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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 pumps. **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

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GENERAL PROVISIONS**§ 151.01 STATUTORY AUTHORIZATION.**

The legislature of the state has in KRS Chapter 100 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council does ordain the following sections set forth in this chapter.

(Ord. 92-10, passed 12-7-92)

§ 151.02 FINDINGS OF FACT.

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

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

(Ord. 92-10, passed 12-7-92)

§ 151.03 PURPOSE; OBJECTIVES.

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

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

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

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

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

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

(B) The objectives of this chapter are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and bridges located in flood plains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (7) To insure that potential home buyers are notified that property is in a flood area.
(Ord. 92-10, passed 12-7-92)

§ 151.04 DEFINITIONS.

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

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

APPEAL. A request for a review of the Building Inspector's interpretation of any provision of this chapter or a request for a variance.

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

AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year.

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

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

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

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

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

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

EXISTING CONSTRUCTION. Any structure for which the “start of construction” commenced before the 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 Lebanon based on specific technical base flood elevation data which established the area of special flood hazards.

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

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

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

FLOOD HAZARD BOUNDARY MAP (FHBM). The official map of a community, issued by the Federal Emergency Management Agency, where the areas of special flood hazard have been defined as Zone A.

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

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

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

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

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

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

HISTORIC STRUCTURE. Any structure that is:

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

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. **MANUFACTURED HOME** also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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

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

NEW CONSTRUCTION. Structures for which the **START OF CONSTRUCTION** as defined below commenced on or after the effective date of Lebanon'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 Lebanon's floodplain management regulations.

100 YEAR FLOOD. See **BASE FLOOD**.

RECREATIONAL VEHICLE. A vehicle which is:

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

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

installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or 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 building.

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

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, alteration or improvements to a building, taking place during a five-year period, in which the cumulative cost equals or exceeds 50% of the market value of the building. The market value of the building should be the appraised value of the building prior to the start of the initial repair or improvement, or in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) 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 (2) Any alteration of a “historic structure” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

SUBSTANTIALLY IMPROVED MANUFACTURED HOME PARK OR SUBDIVISION.
The repair, reconstruction, rehabilitation or improvement of the street, utilities, and pad equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

VARIANCE. A grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.
(Ord. 92-10, passed 12-7-92)

§ 151.05 INTERPRETATION.

In the interpretation and application of this chapter all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state statutes.
(Ord. 92-10, passed 12-7-92)

§ 151.06 APPLICATION; JURISDICTION.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of Lebanon.
(Ord. 92-10, passed 12-7-92)

§ 151.07 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.
(Ord. 92-10, passed 12-7-92) Penalty, see § 151.99

§ 151.08 BASIS FOR ESTABLISHING AREAS OF SPECIAL HAZARD.

The areas of special flood hazard identified by the Federal Insurance Administration in its Flood Insurance Study dated September 27, 1985, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.
(Ord. 92-10, passed 12-7-92)

§ 151.09 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 damages. This chapter shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord. 92-10, passed 12-7-92)

§ 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 conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 92-10, passed 12-7-92)

PERMITS

§ 151.25 DEVELOPMENT PERMIT REQUIRED; APPLICATION.

(A) A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

(B) Application for a development permit shall be made to the Building Inspector on forms furnished by him or her prior to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application stage.

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

(b) Elevation in relation to mean sea level (MSL) to which any nonresidential building will be floodproofed;

(c) Certification from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in § 151.36(B); and

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

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

(Ord. 92-10, passed 12-7-92) Penalty, see § 151.99

*FLOOD HAZARD REDUCTION***§ 151.35 GENERAL STANDARDS.**

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

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

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

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

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

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

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

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

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

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

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

(Ord. 92-10, passed 12-7-92) Penalty, see § 151.99

§ 151.36 SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 151.08 or § 151.50(B)(2), the following provisions are required:

(A) *Residential construction.* New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with standards of § 151.36(C).

(B) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated one foot above the base flood elevation. Buildings located in all A-Zones may be floodproofed in lieu of being elevated, provided that all areas of the building below the required elevation are water-tight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. 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 § 151.50(B)(7).

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

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

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

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

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

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

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

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

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

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

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

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

(d) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, any manufactured home placed or substantially improved must meet the standards of § 151.36(D)(2)(a) and (c).

(3) All recreational vehicles placed on sites 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, including anchoring and elevation requirements for “manufactured homes.”

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

(E) *Floodways.* Located within areas of special flood hazard established in § 151.08 are areas designed as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

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

(2) If § 151.36(D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 151.35 through 151.39. (Ord. 92-10, passed 12-7-92) Penalty, see § 151.99

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

Located within the areas of special flood hazard established in § 151.08, 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 areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(B) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 151.50(B)(9). (Ord. 92-10, passed 12-7-92) Penalty, see § 151.99

§ 151.38 STANDARDS FOR SUBDIVISION PROPOSALS.

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

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

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

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

(Ord. 92-10, passed 12-7-92) Penalty, see § 151.99

§ 151.39 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the areas of special flood hazard established in § 151.08, are areas designed as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

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

(B) All new construction and substantial improvements of nonresidential structures shall:

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

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

(Ord. 92-10, passed 12-7-92) Penalty, see § 151.99

ADMINISTRATION**§ 151.50 BUILDING INSPECTOR; DUTIES AND RESPONSIBILITIES.**

(A) The city's Building Inspector is hereby appointed to administer and implement the provisions of this chapter.

(B) Duties of the Building Inspector shall include, but not be limited to the following:

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

(2) Advise the permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of the permits be provided and maintained on file with the development permit.

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

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

(5) Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with § 151.25(B)(2).

(6) Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved buildings have been floodproofed, in accordance with § 151.25(B)(2).

(7) When flood-proofing is utilized for a particular building, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with § 151.36(B).

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

(9) When base flood elevation data or floodway data have not been provided in accordance with § 151.08, the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of §§ 151.35 through 151.39.

(10) All records pertaining to the provisions of this chapter shall be maintained in the office of the Building Inspector and shall be open for public inspection.
(Ord. 92-10, passed 12-7-92)

§ 151.51 VARIANCE PROCEDURES.

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

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

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

(D) Variances may be issued for the repair or rehabilitation of historic structures (see definition in § 151.04) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

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

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

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

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

(H) Conditions for variances:

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

(2) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; and, a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

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

(4) The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
(Ord. 92-10, passed 12-7-92)

§ 151.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 92-10, passed 12-7-92)

CHAPTER 152: UNFIT DWELLINGS

[This chapter is reserved for future legislation]

