

TITLE XV: LAND USAGE

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CHAPTER 150: BUILDING REGULATIONS

Section

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§ 150.001 ADOPTION OF KENTUCKY BUILDING CODE AND STANDARDS OF SAFETY; ENFORCEMENT AGENTS.

(A) The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations, (as adopted in § 150.002 below); the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk/Treasurer where they shall be available for public inspection during normal business hours.

(B) The Building Official, under a contract entered into between the City and the Lake Cumberland Area Housing Authority, shall be designated as the local enforcement agent for the Kentucky Building Code.

(C) The Chief of the Volunteer Fire Department and all other designated officers, agents, and employees of the City are hereby charged with the enforcement of the provisions of the Standards of Safety.

(D) The State Plumbing Inspector is charged with the enforcement of the provisions of the Kentucky Plumbing Code.

Penalty, *see* § 150.099

§ 150.002 ADOPTION OF THE UNIFORM STATEWIDE BUILDING CODE.

(A) The Kentucky Building Code, promulgated in 815 KAR 7:120, and the Kentucky Residential Code, promulgated in 815 KAR 7:125, by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky, are hereby adopted in full as an Ordinance of the City of Greensburg, Green County, Commonwealth of Kentucky, as if set out at length herein.

(B) A copy of said Kentucky Building Code is on file in the Office of the Greensburg City Clerk, and the Clerk shall at all times keep a copy of said building code for reference.

(C) An attested copy of this Ordinance shall be transmitted to the Office of Housing, Buildings and Construction of the Commonwealth of Kentucky.

(D) All editions, revisions and amendments thereto are likewise adopted on a continuing basis immediately upon passage and effective date of said edition, etc., as if same was fully set forth at length herein.

(E) All relevant portions of the International Code Council (ICC) which may be incorporated by the Kentucky Building Code and Kentucky Residential Code are adopted and made a part hereof.

§ 150.003 APPLICATION.

The application of the Uniform Statewide Building Code and the Kentucky Building Code shall be extended to all single-family dwellings in the City which are to be constructed or remodeled.

§ 150.004 REQUIRED CONTENTS OF BUILDING PLANS.

Required plan information shall be as follows (unless items are waived by the Building Inspector):

(A) All plans shall be drawn to scale. The preferred scale is an architectural drafting scale of ¼ inch.

(B) A title block shall be placed on the plan and shall contain the plan name, the name and address of the developer and the development address.

(C) The building use and the total square feet contained in the building shall be noted.

(D) A footprint of the building showing the building size, all exterior walls, interior space layout, egress doors and the distance to the nearest property line.

(E) The use of each separate room and/or area.

(F) A wall detail, which shall include a cross-section indicating the thickness, insulation, materials, and interior/exterior treatments.

(G) A roof detail, which shall include a cross-section depth and size.

(H) A foundation and footer detail, which shall include a cross-section indicating depth and size.

(I) A basement detail, which shall include the elevation of the basement and the amount of basement that will be showing above ground.

(J) Location and type of heating system.

(K) Location of plumbing and service entrance.

(L) Any other relevant information such as stair details, sprinkler information, handicapped requirements and window detail.

(M) A copy of workman's comp insurance policy or signed affidavit of no employees.

(N) A copy of general liability policy.

(O) The permit application must be filled out completely or the permit cannot be issued.

§ 150.005 SIGNS.

Appendix H of the International Building Code is expressly adopted and incorporated herewith as party of this Ordinance. In addition, signs shall be located at least ten (10) feet off the front right property line, three (3) feet from the side property line and shall not exceed fifty (50) feet in height.

§ 150.006 PERMIT FEE SCHEDULE.

The cost for securing building permits, inspections and other similar fees shall be determined by the following schedule:

(A) General building permits for residential and commercial:

<u>EST. COST</u>	<u>PERMIT COST</u>	<u>EST. COST</u>	<u>PERMIT COST</u>
5,000	25.00	53,000	200.00
6,000	29.50	54,000	201.75
7,000	34.00	55,000	203.50
8,000	38.50	56,000	205.25
9,000	43.00	57,000	207.00
10,000	47.50	58,000	208.75
11,000	52.00	59,000	210.50
12,000	56.50	60,000	212.25
13,000	61.00	61,000	214.00
14,000	65.50	62,000	215.75
15,000	70.00	63,000	217.50
16,000	74.50	64,000	219.25
17,000	79.00	65,000	221.00
18,000	83.50	66,000	222.75
19,000	88.00	67,000	224.50
20,000	92.50	68,000	226.25
21,000	97.00	69,000	228.00
22,000	101.50	70,000	229.75
23,000	106.00	71,000	231.50
24,000	110.50	72,000	233.25
25,000	115.00	73,000	235.00
26,000	119.50	74,000	236.75
27,000	124.00	75,000	238.50
28,000	128.50	76,000	240.25
29,000	133.00	77,000	242.00
30,000	136.00	78,000	243.75
31,000	139.00	79,000	245.50
32,000	142.00	80,000	247.25
33,000	145.00	81,000	249.00
34,000	148.00	82,000	250.75
35,000	151.00	83,000	252.50
36,000	154.00	84,000	254.25
37,000	157.00	85,000	256.00
38,000	160.00	86,000	257.75
39,000	163.00	87,000	259.50
40,000	166.00	88,000	261.25

41,000	169.00	89,000	263.00
42,000	172.00	90,000	264.75
43,000	175.00	91,000	266.50
44,000	178.00	92,000	268.25
45,000	181.00	93,000	270.00
46,000	184.00	94,000	271.75
47,000	187.00	95,000	273.50
48,000	190.00	96,000	275.25
49,000	193.00	97,000	277.00
50,000	194.75	98,000	278.75
51,000	196.50	99,000	280.50
52,000	198.25	100,000	282.25

Cost of construction is \$100,000 - \$200,000 = \$1.75 per thousand of construction costs
 Cost of construction is over \$200,000 = \$1.50 per thousand of construction costs

Residential - \$45.00 per square foot minimum
 Commercial - \$65.00 per square foot minimum

Note, if the applicant is already permitted by the State of Kentucky, then the aforementioned costs shall be multiplied by fifty percent (50%) to determine final cost on the local level for all projects with costs up to \$2,000,000. If the cost is greater than \$2,000,000, twenty cents per thousand dollars of project cost shall be added (in addition to the fifty-percent calculation) to determine the final cost on the local level.

Calculations based on measurements shall include garages and basements and shall be re-calculated after rough-in to verify that the proper cost has been assessed. If the measurement originally provided by the applicant is incorrect and any additional fee which may be due is not immediately paid, the building permit may be pulled by the inspector.

(B) Permits for Churches.

Same as general permits, unless State of Kentucky permit also required, in which event the local charge shall be \$50.00.

(C) Change of Occupancy Classification or Use Group (Commercial only).

