

TITLE XV: LAND USAGE

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CHAPTER 150: GENERAL PROVISIONS

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Statutory reference:

Planning and zoning, see KRS Ch. 100

§ 150.01 GREATER MERCER COUNTY PLANNING COMMISSION.

The city will participate in a joint planning commission, known as the Greater Mercer County Planning Commission to consist of 6 members. Three members shall be appointed by the City Commission, for the purpose of planning a coordinated and harmonious development of land and buildings in the City of Harrodsburg, County of Mercer.

(Prior Code, § 12-1) (Ord. passed 9-28-1970)

Statutory reference:

Authority for joint planning unit, see KRS 100.121

Planning commission required, see KRS 100.133

§ 150.02 COMPREHENSIVE PLAN.

A copy of the comprehensive plan for the city, which was reviewed and approved by the city commission on 8-4-2004, shall be on file in the office of Greater Mercer County Planning Commission.

(Prior Code, § 12-2)

Statutory reference:

Comprehensive plan, see KRS 100.183 et seq.

§ 150.03 OFFICIAL ZONING MAP ADOPTED.

(A) The Official Zoning Map as dated 6-28-2004 is adopted.

(B) This section shall be effective upon its passage, approval, and publication as required by law. (Ord. 2004-9, passed 6-22-2004)

§ 150.04 PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUMS.

(A) (1) There is hereby established a program for the granting of property assessment or reassessment moratoriums for qualifying units of real estate located in the City of Harrodsburg.

(2) For a residential or commercial building, it must be 25 years old or older.

(B) The administering agency for this moratorium shall be the Zoning Administrator for the City of Harrodsburg.

(C) All moratoriums shall be for a period of 5 years, and shall become effective on the assessment date next following the issuance of the moratorium certificate.

(D) Applications shall be made to the administering agency for a property assessment or reassessment moratorium certificate as follows:

(1) The application shall be on a form prescribed by the Department of Revenue and shall be filed in the manner prescribed by the administering agency.

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(2) The application shall be filed with the administering agency 30 days before commencing the restoration, and application fee paid to Planning and Zoning for administrative fee. The application fee is \$45.

(3) The application shall contain the following:

(a) A general description of the property.

(b) A general description of its proposed use.

(c) The general nature and extent of restoration, repair, rehabilitation or stabilization to be undertaken. The costs of the improvements made to repair, rehabilitate, restore or stabilize the structure shall equal at least 25% of the value of the property based upon the most recent assessment of the Property Valuation Administrator.

(d) A time schedule for undertaking and completing the project.

(e) If the property is a commercial facility, the application shall also contain a descriptive list of the fixed building equipment which will be a part of the facility.

(E) In addition the applicant shall file a project completion report with the administering agency which shall contain, but not be limited to, a description of improvements, costs incurred and other data that might be required by the agency.

(F) The Property Valuation Administrator (PVA) and the administering agency shall maintain a record of all applications for a property assessment or reassessment moratorium. The PVA shall assess or reassess the property within 30 days of receipt of the application. This assessment shall be the assessed value upon which taxes are based and the assessment shall not be raised for 5 years.

(G) The applicant shall have 24 months in which to complete the improvements unless granted an extension by the administering agency. In no case shall the

application be extended beyond an additional 24 months. This provision shall not preclude normal reassessment of the property.

(H) Any application not acted upon by the applicant shall become void 2 years from the date of application and shall be purged from the files of the Property Valuation Administrator and the administering agency.

(I) On the assessment date next following the expiration, cancellation or revocation of an assessment or reassessment moratorium, the property shall be assessed on the basis of its full fair cash value.

(J) The applicant shall notify the administering agency when the project is complete and the administering agency shall then conduct an on-site inspection of the property for purposes of verifying improvements. Only after the project is complete and the improvements verified shall the moratorium certificate be issued by the administering agency.

(K) An assessment or reassessment moratorium certificate may be transferred or assigned by the holder of the certificate to a new owner or lessee of the property provided that such certificate has not expired.

(L) Any property granted an assessment or reassessment moratorium may be eligible for subsequent moratorium certification provided the reapplication be made no sooner than 3 years following that expiration of the original moratorium.

(M) Definitions for interpreting this section shall be those outlined in KRS Chapter 99 relating to property assessment and reassessment moratoriums.

(N) No moratorium certificate will be issued on property in which there are delinquent city tax bills. (Ord. 2013-13, passed 3-11-2013)

§ 150.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person who violates § 150.03 shall be guilty of a misdemeanor and subject to a fine of not less than \$100 nor more than \$500, or to be imprisoned in jail for not more than 30 days, or both fine and confinement. (Ord. 2005-15, passed 7-25-2005)

CHAPTER 151: BUILDING REGULATIONS

Section

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Editor's note:

The zoning administrative official is responsible for ensuring compliance with all applicable regulations relating to the national flood insurance program.

Statutory reference:

Adopting standard codes by reference, see

KRS 83A.060(5)

Regulation of electricians, see KRS 227.450

GENERAL PROVISIONS**§ 151.01 UNIFORM STATE BUILDING CODE ADOPTED.**

The Uniform State Building Code, as amended, is hereby adopted by reference as the city's building code. (Prior Code, § 4-1) (Am. Ord. 1997-8, passed 9-23-1997)

Statutory reference:

Local enforcement of uniform building code, see KRS 198B.060

§ 151.02 PERMITS AND FEES.

(A) A building permit shall be obtained from the zoning officer or Building Inspector for:

- (1) Construction of any building;
- (2) Additions to any building;
- (3) Movement of any building;

(4) Alteration of any building, defined as any change in any supporting member of any building such as bearing walls, columns, and girders, and the like; and

(5) Change the occupancy of any building or structure.

(B) Building permits shall be obtained by the owner or his or her representative, i.e., the contractor or builder, following the proper completion of an application and any required plans. The building permit fee and any inspection fee shall be paid at that time under current permit and inspection fee schedules.

(C) It shall be unlawful for the property owner or their representative to undertake any construction as defined in division (A) above prior to obtaining a building permit. Violators shall, upon conviction, be fined not less than \$10 nor more than \$100 for each offense. Each day during which the violation continues shall constitute a separate offense.

(Prior Code, § 4-2) Penalty, see § 151.99

ELECTRICAL CODE**§ 151.15 UNIFORM STATE BUILDING CODE TO CONTROL.**

The Uniform State Building Code shall be the electrical code for the city.

(Prior Code, § 4-16)

§ 151.16 ELECTRICAL INSPECTORS.

The Electrical Inspector appointed by the county shall also be the Electrical Inspector for the city. The Electrical Inspector shall make all required inspections and shall issue certificates approving work done in accord herewith. He or she shall receive and be paid only the fees provided by state regulation. The Electrical Inspector will inspect work done only by electricians duly licensed by the city under the provisions of this code.

(Prior Code, § 4-17)

Statutory reference:

Electrical inspectors required to be certified, see KRS 227.489

Fees for electrical inspections, see KRS 227.487

§ 151.17 ELECTRICAL INSPECTOR TO BE NOTIFIED OF WORK.

It shall be the duty of any person installing work under this chapter to notify the Electrical Inspector on a blank furnished for that purpose when the work is ready for inspection, and pay the fees provided in advance.

(Prior Code, § 4-18)

§ 151.18 ELECTRICAL ENTRANCES.

(A) With the exception of street illumination requirements, all electrical entrances hereinafter installed or which serve any revisions in wiring on improvements located on property fronting on Main Street, between Broadway and the intersection of Mooreland and Beaumont Avenues, shall hereinafter be located or relocated at the rear of the property.

(B) All electrical entrances will be provided in accordance with applicable specifications and in accordance with regulations of the state public service commission, as set forth in Kentucky Utilities Company's Rules, Rates, and Regulations for furnishing Electric Service, Sheet 25.2, effective 8-2-1972, as filed with the State Public Service Commission and as hereafter amended.

(Prior Code, § 4-19) (Ord. passed 6-12-1973)

§ 151.19 LIABILITY FOR DAMAGES.

This subchapter shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling, or installing any electric wiring, electric devices, or electric material, or furnishing electric current, for damages to person or property caused by any defect therein nor shall the city be held to assume any such liability by reason of the inspection authorized in this subchapter, or certificate of inspection issued as provided in this subchapter.

(Prior Code, § 4-20)

§ 151.20 REVOCATION OF LICENSE.

Should an authorized electrical contractor or electrician in the city consistently do work which is not in accordance with the rules of the Department of Fire Prevention and the Uniform State Building Code, his or her authorization may be rescinded and revoked by the City Commission.

(Prior Code, § 4-21)

HOUSING AND UNSAFE BUILDING CODE

§ 151.35 DEFINITIONS.

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

APPROVED. Constructed, installed, and maintained in accordance with the provisions of this code and other pertinent ordinances of the city, and with rules and regulations adopted.

