall to building code standards.

(E) *Liability insurance.* Proof of liability insurance is required to be submitted to the city by the contractor prior to issuance of demolition permit for protection of adjoining properties and public right-of-way improvements.

(F) *Time limit.* The Property Maintenance Code Enforcement Officer may impose a time limit as an additional condition of a permit for completion of demolition work once such work shall have commenced, provided that for cause one or more extensions of time, for periods not exceeding 30 days each, may be allowed in writing by the Enforcement Officer.

(G) *Standards.* The following standards shall apply to demolition.

(1) Demolition work, having commenced, shall be pursued diligently and without unreasonable interruption with due regard to safety. It is the intent of this chapter to limit the existence of an unsafe condition or nuisance on the premises during the period of demolition operations.

(2) Any surface holes or irregularities, wells, septic tanks, basements, cellars, sidewalk vaults, or coal chutes remaining after demolition of any building or structure shall be filled with material as approved by the Enforcement Officer, and shall be graded in such manner that will provide effective surface drainage. Any surface irregularities resulting from the demolition process shall be leveled to match surrounding grade.

(3) All debris and accumulation of material resulting from demolition of any building or structure shall be removed from all premises

(4) All building sewers shall be effectively plugged with concrete at the property line, or as may be required by the Lebanon Water Works.

(H) *Inspections.* The Property Maintenance Code Enforcement Officer shall make the following inspections upon notification from the permit holder or his agent:

(1) Initial inspection is to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or remain after demolition operations

(2) Final inspection is to be made after all demolition work is completed.  
(Ord. 09-11, passed 12-7-09) Penalty, see § 10.99

#### **§ 155.16 VALIDITY OF EXISTING LIENS PREVIOUSLY FILED.**

The adoption of this chapter by the Lebanon City Council shall not constitute a release, satisfaction or discharge of any lien filed of record in the office of the Marion County Clerk which affects the rights, title and interest of any parcel of real property cited for violation of the Property Maintenance Code in effect prior to the effective date of this chapter; it being hereby declared and established that such liens created hereunder shall remain in full force and effect until adjudicated or released.  
(Ord. 09-11, passed 12-7-09)