(D) Demolition Residential Schedule:

1 – 2,000 square feet	\$ 50.00
2,001 – up square feet	\$ 100.00
Commercial	\$ 100.00 +
	State permit per structure

(E) Relocation \$ 50.00 permit fee

(Ord passed 10-3-07)

§ 150.007 APPEALS.

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

Statutory reference:

Appeals procedure, see KRS 198B.070.

§ 150.099 PENALTY.

Any person who violates any provision of the state codes adopted in § 150.001 shall be subject to the following penalties:

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

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

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

(D) Failure to pay fees and costs set forth herein, including re-calculated fees, and/or the failure to adhere to the code in a manner contrary to its provisions, may result in the immediate termination of any permit previously granted to an applicant and the issuance of a stop work order. The applicant shall also be subject to the other penalties which are more specifically set forth in the adopted Kentucky Building Codes and Kentucky Residential Codes. (Ord passed 10-3-07)

(KRS 318.990)

CHAPTER 151: HOUSE TRAILERS

[Editor's note: Mobile homes and house trailers are regulated under the City's zoning code, which is on file in the office of the City Clerk.]

CHAPTER 152: PLANNING

Section

152.001 Adoption of comprehensive plan by reference

Joint Planning Commission

152.010 Establishment
152.011 Membership; oath of office
152.012 Term of office: vacancies
152.013 Ex-officio members
152.014 Compensation of members
152.015 Officers and staff
152.016 Meetings; quorum
152.017 Bylaws
152.018 Powers and duties

§ 152.001 ADOPTION OF COMPREHENSIVE PLAN BY REFERENCE.

(A) The Green County Comprehensive Plan and all amendments thereto are hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein.

(B) Copies of said Comprehensive Plan are available for public inspection during normal hours at the office of the Clerk/Treasurer of the City of Greensburg.

(Ord., passed 6-7-74)

JOINT PLANNING COMMISSION

§ 152.010 ESTABLISHMENT.

This Commission shall be known as the Greensburg-Green County Planning Commission and is hereby created and established as authorized by KRS Chapter 100, and such shall be organized and empowered as stated herein. Upon the appointment and subsequent approval of members, election of officers, and adoption of its bylaws, its existence shall begin subject to the provisions of KRS Chapter 100. The Commission may engage in planning operations within its jurisdiction which shall be coterminous with its political boundary.

(Ord. 11-3-70, passed 11-3-70)

§ 152.011 MEMBERSHIP; OATH OF OFFICE.

The Greensburg-Green County Planning Commission shall consist of six (6) members. The Judge of Green County and the Mayor of Greensburg, with the approval of their respective legislative bodies, shall each appoint three (3) members to be known as citizen-members. The oath of office shall be administered to all members of the Commission before entering upon their duties and shall be administered as provided by law.

(Ord. 11-3-70, passed 11-3-70)

§ 152.012 TERM OF OFFICE; VACANCIES.

(A) The term of office of citizen-members shall be four (4) years, except the original terms shall be staggered so a proportionate number may serve one (1), two (2), three (3) and four (4) years respectively. Reappointments or appointments to fill vacancies shall be made in order to continue the staggered pattern.

(B) All vacancies, whether by resignation, dismissal, or expiration of the term of office, shall be filled within sixty (60) days by appropriate appointing authority or as otherwise provided for in KRS 100.147. A citizen-member may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. The removed member shall have the right of appeal in the manner prescribed by KRS 100.157.

(Ord. 11-3-70, passed 11-3-70)

§ 152.013 EX-OFFICIO MEMBERS.

The Mayor of Greensburg and the Green County Judge may each appoint one (1) additional member to serve on the Planning Commission, and these additional members shall be known as ex-officio members by virtue of an office they hold, either through election or by appointment. The term of office of all ex-officio members who are elected public officials appointed to the Planning Commission shall be the same as their official tenure of office. The term of office of all ex-officio members of the Planning Commission who are appointed public officials shall be for four (4) years or at the pleasure of the appointing official.

(Ord. 11-3-10, passed 11-3-70)

§ 152.014 COMPENSATION OF MEMBERS.

Citizen-members shall serve without compensation, but reimbursement of expenses may be authorized. All ex-officio members of the Commission shall serve without compensation, but reimbursement of expenses may be authorized.

(Ord. 11-3-70, passed 11-3-70)

§ 152.015 OFFICERS AND STAFF.

The Commission shall elect a Chairperson and any other officers which it deems necessary from among its citizen-members. The term of office shall be one year with eligibility for re-election. The Commission may employ a staff as it may deem necessary for its work and may contract with Planning professional planners and other parties for such services as it may require.

(Ord. 11-3-70, passed 11-3-70)

§ 152.016 MEETINGS; QUORUM.

The Commission shall conduct each year at least six (6) regular meetings for the transaction of its business. The bylaws adopted by the Commission shall reflect the schedule of regular meetings, the manner in which notice shall be given; date, time, place, and the subject or subjects to be discussed, as well as the method of calling and conducting special meetings. A simple majority of the total membership shall constitute a quorum. After a quorum has been established, a simple majority of that quorum can transact any official business except in those instances where there is to be an adoption or

amendment of the Commission's bylaws or elements of the Comprehensive Plan or regulations; then a vote of the simple majority of the total membership shall be necessary.

(Ord. 11-3-70, passed 11-3-70)

§ 152.017 BYLAWS.

The Commission shall adopt and approve its bylaws before it may properly transact any business.

The bylaws shall set forth the procedures, rules, and regulations necessary for the Commission to conduct its business. The bylaws shall describe the method for administration of funds and provide for an annual audit thereof.

(Ord. 11-3-70, passed 11-3-70)

§ 152.018 POWERS AND DUTIES.

The Commission shall have general powers necessary to carry out its functions in accordance with this Chapter and KRS Chapter 100. The Commission may be assigned any powers, duties and functions related to urban renewal or public housing by the Fiscal Court of the county and the legislative body of a participating city.

(Ord. 11-3-70, passed 11-3-70)

CHAPTER 153: ZONING CODE

Section

153.001 Adoption by reference

§ 153.001 ADOPTION BY REFERENCE.

The City hereby adopts by reference as if fully set forth herein the zoning ordinance for the City of Greensburg dated October 12, 1998, and any subsequent amendments thereto which may be adopted by ordinance. A copy of the zoning ordinance and all amendments shall be maintained in the office of the City Clerk/Treasurer and shall be available for public inspection during normal business hours.