BUILDING. Any building or structure having a roof supported by columns or walls and intended for shelter, occupancy, or enclosure of persons, animals, or chattel.

BUILDING OFFICIAL. The public officer or other designated authority charged with the administration of this subchapter, or his or her duly authorized representative.

DWELLING. Any building or mobile home, or part thereof, used and occupied for human habitation or intended to be so used; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with living, sleeping, cooking, eating, and sanitary facilities.

EXTERMINATION. The control and elimination of insects, rodents, or other pests by eliminating their harborage places by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

HABITABLE ROOM. A room or enclosed floor space used, or intended to be used, for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets, or storage spaces.

INFESTATION. The presence within or around a dwelling of any insects, rodents, or other pests.

MOBILE HOME. Any vehicle or similar portable structure on wheels, jacks, or permanent foundation and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

OCCUPANT. Any person living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit, rooming unit, building, or portion of a building.

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OWNER. A holder of any legal or equitable title in the premises, whether alone or jointly with others and whether in possession or not, or any person who shall have charge, care, or control of any dwelling, dwelling unit, or building as owner or agent of the owner or as executor, administrator, trustee, or guardian of the estate of the owner.

PARTIES IN INTEREST. All individuals, associations, and corporations who have interest of record in a dwelling or building and any who are in possession thereof.

PLUMBING. The art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste, water and sewage, together with fittings and appurtenances of various kinds, all within or adjacent to the building and including the service pipe which forms the connection between the shut-off valve and curb line and the building, and the house sewer which conveys the waste water and sewage from the building to the street, sewer, or other point of disposal. The house sewer includes private sewage disposal contraptions or other methods and storm or rain water pipings, if the waste or sewage is discharged through or connected with the house sewer or house drain.

POTABLE WATER. Water duly approved as satisfactory and safe for drinking.

PREMISES. A platted lot or part thereof, or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure.

PUBLIC HALL. Any hall, corridor, or passageway not within the exclusive control of 1 family.

RENTAL HOUSE. A single- or multi-unit dwelling, other than a rooming house, occupied not by the owner but by a rent-paying occupant.

ROOMING HOUSE. Any dwelling, or that part of any dwelling containing 1 or more rooming units, in which space is let by the occupant to 3 or more persons who are not husband and wife, son or daughter, mother or father, sister or brother of the occupant.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be

used for living and sleeping, but not for cooking or eating purposes.

RUBBISH. All waste materials except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust.

TEMPORARY HOUSING. Any tent, travel trailer, or other portable structure or vehicle used for human shelter which is not attached to the ground, another building or structure or any utility for more than 30 consecutive days.
(Prior Code, § 4-41)

§ 151.36 BUILDING OFFICIAL.

(A) The administration of this subchapter shall be the responsibility of the Building Official. He or she will work in close cooperation with the Fire Chief, the County Health Department, and other officials and agencies; he or she may seek their written opinions concerning the conditions of dwellings or other buildings.

(B) The Building Official and his or her assistants shall be free from personal liability for acts done in good faith in the performance of official duties.

(C) The Building Official or any 1 of his or her assistants shall not have a financial interest in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, except where he or she is the owner, and shall not act as an agent for real estate sales, leases, or rentals.

(D) The Building Official is authorized to conduct surveys and make inspections in any area of the community to determine compliance with this subchapter or other ordinance he or she is empowered to enforce.

(E) The Building Official shall investigate all complaints whether they be verbal, written, or in the form of a petition alleging or charging that a violation of this subchapter exists or that a building or dwelling is unfit or unsafe for human habitation or other occupancy.

(F) For the purpose of making surveys, inspections, and investigations, the Building Official is hereby authorized, upon identification and statement of purpose, to enter, inspect, survey, and investigate between the hours of 8:00 a.m. and 5:00 p.m. or at any time if an emergency exists or if requested by the owner or occupant, all buildings, dwellings, dwelling units, rooming units, and general premises. The owner or occupant of every building, dwelling, dwelling unit, rooming unit, and general premises, or the person in charge thereof, shall give the Building Official free access to the building, dwelling, dwelling unit, rooming unit, or general premises for the purpose of the inspection, survey, or investigation.

(G) The Building Official shall keep records of all complaints received, inspection reports, orders, or complaints issued and of other actions taken. The records shall be available for public inspection. He or she shall prepare an annual report including statistics based on the records kept.

(Prior Code, § 4-42)

Statutory reference:

*Requirement that city employ Building Official,
KRS 198B.060*

§ 151.37 FEES.

The schedule of fees to be paid to the Building Inspector shall be on file with the Building Official.

(Prior Code, § 4-43)

§ 151.38 ADMINISTRATIVE PROCEDURES.

(A) *Inspection report.* The Building Official shall, for each inspection made, make an inspection report noting any violations of this subchapter or conditions which indicate that a dwelling is unfit for human habitation or that any other building is unsafe. He or she shall give a copy to the owner or the occupant or both, as the case may require, and shall retain 1 copy. Except where a complaint as provided in division (B) below is served at the time of inspection, the report shall serve as notice to the affected persons that there is a violation to this subchapter and may contain a time limit for compliance.

(B) *Complaint.* The Building Official may issue and cause to be served, in the manner prescribed in

§ 151.39, a complaint charging that a dwelling is unfit or that any building is unsafe; if his or her inspection discloses a basis for so charging the complaint shall state that:

(1) A hearing will be held before the Building Official, or his or her designated agent, at a place therein fixed not less than 10 days nor more than 30 days after the serving of the complaint;

(2) The owner and parties in interest may file an answer to the complaint and to appear in person, or otherwise and give testimony at the place and time fixed in the complaint; and

(3) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Building Official.

(C) *Order to repair, alter, improve, or demolish.* If after the notice and hearing, the Building Official determines that the dwelling or dwelling unit under consideration is unfit for human habitation or the building is dangerous, he or she shall state in writing his or her findings of fact in support of the determination and shall issue and cause to be served upon the owner thereof an order. The order shall direct and require the owner, within the time specified in the order, to repair, alter, or improve the dwelling or other building to render it fit and safe.

(1) If the repair, alteration, or improvement of the dwelling or building can be made at a cost that is not more than 50% of the value of the building, the owner shall have the option of vacating and closing the building.

(2) If the repair cannot be made at a cost that is not more than 50% of the value of the building within the time specified in the order, the order shall require the owner to remove or demolish the dwelling or other building.

(Prior Code, § 4-44)

§ 151.39 SERVICE OF REPORTS, NOTICES, COMPLAINTS, OR ORDERS.

(A) Reports or notices issued by the Building Official pursuant to this subchapter shall be served upon

persons either personally or by registered mail to the last known address of the person.

(B) Complaints or orders shall be served upon persons either personally or by registered mail, but if the whereabouts of any person is unknown and the same cannot be ascertained by the Building Official in the exercise of reasonable diligence, and the Building Official shall make an affidavit to that effect, then the serving of a complaint or order upon the person may be made by publishing the same once a week for 2 successive weeks in the official newspaper of the city, service being deemed complete upon the date of the last publication. A copy of the complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order and shall be recorded in the office of the circuit clerk of the county wherein the dwelling or building is located.

(Prior Code, § 4-45)

§ 151.40 FAILURE TO COMPLY WITH ORDER.

(A) If the owner of a dwelling or other building fails to comply with the order of the Building Official to repair, alter, or improve, or vacate, close, remove, or demolish the dwelling, the Building Official may cause the dwelling unit or building to be repaired, altered, or improved, or to be vacated, closed, removed, or demolished. The Building Official may cause to be posted on the main entrance, a placard with the following words: "This building is unfit for human habitation or other use. Occupation of this building for human habitation or other use after _____ is unlawful and prohibited."

(B) No person shall deface or remove the placard or other notice required hereunder from any dwelling, dwelling unit, rooming house, rooming unit, or building. The Building Official shall cause the placard to be removed whenever the defects upon which the placarding action were based have been corrected or removed.

(C) The amount of the cost of the repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the Building Official, including the cost of advertising and publishing of notices, shall be the personal debt and liability of the owner and shall be a lien against the real property upon which the cost was

incurred. The cost shall be placed upon the city's tax books against the property and may be collected, and the liens may be foreclosed, in the same manner as taxes and tax liens are collected and foreclosed or by other civil suit or process as the City Attorney may determine. If the dwelling, dwelling unit, or building is removed or demolished by the Building Official, he or she shall, if possible, sell materials of the dwelling, dwelling unit, or building. The proceeds of the sale shall be credited against the cost of removal or demolition, and any balance remaining shall be deposited in the circuit court by the Building Official, shall be secured in the manner as may be directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the courts.

(D) Failure on the part of any owner or party in interest to receive or have served upon him or her any complaint, notice, or order herein provided for, shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person.