CHAPTER 154: HISTORIC PRESERVATION DISTRICT

Section

- 154.001 Intent and Declaration of Purpose
- 154.002 Purpose
- 154.003 Definitions
- 154.004 Historic Preservation District Commission
- 154.005 Powers and Duties of the Commission
- 154.006 Nominations to the National Register of Historic Places
- 154.007 Designation of Historic Preservation Districts, Landmarks and Landmark Sites
- 154.008 Approval of Alterations to Landmarks, Landmark Sites and Property in Historic Preservation Districts
- 154.009 Maintenance and Repair of Landmarks, Landmark Sites and Property in Historic Preservation Districts
- 154.010 Routine Alterations
- 154.011 Emergency Repairs and Alterations
- 154.012 Demolition of a Landmark or a Building in an Historic Preservation District
- 154.013 Moving a Landmark or a Building or Structure in an Historic Preservation District
- 154.014 Length of Validity of Certificate of Appropriateness
- 154.015 Appeal of Commission's Decision
- 154.016 Conformity with the Certificate of Appropriateness
- 154.017 Zoning Conflicts

- 154.099 Penalties

§ 154.001 INTENT AND DECLARATION OF PURPOSE.

The City Council declares as a matter of public policy that the preservation, restoration, protection and use of historic preservation districts and landmarks are a public necessity 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 City Council declares as a matter of public policy that this ordinance is required in the interests of the health, prosperity, safety, welfare and economic well being of the people of the City of Greensburg.

§ 154.002 PURPOSE.

The purpose of this Ordinance is as follows:

- (A) To effect the goals as set forth above in the findings of the City Council and declarations of public policy.
- (B) To effect and accomplish the preservation, protection and use of historic buildings and individual landmarks which have a special character and historic, architectural value to the City, state and nation through the use of historic preservation districts.
- (C) To 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 preservation districts, historic buildings and landmarks.
- (D) To stabilize and improve property values in a historic preservation district and in the City as a whole.

- (E) To foster civic pride in the value of notable accomplishments of the past.
- (F) To strengthen the economy of the City.
- (G) To protect and enhance the City's attractions to residents and visitors.
- (H) To enhance the visual and aesthetic character, diversity, and interest of the City.

§ 154.003 DEFINITIONS.

For the purpose of this Ordinance, certain terms are defined as follows:

ALTERATION. Any construction, replacement or change to the exterior of a landmark, landmark site, or building or structure in an historic preservation district when it is visible to the public. An alteration shall include a proposed sign or changes to an existing sign. (See Sign Definition.)

CERTIFICATE OF APPROPRIATENESS (COA). The permit, issued by the Historic Preservation District Commission, which gives approval for alterations to a landmark, landmark site or building in an historic preservation district.

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

CITY. The City of Greensburg, Kentucky.

CITY COUNCIL. The City Council of the City of Greensburg, Kentucky.

COMMISSION. The Historic Preservation District Commission.

PLANNING AND ZONING COMMISSION. The Greensburg Planning and Zoning Commission.

DEMOLITION. Any act that destroys, in whole or in part, a landmark, landmark site or a building or structure in the Historic Preservation District.

HISTORIC PRESERVATION DISTRICT. An area of architectural, historical or cultural significance which meets one or more of the criteria contained in Section 154.007 and which has been designed as such by the City of Greensburg, Kentucky.

LANDMARK. A building or structure of architectural, historical or cultural significance which meets one or more of the criteria contained in Section 154.007 and which has been designated by the City of Greensburg as worthy due to one or more of the above-mentioned factors of significance.

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

ORDINARY MAINTENANCE AND REPAIR. Any work, the purpose of which is to correct the deterioration or damage of an historic property. The work shall restore the property to its appearance prior to deterioration in so far as is possible. The work shall involve the use of the same building materials or as close as possible to the original.

SIGNS – REGULATIONS. The number, size, height, appearance and location of signs in the Historic Preservation District will be controlled by the Historic Preservation District Commission through their review process and not through the Greensburg Zoning Ordinance.

§ 154.004 HISTORIC PRESERVATION DISTRICT COMMISSION.

(A) *Establishment.* There is hereby established the Historic Preservation District Commission for the City of Greensburg, Kentucky. The membership of the Commission shall be subject to the following provisions:

(1) It shall consist of five (5) members appointed by the Mayor and approved by the City Council.

(2) The members shall have demonstrated interest in historic preservation, and at least two (2) members shall have training or experience in a preservation-related profession (*i.e.*, architecture, history, archeology, architectural history, planning or related fields). When one or two professional members are not available, the Mayor may appoint other persons interested in historic preservation to serve.

(3) When the Commission reviews an issue that is normally evaluated by a professional member and that area of expertise is not represented on the Commission, the Commission shall seek expert advice before rendering its decision.

(4) In making appointments, the Mayor shall seek to include a member who is active in real estate.

(5) Members of the Commission 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 Commission.

(6) Each member shall attend at least one (1) educational meeting per year on historic preservation or related subjects. This meeting shall have been approved by the State Historic Preservation Officer as educational and beneficial to a member of an Historic Preservation District Commission.

(B) *Terms of Office.* The terms of office of the members shall be three years, except the first term of one (1) member of the original Commission shall expire after two (2) years and the first term of one member of the original Commission shall expire after one (1) year. Each member shall serve until the appointment and qualification of his successor. When a vacancy occurs during a term of office, it shall be filled within sixty (60) days, and the person selected shall be appointed for the unexpired portion of his predecessor's term.

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

(D) *Conflict of Interest.* No member of the Commission shall vote on any matter than may affect the property, income or business of that member, or anyone in that member's family.

§ 154.005 POWERS AND DUTIES OF THE COMMISSION.

(A) *Specific Powers.* In addition to the powers and duties stated elsewhere, the Commission shall take those actions necessary and appropriate to accomplish the purposes of this Ordinance. These actions may include, but are not limited to, the following:

(1) Conducting, or causing to be conducted, a continuing survey of cultural resources in the community according to the guidelines established by the Kentucky Heritage Council. Local review commissions may receive copies of the Kentucky Heritage Council inventory of historic buildings for the City.

(2) Recommending to the City Council the designation of Historic Preservation Districts and individual historic buildings and landmarks.

(3) Establishing and using written guidelines for making decisions on applications for permits for alterations to, or demolition of, listed landmarks and buildings within historic districts.

(4) Acting in an advisory role regarding the protection of local cultural resources by advising federal, state and county governments and other parts of City government.

(5) Acting as a liaison on behalf of the City by advising and assisting individuals and organizations concerned with historic preservation.

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

(B) *Outside Assistance.* The Commission may receive regular assistance from the City staff. In addition, the City shall be contract obtain assistance on preservation matters from professionals with expertise in historic preservation and other related fields.

(C) *Rehabilitation of Buildings.* The Commission may initiate and encourage plans for the preservation and rehabilitation of individual historic buildings. The Commission shall on a regular basis through awards and press releases give special recognition to owners and tenants who maintain or rehabilitate their historic buildings with care and thus contribute to the preservation of the history of Greensburg.

(D) *Survey of Historic Buildings.* In making its survey of historic buildings and landmarks, the Commission shall conduct its work in accordance with the guidelines of the Kentucky Heritage Council. The Commission shall provide its survey and preservation plan to assist the City and Green County in their overall planning efforts.

(E) *Meetings of the Commission.* The Commission shall adopt and make rules for the transaction of its business and shall hold meetings as necessary. All meetings shall require a quorum of three (3) members with the Chairperson reserving the right to vote. All meetings shall be public, have a previously available agenda, and shall comply with the Kentucky Open Meeting Statute, KRS 61.805-61.850. A simple majority of a quorum present at a meeting shall be required for all decisions.

(F) *Annual Report.* The Commission 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.

(G) *Right to Receive and Spend Funds.* The Commission, in addition to any appropriations made by the City of Greensburg, 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 Ordinance.

(H) *Other Duties Under the Certified Local Government Program.* In the development of the Certified Local Government Program, the City may ask the Commission to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.

§ 154.006 NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES.

To participate in the Certified Local Government Program, the City shall be responsible for all local nominations to the National Register of Historic Places pursuant to the following procedures:

(A) Individuals nominating properties to be listed on the National Register shall file their request for nomination with the City, or the City or the Commission may make its own request for nominations.

(B) Both the City and the Commission shall submit recommendations on each proposed nomination to the National Register. These recommendations shall include comments obtained from the public.

(C) Within sixty (60) days of the receipt of a request for nomination from an individual, or a request for nomination on the City's or the Commission's own initiative, the City shall inform the Kentucky Heritage Council, and the owner of the subject property or landmark, of both the City's recommendation and the Commission's recommendation regarding the property's eligibility for being placed on the National register.

(D) If the City's and the Commission's recommendations do not agree, then both recommendations shall be forwarded in the City's report to the Kentucky Heritage Council.

(E) If both the City and the Commission recommend that a property not be nominated, the Kentucky Heritage Council shall inform the property owner, the state review board and the State Historic Preservation Officer (SHPO), and the property will not be nominated unless an appeal is filed with the SHPO.

(F) The Mayor, the Commission or the property owner may appeal the final decision by the SHPO.

§ 154.007 DESIGNATION OF HISTORIC PRESERVATION DISTRICTS, LANDMARKS AND LANDMARK SITES.

(A) *Procedure, Public Hearing and Notice.* The following procedures shall be followed for designating historic preservation districts and individual landmarks:

(1) The Commission shall recommend to the City Council the designation of historic preservation districts, landmarks and landmark sites, and the City Council may make these designations by the enactment of ordinances.

(2) Consideration of the designation of an historic preservation district, landmark or landmark site may be originated by the Commission or by the filing of an application for designation by a property owner, any resident of the City of Greensburg, or any organization in the City of Greensburg.

(3) A person or organization proposing a designation shall file with the Commission an application furnished by the Commission and shall give the Commission the names and addresses of the

owners of the affected property and the owners of all adjoining property as listed on the property tax rolls of the City of Greensburg.

(4) Upon its own initiative, or upon receiving an application from a person or organization, the Commission shall assemble information about the district or property being considered for designation and shall schedule a public hearing on the proposed designation.

(5) For at least fifteen (15) consecutive days before the scheduled public hearing, notice of same shall be given:

(a) By advertisement in the Greensburg Record-Herald newspaper;

(b) By conspicuous posting in the proposed district or on the lot of the proposed landmark;

(c) By certified mail to the owners of the subject property under consideration and the owners of all adjoining property. This notice shall be sufficient when it is mailed to the persons listed on the property tax rolls of the City.

(6) The Secretary of the Commission or other officer of the Commission shall certify that the notices were published, posted and mailed.

(7) Owners and any interested person may present testimony and evidence at the public hearing on the designation. The record on the designation shall also include letters received by the Commission.

(B) *Guidelines.* Before its first public hearing on a designation, the Commission shall adopt guidelines pursuant to the following provisions:

(1) The Commission shall adopt general guidelines that will apply to historic preservation districts, landmarks and landmark sites and will assist owners in the preservation and rehabilitation of their property.

(2) The general guidelines shall be submitted to the Greensburg Planning and Zoning Commission for its approval.

(3) The general 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 designed property in the City.

(4) In its guidelines and in its decisions the Commission shall not limit new construction to any one architectural style but shall seek to preserve the character and integrity of the historic districts and landmarks.

(5) The guidelines shall suggest changes that would be appropriate for landmarks or for property in historic preservation districts and shall when possible refer to appropriate work completed on property in Greensburg and other nearby communities so that applicants may visit those sites.

(6) After a designation, the Commission 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 Greensburg Planning and Zoning Commission and the City Council for their comments and approval.

(C) *Criteria for Designation.* An historic preservation district or landmark shall qualify for designation when it meets one or more of the following criteria which shall be discussed in a Commission report making its recommendations to the City Council:

(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 culture or archeological heritage of the City, state, or nation;

(4) Its location as a site of a 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 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.

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

(E) *Review by the Planning and Zoning Commission.* The Commission shall, at the same time it submits a recommendation and report to the City Council for designation of an historic preservation district or landmark, send a copy to the Greensburg Planning and Zoning Commission and request a review and comments from it within sixty (60) days. The Planning and Zoning Commission shall hold a public hearing, after which it shall report on the relationship between the proposed designation and the existing and future plans for the development of the City. If the Planning and Zoning Commission recommends the approval of the proposed designation, it shall prepare an overlay of the zoning map showing said proposed designation. The Planning and Zoning Commission shall then forward its comments, recommendation and Zoning Map changes overlay to the City Council.

If the Planning and Zoning Commission does not approve of the proposed designation, it shall forward its comments to the City Council in the form of a recommendation.

(F) *Action by City Council.* The City Council shall approve, modify or disapprove the proposed designation and the zoning map amendment within sixty (60) days after receiving the recommendation from the Planning and Zoning Commission. If the City Council approves of the designation, the official zoning map shall be so marked.

(G) *Relationship to Zoning.* A landmark and the property in an historic preservation district shall be subject to the Zoning Ordinance and Subdivision Regulations and other rules of its underlying zoning district. Where there is a conflict between this Historic District Ordinance and the Zoning Ordinance or Subdivision Regulations, the higher standard or most restrictive provision shall govern.

(H) *Notification of Designation.* The Commission shall notify each owner of property within the historic preservation district, or owner of a landmark, of the decision relating to their property and shall arrange that the designation of a property as a landmark, or as part of an historic preservation district, be recorded in the records of the Green County Court Clerk's Office by owner's name and PVA map number. The Commission shall request that the fees be waived for the City documents recording the designations. The Commission shall also give notice of the decision to the administrative offices of the City and Green County, which shall retain them for future reference.