(Prior Code, § 4-46) Penalty, see § 151.99

§ 151.41 DUTIES OF LEGAL OFFICER.

The City Attorney (and prosecuting attorney) shall, upon complaint of the Building Official or upon his or her own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct, or remove the violation and take such other legal action as is necessary to carry out the terms and provisions of this subchapter. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. Any and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as the waiver of the right to pursue any and all of the others.

(Prior Code, § 4-47)

§ 151.42 JUDICIAL REVIEW.

Any person affected by an order under this subchapter may petition the circuit court for an injunction or seek to have the order reviewed as may otherwise be provided by law.

(Prior Code, § 4-48)

§ 151.43 BUILDING OFFICIAL TO DETERMINE UNFITNESS OF DWELLING.

The Building Official may determine that a dwelling is unfit for human habitation or that any building is unsafe, if he or she finds that conditions exist in the dwelling or other building which are dangerous or injurious to the health, safety, or morals of the occupants of neighboring buildings or the general public. In making the determinations, he or she shall be guided, without limiting the generality of the foregoing, by the standards and conditions established in §§ 151.45 and 151.46.

(Prior Code, § 4-49)

§ 151.44 NONCOMPLYING DWELLINGS NOT TO BE OCCUPIED.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, rooming house, or rooming unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the requirements of §§ 151.45 and 151.46, nor shall any person use as owner or user or let to another for use of any kind any building which is unfit and unsafe as determined by the standards of this subchapter.

(Prior Code, § 4-50)

§ 151.45 MINIMUM STANDARDS FOR HABITATION.

(A) Minimum standards for basic equipment and facilities shall be as follows.

(1) Every dwelling unit shall contain a kitchen sink in good working condition.

(2) Every dwelling unit shall contain a room which affords privacy to a person within the room and which is equipped with a flush water closet and a lavatory basin in good working condition.

(3) Every dwelling unit shall contain, within a room which affords privacy to a person within the room, a bathtub or shower in good working condition.

(4) Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this

subchapter shall be properly connected with both hot and cold water lines.

(5) Every dwelling shall have supplied water-heating facilities which are properly installed according to applicable laws and regulations of the city and state, properly connected with the hot water lines required under the provisions of this subchapter and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than 120°F. The supplied water-heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of this subchapter are not in operation.

(6) Every dwelling, dwelling unit, and rooming house shall be supplied with a potable water supply.

(7) All plumbing fixtures installed within a dwelling shall be properly connected to sewer lines that discharge into a public sewerage system, or if no public system is available, into a private or jointly owned system meeting the requirements of the County and State Health Departments.

(8) Every dwelling unit shall be supplied with adequate rubbish storage facilities.

(9) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

(10) Every dwelling unit shall have safe, unobstructed exits leading to safe and open space, at ground level, as required by the laws and regulations of the state and city.

(B) Minimum standards for light, ventilation, and heating shall be as follows.

(1) Every habitable room shall have at least 1 window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of the room. Whenever walls or other portions of structures face a window of any such room and the light-obstruction structures are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed

to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of the room, the total window area of the skylight shall equal at least 15% of the total floor area of the room.

(2) Every habitable room shall have at least 1 window or skylight which can easily be opened or the other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size, as required in this subchapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Official.

(3) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in divisions (B)(1) and (B)(2) above, except that no window or skylight shall be required where the bathrooms and water closet compartments are equipped with a ventilation system, which provides ventilation equivalent to that in division (B)(2) above.

(4) Where there is electric service available from power lines, which power lines are not more than 300 feet away from a dwelling, every habitable room of the dwelling shall contain at least 2 separate floor or wall-type electric convenience outlets, or 1 convenience outlet and 1 supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least 1 supplied ceiling or wall-type electric light fixture. Every outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

(5) Every public hall and stairway in every multiple dwelling containing 5 or more dwelling units, shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than 4 dwelling units, may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(6) Every dwelling shall have heating facilities which are installed and maintained in accordance with the Kentucky Standards of Safety and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70°F, at a distance 3 feet above floor level, when the outside temperature is 0°F. Fuel-burning space heaters located in sleeping rooms or rooms generally kept closed, shall be connected to a suitable chimney, flue, or gas vent. There shall be provided an adequate air supply for combustion through 1 or more openings to the exterior or by means of fixed openings to interior spaces which open to the exterior.

(7) From May 15 to October 15, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device, and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens; provided that the screens shall not be required during the period in rooms deemed by the Building Official to be located high enough in the upper stories of buildings as to be free from the insects.

(8) Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or any other devices as will effectively prevent their entrances.

(C) Minimum space, use, and location requirements shall be as follows.

(1) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof, and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(2) In every dwelling unit of 2 or more rooms, every room occupied for sleeping purposes by 1 occupant shall contain at least 70 square feet of floor space and every room occupied for sleeping purposes by more than 1 occupant shall contain at least 50 square feet of floor space for each occupant thereof, except that for children under 7 years of age, the sleeping room may contain 35 square feet of floor space per such child.

(3) No dwelling or dwelling unit containing 2 or more sleeping rooms shall have the room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than 1 sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

(4) At least 1/2 of the floor area of every habitable room shall have a ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than 5 feet, shall not be considered as part of the floor area in computing the total area of the room for the purpose of determining the maximum permissible occupancy thereof.

(5) No basement or cellar shall be used as a habitable room or dwelling unit unless:

(a) The floors and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;

(b) The total window area in each room is equal to at least the minimum window area sizes as required in division (B)(2) above and the required minimum window area is located entirely above the grade of the ground adjoining the window area and the total of openable window area in each room is equal to at least the minimum, as required under division (B)(2) above, except where there is supplied some other device affording adequate ventilation and approved by the Building Official; and

(c) There are adequate exits as required by state and city laws and regulations.

(D) Requirements for rooming houses shall be as follows.

(1) No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every part of this section, except the provisions of divisions (A)(1) through (A)(4) and (C)(1) and (C)(2) above.

(2) At least 1 flush-water closet, lavatory basin, and bathtub or shower, properly connected to a

water and sewer system approved by the Building Official and in good working condition shall be supplied for each 8 persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than 1/2 the required number of water closets. All the facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing the facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such required facilities shall be located so as to be more than 1 floor removed from any rooming unit.

(3) The operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(4) Every room occupied for sleeping purposes by 1 person shall contain at least 70 feet of floor space and every room occupied for sleeping purposes by more than 1 person shall contain at least 50 square feet of floor space for each occupant thereof.

(5) Every rooming unit shall have safe unobstructed exits leading to safe and open space at ground level, as required by laws of the city and the state.

(6) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings and for maintenance of a sanitary condition in every other part of the rooming house. He or she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

(Prior Code, § 4-51) (Ord. passed 6-24-1980) Penalty, see § 151.99

§ 151.46 STRUCTURAL, EQUIPMENT, FIRE, AND OTHER HAZARDS.

(A) *Generally.* The following conditions are determined to be hazardous and shall warrant a finding

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that a building or its premises are unsafe or constitute a nuisance.

(B) *Specifically.*

(1) Faulty structural conditions, which shall include the following:

(a) Any door, aisle, passageway, stairway, or other means of exit not of sufficient width or size or not so arranged as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to, or might use the door, aisle, passageway, stairway, or other means of exit;

(b) A stress in any material, element, member, or portion thereof, due to all dead and live loads, which is greater than the working stresses allowed by the Kentucky Standards of Safety or any city building ordinance;

(c) Damage to any portion of a building by earthquake, wind, fire, flood, or by any other cause in such a manner that the structural stability or strength thereof is appreciably less than the minimum requirements set forth in this code or existing ordinances for a new building or structure of similar size, construction, location, and use;

(d) Likelihood of any portion or member or appurtenance of a building to fall or become dislodged or detached or to collapse and thereby cause bodily injury or property damage;

(e) Settling of any building or portion thereof to such an extent that walls or other structural portions have been displaced or distorted and rendered structurally unstable or dangerous or that the basic function of the element has been impaired;

(f) The building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting the building or structure or portion thereof, or other cause is likely to partially or completely collapse or some portion of the foundation or underpinning is likely to fall or give way;

(g) The building or structure, or any portion thereof, is for any reason whatsoever manifestly unsafe for that purpose for which it is used or intended to be used;

(h) The exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity of that wall or structural member does not fall inside the middle third of the base;

(i) The building or structure, exclusive of the foundation, shows 33% or more of damage or deterioration to the member or members, or 50% of damage or deterioration of non-supporting enclosing or outside wall or covering;

(j) The building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated from any cause whatsoever as to become an attractive nuisance to children who might play therein to their danger or as to afford a harbor for vagrants, criminals, or immoral persons or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts;

(k) Any building or structure which has been constructed or now exists or is maintained in violation of any specific requirement or prohibition applicable to the building ordinances of the city, this code or of any ordinance of this state or city relating to the location, use, and physical condition of buildings or structures; and/or

(l) Any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, because of dilapidation, deterioration, damage, or other cause, is so weakened or defective as to have in any nonsupporting part, member, or portion, less than 50%, or in any supporting member less than 66% of the strength, fire-resisting qualities or characteristics required by law or ordinance in the case of a newly constructed building or structure of similar size, use, and location.

(2) Faulty weather protection, which shall include the following:

(a) Deteriorated, crumbling, or loose plaster;

(b) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;

(c) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering; and

(d) Broken, rotted, split, or buckled exterior walls or roof covering.

(3) Faulty materials of construction, which shall include all materials of construction, except those which are specifically allowed or approved by the Kentucky Standards of Safety and the building code and which have been adequately maintained in good and safe condition;

(4) Inadequate fire-protection or firefighting equipment, which shall include all buildings or portions thereof which are not provided with fire-resistive construction or fire extinguishing systems or equipment required by the Kentucky Standards of Safety, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration, or addition or any change in occupancy;

(5) Fire hazards, which shall include any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as is likely to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause;

(6) Hazardous or unsanitary premises, which shall include those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards or constitute a nuisance as defined by this code;

(7) Improper occupancy, which shall include all buildings or portions thereof, occupied for purposes for which they were not designed or intended to be used;

(8) Hazardous wiring, which shall include:

(a) Exposed electric wire or wire with deteriorated or damaged insulation;

(b) Switch and outlet plates missing or improperly fastened;

(c) Short circuit or break in an electric line;

(d) Obvious shock hazards; and

(e) Temporary wiring, except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie underneath floor-covering materials or extend through doorways, transoms, or other similar openings through walls or ceilings.

(9) Hazardous plumbing, which shall include:

(a) Plumbing that permits contamination of the water supply through backflow, back-siphonage, or other method of contamination;

(b) Water supply inlets below the flood level of any sink, lavatory, bathtub, or other fixture and submerged inlets except those with a vacuum breaker complying with the plumbing code; and

(c) The waste line of a water-using fixture that is not trapped.

(10) Hazardous heating equipment, which shall include:

(a) Fuel supply connection of material other than pipe or tubing of solid metal and not permanently fastened in place;

(b) Equipment or vents so close to a wall of combustible materials or so lacking in insulation that there is danger of combustion; and

(c) Equipment burning liquid or solid fuel which is not connected to chimneys or flues, or which is connected to vents suitable for gas only.

(Prior Code, § 4-52) Penalty, see § 151.99

§ 151.47 RESPONSIBILITY OF OCCUPANTS.

(A) The responsibilities of the occupants of dwellings are as follows:

(1) To keep the dwelling, dwelling unit, and premises he or she controls and occupies in a clean and sanitary condition;

(2) To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by city regulations;

(3) To hang and remove screens provided by the owner except where the owner has agreed to supply the service;

(4) To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof;

(5) To exterminate in the following cases:

(a) The occupant of a single dwelling is responsible for extermination of any insects, rodents, or other pests therein or on premises; and

(b) The occupant of a single dwelling unit in a multiple unit structure is responsible for extermination of any insects, rodents, or other pests if his or her unit is the only unit infested.

(B) Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a rat-proof or reasonably insect-proof condition, the occupant is not responsible for extermination of any insects, rodents, or other pests therein.

(Prior Code, § 4-53) Penalty, see § 151.99

§ 151.48 RESPONSIBILITY OF OWNER.

(A) *Generally.* The responsibilities of the owners of dwellings are as follows.

(B) *Specifically.*

(1) To have dwelling in clean, sanitary, habitable condition, free from infestation before renting;

to paint walls and ceilings; and to clean, repair, and exterminate if needed to meet aforesaid requirements before offering for rent;

(2) To provide every door opening directly from a dwelling unit to outdoor space with screens and a self-closing device and every window or other device opening to outdoor space, used or intended to be used for ventilation, with screens;

(3) To exterminate in the following cases:

(a) When infestation exists in 2 or more units of a multiple-unit structure;

(b) When infestation exists in shared or public areas of a multiple-unit structure; and/or

(c) When infestation exists in a single unit of a multiple-unit structure or in a single unit structure when infestation is due to failure of the owner to maintain the dwelling in a rat-proof and reasonably insect-proof condition.

(4) To perform the responsibilities of the occupant when premises are vacant.

(Prior Code, § 4-54) Penalty, see § 151.99

BUILDING NUMBERING**§ 151.60 LAND USE MAP.**

The map maintained by the zoning officer shall be the official house numbering map of the city. The land use map, and any subsequent amendments thereto, is hereby made a part of this chapter by reference.

(Prior Code, § 4-71) (Am. Ord. 1994-2, passed 1-11-1994)

§ 151.61 COMMITTEE TO NUMBER PROPERTY.

The City Commission is authorized to appoint a committee of citizens to number the properties and buildings on the land use map, keeping in mind and conforming to so far as possible any present existing numbers in use on the buildings. If it is the desire of the

City Commission, the Planning Commission may be designated as the committee of citizens.
(Prior Code, § 4-72) (Am. Ord. 1994-2, passed 1-11-1994)

§ 151.62 CITY OFFICIAL TO MAINTAIN MAP AND FURNISH NUMBERS.

The official map shall be kept at the office of the Planning and Zoning Board and a designated city official shall be responsible for maintaining the numbering system and shall furnish numbers to any applicant who is the owner of property, the numbers to be taken from the maps according to the location of the property, providing, however, that the official may issue additional numerals in accordance with the official numbering system whenever a property has been subdivided, a new front entrance opened, or for any other unforeseen contingencies.
(Prior Code, § 4-73) (Am. Ord. 1994-2, passed 1-11-1994)

§ 151.63 IDENTIFICATION BY NUMBER; METHOD.

(A) All properties or parcels of land within the corporate limits of the city shall hereafter be identified by reference to the uniform numbering system adopted herein.

(B) Any existing numbers of properties and buildings not in conformity shall be changed to conform to the system within 30 days after notification by the designated city official. New buildings shall be numbered in conformity within 10 days of occupancy and before a certificate of occupancy is issued.

(C) In numbering the buildings, the committee shall designate the starting point for block numbers at the Main Street and Lexington Street intersection. Odd building numbers will be assigned to the north and east sides of streets and even numbers to the south and west sides.
(Prior Code, § 4-74) (Am. Ord. 1994-2, passed 1-11-1994) Penalty, see § 151.99

§ 151.64 NUMBER BY ENTRANCE.

All buildings shall bear on the front thereof numerals indicating the official number of each principal building in such a manner as to be visible from the street on which the property is located. Each principal building shall bear the number assigned to the frontage on which the front entrance is located and in case a principal building is occupied by more than 1 business or family dwelling unit each separate front entrance of the principal building shall bear a separate number. The numbers shall be at least 3-1/2 inches high and at least 1/2-inch wide and affixed to the building. The numbers on the building structure shall be visible from the street. If the building or structure is more than 50 feet from the state-, county-, or city-maintained roadway, the numbers shall be affixed to a mailbox or post at the roadway entrance.
(Prior Code, § 4-75) (Am. Ord. 1994-2, passed 1-11-1994) Penalty, see § 151.99

HISTORIC BUILDINGS AND LANDMARKS

§ 151.75 INTENT AND DECLARATION OF PUBLIC POLICY.

(A) The City Commission finds that buildings within the City of Harrodsburg having historic, architectural, or cultural value have been significantly altered or destroyed notwithstanding the feasibility and desirability of preserving these buildings or altering them in an appropriate way.

(B) The Commission finds that the historic architectural character of the city is of vital importance in maintaining the economy of the city.

(C) The Commission finds that the city, as the first settlement west of the Allegheny Mountains, has played and important part in the development of Kentucky and that the history of the city is shown today through buildings representing the activities and events during its growth. The Commission finds that the city has buildings that represent the persons who live or have

lived in the city during a period of more than 200 years. It is the findings of the City Commission that the distinctive and significant character of the city can only be maintained by protecting and enhancing its historic, architectural, and cultural heritage and by preventing unnecessary injury to its historic districts and its landmarks which are a civic and community asset.

(D) The Commission finds that the federal and Kentucky governments have passed laws to protect historic districts and landmarks and that the National Historic Preservation Act was amended in 1980 to establish a Certified Local Government Program, creating a new federal-state-local partnership to encourage the efforts by cities to protect and preserve their historic districts and landmarks.

(E) The Commission finds that the revision of an ordinance to provide a historic preservation program will benefit all the residents of the city and all the owners of property.

(F) The City Commission declares as a matter of public policy that the preservation, protection, and use of historic districts and landmarks are a public benefit because they have a special character and historic, architectural, and cultural value and thus serve as visible reminders of the history and heritage of this city, state, and nation. The Commission declares as a matter of public policy that this subchapter is required in the interest of the health, prosperity, safety, welfare, and economic well-being of the people.