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

§ 154.008 APPROVAL OF ALTERATIONS TO LANDMARKS, LANDMARK SITES AND PROPERTY IN HISTORIC PRESERVATION DISTRICTS.

(A) *Requirement for Certificate of Appropriateness.* A Certificate of Appropriateness (COA) from the Commission shall be required before a person may undertake the following actions affecting a landmark or a property in an historic preservation district:

- (1) Alteration of the exterior part of a building or structure that is visible to the public;
- (2) New Construction;
- (3) Demolition; or
- (4) Relocation.

A COA is required even when the proposed work does not require a building permit. When seeking a building permit from City government for a project involving designated property, it must be accompanied by a COA approving any of the proposed work listed in this subsection.

(B) *Application for a Certificate of Appropriateness.* Applications for a Certificate of Appropriateness (COA) may be filed by any person or organization. The application shall be filed on a form furnished by the Commission. The Commission shall charge an application fee of \$50.00 to cover the costs of advertising, mail and postage required for a decision on the application.

(1) If any alteration, construction, demolition or relocation on a landmark or property within a historic preservation district requires a building permit, the Building Inspector shall not issue a building permit until the property owner has obtained a COA. The Building Inspector shall give the applicant an application form from the Commission which the applicant shall complete and file with the Commission. The applicant shall also furnish all the information requested in said application, such as drawings of the proposed work, photographs of the existing building or site and adjacent properties, and information about the building materials to be used. In the event any work is being performed without the required COA, the Commission shall ask that a Stop Work Order be issued by the Building Inspector. In this event work is being performed which is not in accordance with the COA, the Police Chief or the City Clerk shall issue a Stop Work Order and any law enforcement officer may cite violators in District Court.

All work shall cease on such property while under a Stop Work Order. If necessary, the City may apply to the Green Circuit Court for an injunction or a restraining order to enforce its Stop Work Order.

(2) If any alteration, construction, demolition or relocation on a landmark or property within a historic preservation district does not require a building permit, or if a property owner wishes to cut down a designated tree or a tree on designated property within an historic preservation district that is visible to the public, the property owner shall apply directly to the Commission for a COA. In the event any work is being performed without the required COA, or is being performed which is not in accordance with the COA, the Police Chief or the City Clerk shall when requested by the Commission issue a Stop Work Order and any law enforcement officer may cite violators in District Court. All work shall cease on such property site under a Stop Work Order. If necessary, the City may apply to the Green Circuit Court for an injunction or a restraining order to enforce its Stop Work Order.

(C) *Action by Historic Preservation District Commission.* The Commission shall follow the following procedures on an application for a COA:

(1) The Commission shall hold a public hearing on each COA application within thirty (30) days after a completed application is received by the Commission. Advertised notice of the public hearing shall be given, including conspicuous posting on the property for five (5) consecutive days immediately prior to the hearing. Notice shall also be given in the local newspaper. The Commission may include in its application fee a charge for the cost of giving notice of the public hearing.

(2) The Commission shall make a final decision on an application for a COA within forty-five (45) days after receiving same. However, the Commission may extend the time for its decision an additional sixty (60) days when the application is for a demolition or a new construction.

(3) The Commission shall approve or disapprove each application, and it shall give its reasons for its decision using the criteria contained in this section and the Commission's guidelines.

(4) The Commission may suggest modifications to an application and the proposed work, and may then approve a COA on the condition the property owner amends his application to include said modifications.

(5) If the Commission fails to decide on an application within the specified time period, the application shall be deemed approved.

(6) Applicants shall be given notice of the public hearings and meetings relating to their application and shall be informed of the Commission's decision.

(7) When an application has been approved, the applicant shall be given a COA.

(D) *Criteria in Deciding on Applications.* In making a decision on an application, the Commission shall use its general guidelines and the guidelines it has adopted for landmarks or historic preservation district. The Commission shall also consider:

(1) The effect of the proposed work on the landmark or the property in the historic preservation district upon which work is to be done, and the relationship between such work and other adjacent or nearby buildings and property, taking into consideration the historical and architectural significance, architectural design, design, texture, materials and color.

(2) The importance of approving plans that will be reasonable for the applicant to carry out.

- (3) The importance of finding a way to meet the current needs of the applicant.

The Commission shall prepare a list of routine alterations that shall receive immediate approval without a public hearing when an applicant complies with the specifications of the Commission. This list shall include paint colors appropriate for different types of buildings.

The COA from the Commission shall not relieve the applicant from complying with the requirements of other state and local laws and regulations.

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

§ 154.009 MAINTENANCE AND REPAIR OF LANDMARKS, LANDMARK SITES AND PROPERTY IN HISTORIC PRESERVATION DISTRICTS.

(A) *Required Maintenance and Repairs.* Every person in charge of a landmark or a property in a historic district shall keep in good repair:

- (1) All of the exterior portions of such buildings or structures; and
- (2) All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or become damaged or otherwise to fall into a state of disrepair.
- (3) All vacant lots.

No provision in this Ordinance shall be interpreted to require an owner or tenant to undertake an alteration or to restore his 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.

(B) *Remedies for Failure to Maintain and Repair.* When a landmark or a building in an historic preservation district is in a state of disrepair, or a vacant lot is neglected, to the extent that it detracts from the appearance of the community, it is dangerous. If it is in violation of any provision herein, any other City ordinance or the Building Code, the Commission shall:

- (1) Set out the property's deficiencies in a written report and serve same by certified mail upon the owner with a request for a meeting between the owner and the Commission to resolve the property's deficiencies.
- (2) The Commission shall discuss with the owner ways to improve the condition of his property and the repairs or work necessary to cure the deficiencies.
- (3) The Commission shall attempt to reach an agreement with the owner setting out the work and repairs to be undertaken and the owner's commitment to perform same.
- (4) If the owner fails to cooperate with the Commission and fails to undertake the work and repairs necessary to cure the deficiencies:

(a) The owner may be cited into District Court and be subject to the penalties set out hereinafter.

(b) The City may board up the doors, windows and other parts to any building and may take additional steps to stabilize walls, roofs and other parts of a building. The City may also take those actions necessary to cure the deficiencies on any vacant lot. The owner of the property shall reimburse the City for any an all expenses incurred in taking these actions.

§ 154.010 ROUTINE ALTERATIONS.

The Commission shall prepare a list of routine alterations that shall receive immediate approval from the Chairman or Vice Chairman of the Commission without a public hearing when an applicant complies with the specifications of the Commission. The list shall include paint colors appropriate for different types of buildings. At each meeting the Commission shall be informed of the COAs that have been issued under the provision since the last meeting. Ordinary repairs and maintenance may be undertaken on a landmark or a property in an historic preservation district without a COA when it does not change its exterior appearance that is visible to the public.

§ 154.011 EMERGENCY REPAIRS AND ALTERATIONS.