(G) The Commission finds that the Main Street program has contributed to the revival of the central business district in the city, that it has increased the awareness of the value of the older buildings in the city and that the historic preservation program will strengthen the current revitalization work in the city.

(H) The purpose of this subchapter is to effect the goals as set forth in the above findings and declarations of public policy and specifically, but not exclusively to:

(1) Effect and accomplish the preservation, protection, and use of the historic districts and individual landmarks which have a special character and historic, architectural, and cultural value to the city, state, and nation;

(2) Promote the educational, cultural, economic, and general welfare of the people and safeguard the city's history and heritage as embodied and reflected in its historic districts and landmarks;

(3) Stabilize and improve property values in such districts and in the city as a whole;

(4) Foster civic pride in the value of notable accomplishments of the past;

(5) Strengthen the economy of the city;

(6) Protect and enhance the city's attractions to residents and visitors: and

(7) Enhance the visual and aesthetic character, diversity, and interest of the city.
(Prior Code, § 4-81) (Ord. 2001-3, passed 7-10-2001)

§ 151.76 DEFINITIONS.

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

ALTERATION. Any construction, replacement, or change to the exterior of a building or structure when it is visible to the public. An alteration shall include a proposed sign or changes to an existing sign. Painting and ordinary maintenance and repairs shall not be considered alterations.

BOARD. The Harrodsburg Board of Architectural Review.

BUILDING. Any structure designed or constructed for residential, commercial, industrial, agricultural, or other use.

CERTIFICATE OF APPROPRIATENESS. The permit, issued by the Board of Architectural Review, which gives its approval for work or demolition to be done in a historic district or on a landmark.

CERTIFIED LOCAL GOVERNMENT. A government meeting the requirements of the National Historic Preservation Act and the implementing of regulations of the U.S. Department of the Interior and the Kentucky Heritage Council.

COMMISSION. The Harrodsburg Board of City Commissioners.

DEMOLITION. Any act that destroys in whole or in part a landmark or a building or structure in a historic district.

DESIGNATED PROPERTY. A landmark or a building or structure in a historic district. Designated property shall include all lots within a historic district and the entire lot containing a landmark.

HISTORIC DISTRICT. An area of architectural, historical, or cultural significance which meets 1 or more of the criteria contained in § 151.79 which has been designated by the City of Harrodsburg.

LANDMARK. A building or structure of architectural, historical, or cultural significance which meets 1 or more of the criteria contained in § 151.79 and which has been designated by the City of Harrodsburg.

MAJOR STRUCTURAL CHANGE. Structural alterations and structural repairs made within any 12-month period costing in excess of 50% of the physical value of the structure, as determined by comparison of the extent/value of the alterations involved and the replacement value of the structure at the time the plans for the alteration are approved, using the Building Officials Conference of America (BOAC) chart for construction costs.

NEW CONSTRUCTION. An addition to an existing building or structure or the construction of a new building or structure.

ORDINARY MAINTENANCE AND REPAIRS. Any work, the purpose of which is to correct deterioration or to prevent deterioration of a designated historic property. The work shall restore the property to its appearance prior to deterioration or shall result in the protection of its present appearance. The work shall involve the use of the same building materials or available materials that are as close as possible to the original. Work that changes the external appearance of a property shall be considered an alteration for the purposes of this subchapter.

STRUCTURE. Anything constructed or erected, the use of the ground, including (but without limiting the

generality of the foregoing) barns, smokestacks, advertising signs, pergolas, gazebos, radio and television antennae, solar collectors, microwave antennae, including the supporting towers, roads, ruins or remnants (including foundations), swimming pools, or walkways. (Prior Code, § 4-82) (Ord. 2001-3, passed 7-10-2001)

§ 151.77 BOARD OF ARCHITECTURAL REVIEW.

(A) *Establishment.* There is hereby established the Harrodsburg Board of Architectural Review. The Board shall consist of 5 members appointed by the Mayor and approved by the City Commission. The members shall have demonstrated interest in historic preservation, and at least 2 members shall have training or experience in preservation-related profession: architecture, art history, history, archaeology, architectural history, planning, or related fields. When 1 or 2 professional members are not available, the Mayor may appoint other persons interested in historic preservation to serve. When the 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. Members of the Board shall serve without compensation, but they shall be reimbursed for expenses incurred in the performance of their duties in accordance with the rules adopted by the Board. Each member shall attend at least 1 educational meeting on historic preservation per year. This meeting shall have been approved by the State Historic Preservation Officer.

(B) *Terms of office.* The terms of office of the members shall be 3 years, except the terms of 2 members of the original Board shall expire after 1 year. Each member shall serve until the appointment and qualification of his or her successor. Vacancies on the Board shall be filled within 60 days. When a vacancy occurs during a term of office, it shall be filled within 60 days, and the person selected shall be appointed for the unexpired portion of the term.

(C) *Officers.* The Board shall each year elect members to serve as Chairperson, Vice Chairperson, and Secretary. The Chairperson shall preside at the meetings of the Board and shall be the spokesperson for the Board. In his or her absence, the Vice Chairperson shall perform these duties. The Secretary shall prepare the minutes of the Board’s meetings which shall be available for public inspection.

(D) *Conflict of interest.* No member of the Board shall vote on any matter that may affect the property, income, or business interests of that member.
(Prior Code, § 4-83) (Ord. 2001-3, passed 7-10-2001)

§ 151.78 POWERS AND DUTIES OF THE BOARD.

(A) *Specific powers.* In addition to the powers and duties stated elsewhere, the Board shall take action necessary and appropriate to accomplish the purpose of this subchapter. These actions may include, but are not limited to, the following:

(1) Conducting a survey of historic buildings and areas and providing a plan for their preservation;

(2) Soliciting public input for the purpose of collecting information to assist in making recommendations to the planning and zoning commission and the City Commission;

(3) Recommending to the City Commission and the Planning and Zoning Commission designation of historic districts and individual landmarks;

(4) Adopting written guidelines for making exterior changes to designated property and for undertaking new construction on designated property;

(5) Regulating alterations visible to the public that are proposed for designated property; regulating demolition, relocation, and new construction involving designated property;

(6) Working with and advising the federal, state, and county governments and other parts of city government;

(7) Advising and assisting property owners and other persons and groups, including neighborhood organizations, who are interested in historic preservation; and

(8) Conducting educational programs including the preparation of publications and the placing of historical markers.

(B) *Rehabilitation of buildings.* The Board may initiate and encourage plans for the preservation and

rehabilitation of individual historic buildings. The Board shall, on a regular basis, give recognition to owners and tenants who maintain or rehabilitate their historic buildings with care and thus contribute to the preservation of the history of Harrodsburg.

(C) *Survey of historic buildings.* In making its survey of historic buildings and areas, the Board shall conduct this work in accordance with the guidelines of the Kentucky Heritage Council. The Board shall provide that its survey and preservation plan shall be maintained and continued. The Board shall use the preservation plan to assist the city and the Planning and Zoning Commission in their overall planning efforts.

(D) *Meetings of the board.* The Board shall adopt and make public rules for the transaction of its business and shall hold monthly public meetings and special public meetings when necessary. All meetings shall have a previously available agenda and shall comply with KRS 61.800 et seq.. A simple majority of the membership shall be required for decisions involving historic districts and landmarks.

(E) *Annual report.* The Board shall prepare and keep on file, available for public inspection, a written annual report of its activities, cases, decisions, qualifications of members, and other work.

(F) *Right to receive and spend funds.* The Board, in addition to any appropriations made by the city, shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky for the purpose of carrying out the provisions of this subchapter.

(G) *Other duties under the Certified Local Government Program.* In the development of the Certified Local Government Program, the city may ask the Board to perform other responsibilities that may be delegated to the city under the National Historic Preservation Act.

(H) *Assistance for the board.* The Board shall receive regular assistance in the performance of its responsibilities from the city staff. In addition, the city may, by contract, obtain assistance on preservation matters from a professional with expertise in historic preservation, architecture, or a closely related field.
(Prior Code, § 4-84) (Ord. 2001-3, passed 7-10-2001)

§ 151.79 NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES.

(A) *Initiation of nomination.* As a participant in the Certified Local Government Program, the city must initiate all local nominations to the National Register of Historic Places. The City Commission and the Board shall submit recommendations on each proposed nomination to the National Register. The Commission and the Board shall obtain comments from the public that shall be included in their National Register recommendations. 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 the owner of the property of the 2 recommendations regarding the eligibility of the property. If the Commission and the Board do not agree, both opinions shall be forwarded in the city’s report. If both the Commission and the Board recommend that a property not be nominated, the Kentucky Heritage Council shall inform the property owner, the Kentucky Historic Preservation Review Board, and the State Historic Preservation Officer, and the property will not be nominated unless an appeal is filed with the State Historic Preservation Officer.