When a property is damaged by fire, a storm or other unexpected event, the owner or tenant may receive approval from the Chairman or Vice Chairman of the Commission, without a meeting or public notice, for work to be done in response to this emergency. At its next meeting, the Commission shall be informed of the emergency COA that was issued. In situations requiring immediate temporary action, an owner may do work in order to temporarily protect his property from further damage provided he reports this work to the Commission within two (2) business days. In any case, where the City determines that there are emergency conditions dangerous to life, health or property affecting a landmark or property in a historic district, the City may order the remedying of these conditions without the approval of the Commission. When it is possible, the City shall consult with the Chairman or Vice-Chairman of the Commission about the action being taken. If consultation is not possible, the City shall notify the Commission of the action taken after the completion of the work.

§ 154.012 DEMOLITION OF A LANDMARK OR A BUILDING IN AN HISTORIC PRESERVATION DISTRICT.

When an applicant wishes to demolish a landmark or a building or structure in a Historic Preservation District, the Commission shall negotiate with the applicant to see if an alternative to demolition can be found. The Commission may ask interested individuals and organizations for assistance in seeking an alternative to demolition and in obtaining estimates on rehabilitation costs for the threatened building. After its public hearing on the application, the Commission may decide that a building or structure in an Historic Preservation District may be demolished because it does not contribute to the landmark or the Historic Preservation District. On all other demolition applications, the Commission shall study the question of economic hardship for the applicant and shall determine whether the landmark or the property in the Historic Preservation District can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Commission shall also determine whether the applicant can obtain a reasonable return from his building. The Commission may ask applicants for additional information to be used in making these determinations. If economic hardship or the loss of a reasonable return ins not proved, the Commission shall deny the demolition application unless the Commission finds grounds to grant the demolition application under the points contained in Section 154.007.

§ 154.013 MOVING A LANDMARK OR A BUILDING OR STRUCTURE IN AN HISTORIC PRESERVATION DISTRICT.

When an applicant wishes to move a landmark or a building or structure in an Historic Preservation District or when an applicant wishes to move a building or structure to a lot containing a landmark or to a property in an Historic Preservation District, the Commission shall consider:

- (A) The contribution the building or structure makes to its present setting;
- (B) Whether there are definite plans for the site to be vacated;
- (C) Whether the building or structure can be moved without significant damage to its physical integrity; and
- (D) The compatibility of the building or structure to its proposed site and adjacent properties.

These considerations shall be in addition to the points contained in Section 154.007.

§ 154.014 LENGTH OF VALIDITY OF CERTIFICATE OF APPROPRIATENESS.

A Certificate of Appropriateness shall remain valid for one (1) year after it is issued. Work is required to start before the end of the 1-year period. If the approved work has not been completed within two (2) years after the COA was issued, the Commission shall review the situation and may require an application for a Certificate of Appropriateness for the work that remains to be done.

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, such excavation or demolition shall be deemed to be actual work provided that it shall be carried out diligently.

§ 154.015 APPEAL OF COMMISSION'S DECISION.

The applicant shall have a right to appeal to the Circuit Court from a decision of the Commission on an application for a COA.

§ 154.016 CONFORMITY WITH THE CERTIFICATE OF APPROPRIATENESS.

All work performed pursuant to a Certificate of Appropriateness (COA) shall conform to the provisions of such Certificate. It shall be the responsibility of the Building Inspector or the Commission to inspect from time to time any work being performed to assure such compliance. In the event work is being performed which is not in accordance with such Certificate, the City Clerk or the Chief of Police shall 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 Commission shall meet with the owner or tenant to resolve the problem. Any law enforcement officer may cite violation of a Stop Work Order into District Court. The City Attorney may seek in Circuit Court an injunction and any other appropriate relief in order that the intent of this Ordinance shall be carried out.

§ 154.017 ZONING CONFLICTS.

Whenever conflicts shall arise between the provisions established herein and the underlying Zoning classifications and regulations, it is intended that the provisions set forth relating to the historic preservation district shall take precedence.

§ 154.099 PENALTIES.

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not less than \$250 for each offense. Each day's violation shall constitute a separate offense.

(Ord. passed 12-4-00)

CHAPTER 155: FLOODPLAIN MANAGEMENT

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. The City of Greensburg, Kentucky has adopted a floodplain management ordinance which is maintained for public review during normal business hours at the office of the City Clerk/Treasurer.

**CHAPTER 156: CELLULAR ANTENNA TOWERS AND
CELLULAR COMMUNICATIONS SERVICES**

Section

- 156.001 Definitions
- 156.002 General
- 156.003 Applicability
- 156.004 Application Requirements
- 156.005 Confidentiality of Application
- 156.006 Application Fee
- 156.007 Processing of Application
- 156.008 Design Standards
- 156.009 Criteria
- 156.010 Amendments

(A) The purpose of these regulations are to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; to provide for such facilities in coordination with the recommendations of the comprehensive plan; and to allow for such facilities with the intention of furthering the public health, safety, and general welfare.

(B) *Pre-application conference:* Applicants are encouraged to notify the planning commission to discuss proposals, allow for early coordination and to identify those items which are in conformance/nonconformance with the comprehensive plan, zoning ordinance, and the provisions of these regulations.

§ 156.001 DEFINITIONS.

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

CELLULAR TELECOMMUNICATIONS SERVICE. A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

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

PERSONAL COMMUNICATION SERVICE. Has the meaning as defined in 47 U.S.C. § 332(c).

UNIFORM APPLICATION. An application to construct a cellular antenna tower submitting to a plan commission in conformity with KRS 100.987 and KRS 100.9865.

UTILITY. Has the meaning as defined in KRS 278.010(3).

ANTENNAS OR RELATED EQUIPMENT. Transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

§ 156.002 GENERAL.

Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone after planning commission review in accordance with the following procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the zoning ordinance.

§ 156.003 APPLICABILITY.

Every utility, or company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular communications services or personal communications services, shall submit a completed uniform application to the planning commission. The planning commission shall not regulate the placement of antennas or related equipment on an existing structure.

§ 156.004 APPLICATION REQUIREMENTS.

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:

- (A) The full name and address of the applicant.
- (B) The applicant's articles of incorporation, if applicable.
- (C) A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations.
- (D) A written report prepared by a professional engineer or land surveyor, of finds as to the proximity of the proposed site to flood hazard areas.
- (E) Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.
- (F) The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower, including a timetable for removal.
- (G) The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
- (H) A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.
- (I) A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.

(J) The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.

(K) A map, drawn to a scale no less than one inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.

(L) A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, as been:

(1) Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.

(2) Given the telephone number and address of the local planning commission; and

(3) Informed of his or her right to participate in the planning commission's proceedings on the application.

(M) A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.

(N) A statement that Mayor and Council have been notified, in writing, of the proposed construction.

(O) A copy of the notice sent to Mayor and Council.

(P) A statement that:

(1) A written notice, of durable material at least two (2) feet by four (4) feet in size, stating the "[Name of Applicant] proposed to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted in a visible location on the proposed site; and

(2) A written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of Applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site.

(Q) A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.

(R) A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.

(S) A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an

existing structure, such as telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.

(T) A map of the area in which the tower is proposed to be located, that is drawn to scale and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

(U) A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:

(1) All of the planning unit's jurisdiction; and

(2) A ½ mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.

§ 156.005 CONFIDENTIALITY OF APPLICATION.

All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The planning commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030. The confidentiality of the applications and any updates of the application can be waived by the written authorization of the applicant.

§ 156.006 APPLICATION FEE.

An applicant for the construction of cellular antenna towers for cellular telecommunications service or personal communications services shall pay an application fee in the amount of \$2,500 upon submission of a uniform application.

§ 156.007 PROCESSING OF APPLICATION.

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

(A) At least one public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, in a newspaper of general circulation in the county, provided that one publication occurs not less than seven calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.

(B) Notice of the proposal shall be posted on the site at least fourteen (14) days in advance of the hearing. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of Applicant] proposes to construct a telecommunications tower on this site" and including the address and telephone numbers of the applicant and the planning commission.

Notice of the proposal shall also be posted on the public road nearest the site. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating the "[Name of

Applicant] proposes to construct a telecommunications tower near this site” and including the addresses and telephone numbers of the applicant and the planning commission.

(C) Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by certified mail, return receipt requested, to the owner of every parcel of property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. Said notice shall include a map of the location of the proposed construction, the telephone number and address of the planning commission and shall inform the addressee of his or her right to participate in the planning commission’s proceedings on the application. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator’s records as having the same address.

(D) Upon holding such hearing, the planning commission shall, within sixty (70) days commencing from the date that the application is received by the planning commission, or within a date specified in a written agreement between the planning commission and the applicant, make its final decisions to approve or disapprove the uniform application. If the planning commission fails to issue a final decision within sixty (70) days, and if there is no written agreement between the planning commission and the utility to a specific date for the planning commission to issue a decision, it shall be presumed that the planning commission has approved the utility’s uniform application.

§ 156.008 DESIGN STANDARDS.

The applicant shall provide information demonstrating compliance with the following requirements. Where the planning commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the planning commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

(A) Monopole cellular antenna towers shall be permitted in any zone. Lattice and guyed cellular towers shall be permitted in any zone except for residential zones.

(B) Lattice and guyed cellular towers constructed in an agricultural zone shall be located a minimum distance of not less than two hundred fifty (250) feet from all existing residential structures.

(C) Setbacks for all structures constructed in connection with guyed or lattice cellular towers, except fences and/or guy wires, shall be a minimum distance from the property line or lease line equal to at least 1/2 the height of the tower, but not less than fifty (50) feet. All structures constructed in connection with monopole or stealth towers shall comply with the applicable setback requirements established for other structures within the applicable zoning district. Stealth towers that are to be located as part of a utility service facility (*e.g.*, power pole or telephone pole) shall comply with setback requirements applicable to such utility service facilities, if any.

(D) A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific

zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The planning commission may allow antennas greater than two hundred (200) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in Subsection 116.009.

(E) The cellular antenna tower shall be constructed in compliance with the current ANS/EIA/TIA 222-F standards and other applicable state standards.

(F) Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.

(G) The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.

(H) Woven wire or chain link (eighty percent (80%) open) or solid fences made from wood or other materials (less than fifty percent (50%) open) shall be used to enclose the site. Such fences shall not be more than eight (8) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited. Such fence may be located within the front, side, or rear yard.

(I) Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property lines, or lease line, and a ten foot setback.

(J) Surfacing of all driveways and off-street parking areas shall comply with the requirements of the applicable local zoning ordinance.

(K) There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

(L) All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.

(M) All option and site lease agreements shall not prohibit the possibility of co-location.

§ 156.009 CRITERIA.

(A) Approval or disapproval of the proposal shall be based upon an evaluation of the proposal's agreement with the comprehensive plan and zoning regulations.

(B) The planning commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The planning commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the planning commission requires the applicant to attempt co-location, the applicant shall provide the planning commission with a statement indicating that the applicant has:

(1) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as telecommunications tower or another suitable structure

capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate transmission and related facilities; or

(2) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless services provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:

(a) Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and

(b) Lists the reasons why the co-location was unsuccessful in each instance.

(C) The planning commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.

(D) The planning commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that the proposed facility complies with the frequency emissions.

§ 156.010 AMENDMENTS.

Any amendments to plans, except for minor adjustments as determined by the planning commission, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection 156.004, subject to the same limitations and requirements as those under which such plans were originally approved.

**CHAPTER 157: THE GREENSBURG/GREEN COUNTY
LOCAL AREA DEVELOPMENT DISTRICT**

Section

- 157.001 Definitions
- 157.011 Findings and Determinations
- 157.012 Establishment, name, boundaries
- 157.013 Establishment date, commencement date, termination date
- 157.014 Local development area agreement
- 157.015 Job assessment fee
- 157.016 Special fund
- 157.017 Use of pledged revenue
- 157.018 Periodic accounting/analysis
- 157.019 Designation of oversight agency
- 157.020 Severability

§ 157.010 DEFINITIONS.

For the purposes of the Section 157:

ACT means Kentucky Revised Statutes, Sections 65.7041 to 65.7083.

AGENCY means the Administration Department – Office of Community and Economic Development of the City of Greensburg, Kentucky.

LOCAL DEVELOPMENT AREA means a contiguous geographic area of undeveloped land, located within the geographical boundaries of the City, which is created for economic development purposes by this Chapter to support the Project proposed to be located and consisting of less 1,000 acres, to be known as the “Greensburg/Green County Economic and Job Creation Local Development Area No. 1”, more specifically described in on a map maintained in the office of the City Clerk and available for public inspection during normal business hours

ESTABLISHMENT DATE means the date that the Local Development Area is established pursuant to the Act and this Ordinance.

FINANCING COSTS shall mean principal, interest, costs of issuance, debt service reserve requirements, underwriting discount, costs of credit enhancement or liquidity instruments, and other costs directly related to the issuance of bonds or debt for Redevelopment Assistance and Project Costs.

INCREMENT BONDS means bonds or notes issued pursuant to the Act to pay for Redevelopment Assistance, Project costs, and Financing Costs, the payment of which Increment Bonds shall be supported solely by Incremental Revenues pledged by the City and the other local taxing districts that may also agree to pledge their Incremental Revenues.

INCREMENTAL REVENUES means the amount of tax revenues received by the City with respect to the Local Development Area and as identified in the Local Development Area Agreement by subtracting Old Revenues (as defined in the Act and the Local Development Area Agreement) from New Revenues (as defined in the Act and the Local Development Area Agreement) in a calendar year.