(B) *Review of nomination.* If the Commission and the Board agrees that a property should be nominated or if either of them feel 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 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. The Commission, the Board, or the property owner may appeal the final decision by the State Historic Preservation Officer. (Prior Code, § 4-85) (Ord. 2001-3, passed 7-10-2001)

§ 151.80 DESIGNATION OF HISTORIC DISTRICTS OR LANDMARKS.

(A) *Recommendations and designations.* The Board shall recommend to the City Commission the designation of historic districts and individual landmarks, and the City Commission may make these designations by the enactment of ordinances. In addition, a property owner, any resident of the city, or any organization may ask the Board to study a property or an area and then to

vote on whether or not to start the process for designating it as historic.

(B) *Public hearing and notice.* To start the designation process, the Board shall assemble information about the district or property being considered for designation and shall schedule a public hearing on the proposed designation. Advertised notice of the hearing shall be given, including conspicuous posting in the proposed landmark district or on the lot of the proposed landmark or property for 15 days prior to the public hearing. Written notice shall be given by first-class mail to the owners of the property under consideration and the owners of all adjoining property. The Secretary of the Board or other officer of the Board shall certify that the notices were mailed. Written notice shall be considered sufficient when it is mailed to the person listed on the tax rolls of the city. Owners and any interested person may present testimony and evidence at the public hearing on the designation. The record on the designation may also include letters received by the Board.

(C) *Guidelines.* Before its first public hearing on a designation, the Board shall adopt general guidelines that will apply to historic districts and landmarks or property and will assist owners in the preservation and rehabilitation of their property. The guidelines shall be submitted to the Planning and Zoning Commission and the City Commission for their approval. The guidelines shall include the Secretary of the 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 new construction to any 1 architectural style, but shall seek to preserve the character and integrity of the historic districts and shall refer to appropriate work completed on property in the city so that applicants may visit those sites. The Board may expand or amend the guidelines it has adopted, provided it holds a public hearing on the changes and submits the proposed changes to the Planning Commission and the City Commission for their comments and approval.

(D) *Criteria for designation.* A historic district or a landmark or property shall qualify for designation when it meets 1 or more of the following criteria which shall be discussed in a Board report making its recommendations to the City Commission:

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(1) Its character as an established and geographically definable residential neighborhood, united by culture, architectural styles, or physical plan and development;

(2) Its character as a geographically definable area possessing a significant concentration of buildings or structures united by past events or by its plan or physical development;

(3) Its value as a reminder of the cultural or archaeological heritage of the city, state, or nation;

(4) Its location as a site of significant local, state, or national event;

(5) Its identification with a person or persons who significantly contributed to the development of the city, state, or nation;

(6) 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;

(7) Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing its architectural significance; or

(8) Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.

(E) *Report to the City Commission.* After evaluating the testimony at its public hearing, survey information, and other material it has assembled, the Board shall make its recommendation to the City Commission with a written report on the area or property under consideration. The report shall also contain information about the buildings which have been identified for inclusion in the proposed designation. The recommendation and the report shall also be sent to the Planning Commission.

(F) *Report by the Planning Commission.* The Planning Commission shall hold a public hearing after which it shall report on the relationship between the proposed historic district designation and existing and future plans for the development of the city. If the

Planning and Zoning Commission recommends the approval of the proposed historic district designation, it shall prepare a proposed overlay for the zoning map showing the historic districts shall be prepared. The Planning Commission shall forward its comments and recommendation for the proposed zoning map overlay addition to the City Commission. If the Planning Commission does not approve of the proposed designation, it shall forward its comments to the city commission in the form of a recommendation.

(G) *Action by the City Commission.* The City Commission shall approve, modify, or disapprove the proposed designation and the map amendment within 60 days after receiving the recommendation for the proposed overlay from the Planning Commission. If approved, the Official Zoning Map shall be so marked.

(H) *Relationship to zoning.*

(1) The property in a historic district shall be subject to the zoning ordinance and subdivision regulations and other rules of its underlying zoning district. A landmark shall be subject to the zoning ordinance and subdivision regulations and other rules of its zoning district. When there is conflict between this subchapter and Chapters 153 and 154, the higher standard Chapters 153 or 154 shall prevail.

(2) Upon establishment of an overlay district, development within the area shall conform to all zoning regulations applicable to the area and shall also conform to all historic overlay district regulations.

(I) *Notification of designation.* The Board shall notify each owner of the decision relating to his or her property and shall arrange that the designation of a property as a landmark or as a part of a historic district be filed by the County Clerk in the land records by owner's name and tax district lot and block number. The Board shall also give notice of the designation to the government offices in the city and county which shall retain them for future reference.

(J) *Amendment or rescission of a designation.* The amendment or rescission of a designation shall be accomplished through the same steps as were followed in the original designation.

(Prior Code, § 4-86) (Ord. 2001-3, passed 7-10-2001; Am. Ord. 2003-17, passed 10-7-2003)

§ 151.81 APPROVAL OF CHANGES TO LANDMARKS AND PROPERTY IN HISTORIC DISTRICTS.

(A) Requirement for certificate of appropriateness.

(1) A certificate of appropriateness from the Board shall be required before a person may undertake the following actions affecting a landmark or a property in a historic district:

- (a) Alteration of the exterior part of a building or structure that is visible to the public;
- (b) New construction;
- (c) Demolition; or
- (d) Relocation.

(2) A certificate of appropriateness is required even when the proposed work does not require a building permit. When seeking a building permit for a project involving designated property, a person must submit a certificate of appropriateness approving any of the work listed in division (A) of this section.

(B) Application to the Board. A person shall be referred to the Board by the Building Inspector when he or she wants to undertake an exterior alteration visible to the public, new construction, a demolition, or relocation affecting a landmark or a property in a historic district. The person shall supply the Board with the information it requests in order to reach a decision on his or her application for a certificate of appropriateness. The applicant shall provide where applicable, drawings of the proposed work, photographs of the existing building or site and adjacent properties, and information about the building materials to be used.

(C) Stop-work order; injunction. In the event work is being performed without the required certificate of appropriateness, the Board shall direct the building inspector to issue a stop-work order. All work shall cease on the designated property. No additional work shall be undertaken as long as such stop-work order shall continue in effect. The Board shall meet with the owner or his or her agent to resolve the problem. The City Attorney may seek in circuit court an injunction and any other appropriate relief in order that the intent of this

subchapter shall be carried out. The procedures authorized in this division (C) may also be used in the event work is being performed which is not in accordance with the certificate of appropriateness issued by the Board.

(D) Action by the Board of Architectural Review; notice.

(1) The Board shall hold a public hearing on each certificate of appropriateness within 45 days after the receipt of a completed application, provided that the Board may extend the time for decision an additional 60 days when the application is for a demolition or new construction. The Board shall approve or disapprove each application, and it shall give its reasons for its decision using the criteria contained in this section and in its guidelines. The Board may suggest modifications to an application and, where agreed upon by the owner or his or her agent, may approve a certificate of appropriateness providing for revisions in the plans submitted. If the Board fails to decide on an application within the specified time period, the application shall be deemed approved.

(2) Applicants shall be given notice of the public hearings and meetings relating to their application and shall be informed of the Board's decision. When an application has been approved, the applicant shall be given a certificate of appropriateness. Advertised notice of the public hearing shall be given, including conspicuous posting on the property for 5 consecutive days immediately prior to the hearing.

(E) Criteria in deciding on applications. In making a decision on an application, the Board shall use its guidelines. The Board shall consider:

- (1) The effect of the proposed work on the landmark or the property in the historic district upon which work is to be done; and
- (2) The relationship between the work and other adjacent or nearby buildings or properties. In evaluating the effect and the relationship, the Board shall consider historical and architectural significance, architectural style, design, texture, materials, and color. The certificate from the Board shall not relieve the applicant from complying with the requirements of other state and local laws and regulations.

Harrodsburg - Land Usage

(F) *Consultation with applicants.* Before an applicant prepares his or her plans, he or she may bring a tentative proposal to the Board for its comments. The Board shall be aware of the importance of finding a way to meet the current needs of the applicant. The Board shall also recognize the importance of approving plans that will be reasonable for the applicant to carry out.

(G) *Routine alterations; ordinary maintenance and repairs.*

(1) The Board may prepare a list of routine alterations that may receive immediate approval without a public hearing, when the applicant complies with the written guidelines of the Board. At each meeting, the Board shall be informed of the certificates of appropriateness that have been issued under this provision. The Board shall not regulate the color of paint used on designated property, but it may prepare and distribute material on paint colors appropriate for different types of styles of buildings.

(2) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided this work on a landmark or a property in a historic district does not change its exterior appearance that is visible to the public.

(a) Every person in charge of a landmark or a property in a historic district shall:

1. Keep in good repair all of the exterior portions of the buildings or structures; and

2. Keep all interior portions thereof which, if not so maintained, may cause the buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair.

(b) The purpose of this provision is to prevent a person from forcing the demolition of his or her building by neglecting it and by permitting damage to the building because of weather or vandalism.

(3) No provision in this subchapter shall be interpreted to require an owner or tenant to undertake any alteration or to restore his or her building to its original appearance. The provisions of this section shall be in addition to the provisions of the Kentucky Building Code requiring buildings and structures to be kept in good repair.

(H) *Meetings with owners about condition of buildings.* The Board shall request a meeting with a property owner when his or her landmark or his or her building in a historic district is in poor repair, and the Board shall discuss with the owner ways to improve the condition of his or her property. After this step, the Board may request the building inspector to take action to require correction of defects in any building or structure designated under this subchapter so that the building or structure shall be preserved in accordance with the purposes of this subchapter. Action taken by the city may include boarding up the doors, windows, and other parts of the building and additional steps to stabilize walls, roofs, and other parts of the building or structure.

(I) *Emergency situations.* In any case where the Building Inspector determines that there are emergency conditions dangerous to life, health, or property affecting a landmark or a property in a historic district, he or she may order the remedying of these conditions without the approval of the Board. When it is possible, he or she shall consult with the Chairperson or Vice Chairperson of the Board about the action being taken. If consultation is not possible, the city shall notify the Board of the action taken after the completion of the work.

(J) *Demolition of a landmark or a building or structure in a historic district.*

(1) When an applicant wishes to demolish a landmark or a building or structure in a historic district, the Board shall negotiate with the applicant to see if an alternative to demolition can be found. The Board may ask interested individuals and organizations for assistance in seeking an alternative to demolition and in obtaining estimate on rehabilitation costs for the threatened building. After its public hearing, the Board may decide that a building or structure in a historic district may be demolished because it does not contribute to the historic district.

(2) On all other demolition applications, the Board shall study the question of economic hardship for the applicant and shall determine whether the landmark or the property in the historic district can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Board shall also determine whether the applicant can obtain a reasonable

return from his or her building. The Board may ask applicants for additional information to be used in making these determinations.

(3) If economic hardship or the lack of a reasonable return is not proved, the Board shall deny the demolition application unless the Board finds grounds to grant the demolition application under the points contained in division (E) above.

(K) *Moving a landmark or a building or structure in a historic district.* When an applicant wishes to move a landmark or a building or structure in a historic district or when an applicant wishes to move a building or structure to a lot containing a landmark or to a property in a historic district, the Board shall consider:

(1) The contribution the building or structure makes to its present setting;

(2) Whether there are definite plans for the site to be vacated;

(3) Whether the building or structure can be moved without significant damage to its physical integrity; and

(4) The compatibility of the building or structure to its proposed site and adjacent properties. These consideration shall be in addition to the points contained in division (E) above.

(L) *Length of validity of certificate of appropriateness.* A certificate of appropriateness shall remain valid for 1 year after it is issued. Work is required to start before the end of the 1-year period. If actual work is not commenced within 1 year, the certificate is invalid. Actual work is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition is required preparatory to rebuilding, the excavation or demolition shall be deemed to be actual work provided that it shall be carried out diligently.

(M) *Appeal of the board's decision.* The applicant shall have an appeal to the circuit court from a decision of the Board on an application for a certificate of

appropriateness, within 30 days of the action of the Board.

(Prior Code, § 4-87) (Ord. 2001-3, passed 7-10-2001) Penalty, see § 151.99

§ 151.82 CONFORMITY WITH THE CERTIFICATE OF APPROPRIATENESS.

(A) All work performed pursuant to a certificate of appropriateness shall conform to the provisions of the certificate. It shall be the responsibility of the Building Inspector and the Board to inspect from time to time any work being performed to assure the compliance. In the event work is being performed which is not in accordance with the certificate, the Board shall direct the Building Inspector to issue a stop-work order. All work shall cease on the designated property.

(B) No additional work shall be undertaken as long as such stop-work order shall continue in effect. The Board shall meet with the owner or tenant to resolve the problem. The City Attorney may seek in circuit court an injunction and any other appropriate relief in order that the intent of this subchapter shall be carried out.

(Prior Code, § 4-88) (Ord. 2001-3, passed 7-10-2001) Penalty, see § 151.99

§ 151.83 SOUTH MAIN HISTORIC DISTRICT ESTABLISHED.

(A) The South Main Street Historic District shall include all property which fronts on South Main Street, beginning at Lexington Street, proceeding south to the intersection of Mooreland Avenue and Beaumont Avenue, and specifically including the property known as the Opera House.

(B) This section shall be effective upon its passage, approval, and publication as required by law. (Ord. 2004-2, passed 3-23-2004)

§ 151.99 PENALTY.

(A) Any person violating any provision of this chapter shall, upon conviction, be fined not less than \$25

nor more than \$100 for each offense, and each 10 days that prohibited conditions are maintained shall constitute a separate offense.

(Prior Code, § 4-3)

(B) Any person violating any provision of §§ 151.15 *et seq.*, shall be subject to the penalty set out in § 10.99. Each violation shall constitute a separate offense; and any such person shall be required to correct or remedy such violations or defects within 10 days and each 10 days that prohibited conditions are maintained shall constitute a separate offense. The Electrical Inspector shall have the further right to secure an injunction to prohibit occupancy of a violating structure or the distribution of current to a violating structure.

(Prior Code, § 4-22)

(C) Any owner of a building or structure as classified herein, within the city limits who permits same to stand without being numbered as required herein, shall be punished by a fine of not less than \$5 nor more than \$10 and each day the violation continues shall constitute a separate offense.

(Prior Code, § 4-76) (Am. Ord. 1994-2, passed 1-11-1994)

(D) Any person violating any of the provisions of §§ 151.75 *et seq.* shall be fined not less than \$50, nor more than \$500 for each offense. Each day's violation shall constitute a separate offense.

(Ord. 2001-3, passed 7-10-2001)

CHAPTER 152: FLOOD DAMAGE PREVENTION

Section

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Statutory reference:

City flood control systems, see KRS 104.030
Flood control generally, see KRS Ch. 104
Flood hazard mitigation programs, see KRS 151.600

GENERAL PROVISIONS

§ 152.001 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 Commission of the City of Harrodsburg, Kentucky, hereby adopts the floodplain management ordinance as set forth in this chapter. (Ord. 2008-06, passed 5-12-2008)

§ 152.002 FINDINGS OF FACT.

(A) The flood hazard areas of the City of Harrodsburg are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood

protection and relief, and impairment of the tax base, all 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, floodproofed, or otherwise protected from flood damage. (Ord. 2008-06, passed 5-12-2008)

§ 152.003 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 flood waters or which may increase flood hazards to other areas. (Ord. 2008-06, passed 5-12-2008)

§ 152.004 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 homebuyers 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. 2008-06, passed 5-12-2008)

§ 152.005 DEFINITIONS.

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

A ZONE. Portions of the special flood hazard area (SFHA) in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In **A ZONES**, flood waters 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 principal structure, the use of which is incidental to the use of the principal 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 1 and 3 feet (usually shallow ponding). Base flood elevations are shown.

AO ZONE. An area of 100-year shallow flooding where water depth is between 1 and 3 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.

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.

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.

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 1 to 3 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 1 foot or with contributing drainage area less than 1 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 4 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 flood waters 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 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 storage of materials or equipment.

ELEVATED STRUCTURE. A nonbasement 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 nonresidential 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 Harrodsburg 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 (FHBM). A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

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 nonstructural 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 nonresidential 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 1 foot. Also referred to as the ***REGULATORY FLOODWAY.***

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

FRAUD AND VICTIMIZATION. As related in §§ 152.065 through 152.071 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Commission 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.

FREEBOARD.

(1) 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.

(2) 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.

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). **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.

(1) 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 nonresidential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

KENTUCKY REVISED STATUTE (KRS) 151.250.

Plans for dams, levees and the like to be approved and permit issued by Environmental and Public Protection Cabinet (hereafter “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 filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising, or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in division (1) of this definition 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 man-made 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 SFHA.

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. A flood protection system that consists of a levee, or levees, and associated structures,

such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices. For a **LEVEE SYSTEM** to be recognized, the following criteria must be met:

(1) 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).

(2) 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 1 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 2 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 4-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first 4 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). Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A

MUDSLIDE (i.e. MUDFLOW) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the **MUDFLOW**, and not the landslide, is the proximate cause of damage that occurs.

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 FIRMs. 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 Harrodsburg'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 Harrodsburg's adopted floodplain management ordinances.

NONRESIDENTIAL. Structures that are not designed for human habitation, including but not limited

to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months' duration.

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 FIRMs and Digitally Referenced FIRMs (DFLRMs.) (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 that 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 1 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 noncompliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter 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 2 or more separate occasions during a 10-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred; or 4 or more flood losses of \$1,000 or more over the life of the structure; or 3 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 2 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. 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.