LOCAL DEVELOPMENT AREA AGREEMENT shall mean the Local Development Area Agreement described in Section 157.014 , with the understanding the other local taxing districts may agree to be a party to the Local Development Area Agreement at a later date.

PROJECT means the development of the Project Site, and other development within the Local Development Area undertaken by private developers and other entities, consistent with the zoning currently in place for the Local Development Area.

PROJECT COSTS means any capital costs, together with financing costs thereon to construct the Project.

PLEDGED REVENUES means that portion of the Incremental Revenues which are pledged by the City and County, pursuant to the Local Development Area Agreement, to the pay for Redevelopment Assistance, Project Costs and/or Financing Costs (as those terms are defined in the Act) for the Local Development.

All capitalized terms used herein and not defined above or in the recitals to this Ordinance shall have the meaning as set forth in the Act, as of the effective date of this Ordinance.’

§ 157.011 FINDINGS AND DETERMINATIONS.

In accordance with the Act, the City hereby makes the following findings and determinations with respect to the Development Area:

- (1) The Local Development Area consists of a contiguous tract of land that is less than 1,000 acres. The actual size of the Local Development Area is 120 acres;
- (2) The Local Development Area constitutes land that is overwhelmingly undeveloped.
- (3) The establishment of the Local Development Area will not cause the assessed taxable value of real property within the Local Development Area and within all “development areas” and “local development areas” established by the City (as those terms are defined in the Act) to exceed twenty percent (20%) of the total assessed taxable value of real property within the City. The assessed value of taxable real property within the Local Development Area for calendar year 2012 was \$462,700. The total assessed value of taxable real property within the City for the calendar year 2013 is approximately \$68,601,578. Therefore, the assessed value of taxable real property within the local development area is significantly less than twenty percent (20%) of the assessed value of taxable real property within the City.

§ 157.012 ESTABLISHMENT, NAME, BOUNDARIES.

The Local Development Area is located within the City and is hereby established and designated as the “Greensburg/Green County Economic and Job Creation Local Development Area No. 1”. At the time of the enactment of this Ordinance the Local Development Area is less than 1,000 acres.

§ 157.013 ESTABLISHMENT DATE, COMMENCEMENT DATE, TERMINATION DATE.

The Establishment Date is November 12, 2013. The Commencement Date of the Development Area is the date of execution of the Local Development Area Agreement and the Termination Date, in accordance with the provisions of the Local Development Area Agreement, shall be thirty (30) years subsequent to the Activation Date (as defined in the Act) of the Local Development Area Agreement; provided,

however, the Termination Date for the Local Development Area shall in no event be more than forty (40) years from the Establishment Date.

§ 157.014 LOCAL DEVELOPMENT AREA AGREEMENT.

The Mayor of the City is hereby authorized and directed to execute, acknowledge and deliver on behalf of the City a Local Development Area Agreement, in the form approved by the City Council, authorizing the pledge of a portion of the Incremental Revenues of the City from the Local Development Area to the payment of Project Costs and Redevelopment Assistance (as defined in the Act). The form of Local Development Area Agreement to be signed by the Mayor on behalf of the City shall be in substantially the form approved, subject to further negotiations and changes therein that are not inconsistent with this Chapter and not substantially adverse to the City. The approval of such changes by said officers, and that such changes are not substantially adverse to the City, shall be conclusively evidenced by the execution of such Local Development Area Agreement by such officials.

§ 157.015 JOB ASSESSMENT FEE.

Pursuant to the provisions of KRS 65.7056, there is hereby instituted as a condition of employment within the Local Development Area, a job assessment fee of two percent (2%) of the gross wages of newly created employees as a result of the Project within the Local Development Area, which is inclusive of any general occupational tax on gross payroll imposed by the City. The job assessment fee shall take effect upon the activation of the Local Development Area Agreement. The job assessment fee shall be used to pay Project Costs and Redevelopment Assistance as provided by the Local Development Area Agreement and the Act. The Mayor and other relevant departments are authorized to promulgate regulations relating to the collection procedures for collection of the job assessment fee.

§ 157.016 SPECIAL FUND.

There is hereby established a Special Fund to be maintained by the Agency on behalf of the City to be known as the Greensburg/Green County Economic and Job Creation Local Development Area No.1 Tax Increment Fund, into which the City covenants to deposit, and into which the City officials are hereby authorized and directed to deposit all Pledged Revenues. The Agency shall maintain the Special Fund unencumbered except for the purposes set forth in this section. Funds deposited in the Special Fund shall be disbursed in accordance with the Act, this Ordinance, and the Local Development Area Agreement and related documents to pay for Project Costs and Redevelopment Assistance related to the Project, within the Local Development Area.

§ 157.017 USE OF PLEDGED REVENUES.

Pledged Revenues shall be deposited by the City into the Special Fund created under Section 157.016 hereof and shall be used solely to: (a) pay directly Project Costs and Redevelopment Assistance, as those terms are defined in the Act and herein, as determined from time to time by the Agency and City in accordance with the Local Development Area Agreement ; (b) pay debt service and costs of issuance on Increment Bonds, including Financing Costs, which may be issued by the City to finance Project Costs and Redevelopment Assistance, and (c) for such other purposes as may be determined by the Agency and City and that are appropriate and in compliance with the purposes set forth in this Ordinance, and the Local Development Area Agreement, as the same may be amended from time to time.

§ 157.018 PERIODIC ACCOUNTING / ANALYSIS.

Any entity, other than the City that receives financial assistance pursuant to the provisions of this Ordinance, whether in the form of a grant or loan or loan guarantee shall make a periodic accounting to the governing body of the City in accordance with the Act and the documents controlling such grant, loan or loan guarantee. The governing body of the City shall be required to review and analyze the progress of the development activity in the Local Development Area on an annual basis. Such reports shall, at a minimum, include a review of the progress in meeting the stated goals of the Local Development Area. The Agency, Mayor and other officials of the City shall report to the governing body of the City during such reviews and shall when necessary invite developers to participate in the review process to report on the progress of their developments within the Local Development Area.

§ 157.019 DESIGNATION OF OVERSIGHT AGENCY.

Pursuant to the Act, the City hereby designates the Administration Department – Office of Community and Economic Development of the City as the Agency for purposes of oversight, administration and implementation of this Local Development Area Ordinance, the Local Development Area Agreement and the Local Development Area established hereby. The Agency shall act on behalf of the City in administering the Local Development Area, entering into Local Development Area Agreements, and other related agreements, with respect to the development of the Local Development Area and the financing of Project Costs therein as provided by the Local Area Development Area Agreement.

§ 157.020 SEVERABILITY.

The provisions of this Chapter are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Chapter.

(Ord. 2013-1108ORD, passed 11-12-2013)