(1) 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.

(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, 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. Any combination of reconstruction, alteration, or improvement to a building, taking place during a 5-year period in which the cumulative percentage of improvement equals or exceeds 50% of the current market value of the building.

(1) 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.

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

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.

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. 2008-06, passed 5-12-2008)

GENERAL REGULATIONS

§ 152.015 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 Commission of Harrodsburg from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City Commission of Harrodsburg which may be subject to periodic inundation by flood waters that can adversely affect the public health, safety, and general welfare of the citizens of Harrodsburg. (Ord. 2008-06, passed 5-12-2008)

§ 152.016 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 Mercer County, dated September 17, 2008, 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 Harrodsburg 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 Commission by the Floodplain Administrator and are enacted by City Commission 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 The Greater Harrodsburg/Mercer County Planning and Zoning Commission at 109 Short St., Harrodsburg, KY. (Ord. 2008-06, passed 5-12-2008)

§ 152.017 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 § 152.036 for instructions and explanation.

(B) Application for a development permit shall be made on forms furnished by the Floodplain Administrator.
(Ord. 2008-06, passed 5-12-2008)

§ 152.018 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 Commission from taking such lawful action as is necessary to prevent or remedy any violation.
(Ord. 2008-06, passed 5-12-2008)

§ 152.019 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. 2008-06, passed 5-12-2008)

§ 152.020 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. 2008-06, passed 5-12-2008)

§ 152.021 WARNING AND DISCLAIMER OF LIABILITY.

(A) 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.

(B) This chapter shall not create liability on the part of the City Commission of Harrodsburg, 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. 2008-06, passed 5-12-2008)

§ 152.022 ENFORCEMENT; VIOLATION NOTICE.

(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 7 days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within 7 days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.

(Ord. 2008-06, passed 5-12-2008)

ADMINISTRATION

§ 152.035 DESIGNATION OF LOCAL ADMINISTRATOR.

The City Commission of Harrodsburg hereby appoints the Zoning Administrative Official 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. 2008-06, passed 5-12-2008)

§ 152.036 ESTABLISHMENT OF DEVELOPMENT PERMIT.

(A) A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in § 152.016. 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.

(B) Specifically, the following information is required.

(1) *Application stage.*

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

(b) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

(c) All appropriate certifications from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in § 152.051(B) and § 152.053(B);

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

(2) *Construction stage.*

(a) Upon placement of the lowest floor, and before construction continues, or floodproofing 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 floodproofed elevation, as built, in relation to mean sea level. In AE, AI-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.

(b) When floodproofing 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 floodproofing 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. 2008-06, passed 5-12-2008)

§ 152.037 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 1 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 § 152.016, 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 §§ 152.050 through 152.056. Any such information shall be submitted to the City Commission 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 § 152.051(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 § 152.036(B);

(b) Certification required by § 152.051(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 floodproofed, in accordance with § 152.036(B);

(c) Certification required by § 152.051(C) (elevated structures);

(d) Certification of elevation required by § 152.054(A) (subdivision standards);

(e) Certification required by § 152.051(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 § 152.022.

(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 § 152.067(B);

(b) When base flood elevation data or floodway data have not been provided in accordance

with § 152.016, then the Floodplain Administrator shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of §§ 152.050 through 152.056;

(c) When floodproofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with § 152.051(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 and 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 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 or her duties, shall not thereby render himself 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 or her 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. 2008-06, passed 5-12-2008)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 152.050 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 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) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(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 nonconformity is not furthered, extended or replaced.

(Ord. 2008-06, passed 5-12-2008)

§ 152.051 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation data have been provided, as set forth in § 152.016, 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 2 feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of § 152.051(C).

(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 2 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 2 feet above the base flood elevation, as determined by this community. The

Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations), Chapter 4, Regulation 060 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-section 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; and

(c) In all other zones, elevated 2 feet 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) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or nonresidential structure (including manufactured homes used for nonresidential purposes) shall be elevated to conform with division (A) above or together with attendant utility and sanitary facilities:

(1) Be floodproofed below an elevation 2 feet 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 2 feet above the level of the base flood elevation; or

(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 § 152.036(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 2 feet above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:

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

(b) Have a minimum of 2 openings with a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than 1 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 flood water.

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

(b) The bottom of all openings shall be no higher than 1 foot above 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 flood waters 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) (a) All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:

1. On individual lots or parcels;
2. In expansions to existing manufactured home parks or subdivisions;
3. In new manufactured home parks or subdivisions; or
4. In substantially improved manufactured home parks or subdivisions;

5. Outside of a manufactured home park or subdivision; and

6. 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.

(b) All manufactured homes must be:

1. Elevated on a permanent foundation;

2. Have its lowest floor elevated no lower than 2 feet above the level of the base flood elevation; and

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

(2) 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 2 feet 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.

(3) (a) 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:

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

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

3. Meet the permit requirements for new construction of this chapter, including anchoring and elevation requirements for manufactured homes.

(b) 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 § 152.016, 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; and

(2) If division (E) of this section is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of §§ 152.050 through 152.056.

(Ord. 2008-06, passed 5-12-2008)

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

Located within the special flood hazard areas established in § 152.016, 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 1 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 floodproofed to elevations established in accordance with § 152.016. (Ord. 2008-06, passed 5-12-2008)

§ 152.053 STANDARDS FOR SHALLOW FLOODING ZONES.

Located within the special flood hazard areas established in § 152.016, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of 1 to 3 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 2 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 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 2 feet above the highest adjacent grade; and

(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 1 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 § 152.051(B). (Ord. 2008-06, passed 5-12-2008)

§ 152.054 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 5 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. 2008-06, passed 5-12-2008)

§ 152.055 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 1 foot above grade, total openings are to be 1 square inch per 1 square foot of floor area, at least 2 openings required on opposite walls;
 - (D) Built of flood resistant materials below a level 2 feet 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. 2008-06, passed 5-12-2008)

§ 152.056 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 1 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 flood waters. 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. 2008-06, passed 5-12-2008)

APPEALS AND VARIANCE PROCEDURES

§ 152.065 NATURE OF VARIANCES.

(A) The variance criteria set forth in this section of the chapter 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.

(B) It is the duty of the City Commission 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.

(Ord. 2008-06, passed 5-12-2008)

§ 152.066 VARIANCE AND APPEAL BOARD; DESIGNATED; DUTIES.

(A) *Designation.* The City Commission of Harrodsburg shall utilize The Greater Harrodsburg/Mercer County Board of Adjustments and Appeals as the Appeal Board.

(B) *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.

(Ord. 2008-06, passed 5-12-2008)

§ 152.067 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 following:

(A) Danger that materials may be swept onto other lands to the injury of others;

(B) Danger to life and property due to flooding or erosion damage;

(C) 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;

(D) Importance to the community of the services provided by the proposed facility;

(E) Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;

(F) Availability of alternative locations which are not subject to flooding or erosion damage;

(G) Compatibility of the proposed use with existing and anticipated development;

(H) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(I) Safety of access to the property in times of flood for ordinary and emergency vehicles;

(J) 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

(K) 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. (Ord. 2008-06, passed 5-12-2008)

§ 152.068 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.

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

(B) 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 Commission 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 Commission believes will both provide relief and preserve the integrity of the local ordinance.

(C) 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.

(D) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this chapter); and

(3) 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 § 152.005 under public safety and nuisance), cause fraud or victimization of the public (as defined in § 152.005) or conflict with existing local laws or ordinances.

(E) 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.

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

(G) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of § 152.067(A) through (K) 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.
(Ord. 2008-06, passed 5-12-2008)

§ 152.069 VARIANCE NOTIFICATION.

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

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

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

(C) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.
(Ord. 2008-06, passed 5-12-2008)

§ 152.070 HISTORIC STRUCTURES.

Variances may be issued for the repair or rehabilitation of historic structures (see definition in § 152.005) 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.
(Ord. 2008-06, passed 5-12-2008)

§ 152.071 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. 2008-06, passed 5-12-2008)

§ 152.999 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 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 less than \$1,000 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. 2008-06, passed 5-12-2008)

CHAPTER 153: SUBDIVISION REGULATIONS

Section

153.01 Adopted by reference

§ 153.01 ADOPTED BY REFERENCE.

The Harrodsburg-Mercer County Subdivision Regulations, as amended, are hereby adopted by reference and incorporated as part of this code of ordinances as fully as if set out at length herein.

CHAPTER 154: ZONING CODE

Section

154.01 Adopted by reference

§ 154.01 ADOPTED BY REFERENCE.

The Harrodsburg Zoning Ordinance, as amended, is hereby adopted by reference and incorporated as part of this code of ordinances as fully as if set out at length herein.

(Am. Ord. 2013-15, passed 7-23-2012)

