

Pewee Valley Ordinances

TITLE 15: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. ZONING

CHAPTER 150: BUILDING REGULATIONS

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KENTUCKY BUILDING CODE

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

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

(C) The City Engineer 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. (Prior Code KOC, § 950.4, passed 10-5-1981) Penalty, see § 150.999

§ 150.002 APPLICATION.

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

§ 150.003 APPEALS.

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

Statutory reference:

Appeals procedure, see KRS 198B.070

HOUSE NUMBERS AND ADDRESS SIGNS

§ 150.015 DISPLAY OF HOUSE NUMBERS.

All property owners, or those leasing property, and residing or occupying property within the corporate limits of the city shall display the house number or numerical address assigned to that property in such a manner that it can be properly identified from the street or roadway. Failure to display house numbers shall be a violation.

(Prior Code KOC, § 950.3, passed 9-4-1979) Penalty, see § 150.999

§ 150.016 REMOVAL PROHIBITED.

(A) It shall be unlawful to intentionally remove the house numbers and/or address signs from any real property within the city, without the express consent of the property owner.

(B) Any such removal shall be considered theft by unlawful taking and shall be prosecuted as a misdemeanor with a criminal fine of \$250, plus costs.

(Prior Code KOC, § 120.36, passed 3-2-1998) Penalty, see § 150.999

HEIGHT RESTRICTIONS

§ 150.030 APPLICATION; NOTICE.

Before application is made for the construction of a building or other structure more than 100 feet in height, written notice shall be served to the Mayor or City Clerk by the property owner and tenant/lessee and contracting company, each, and written notice shall be given to all contiguous property owners.

(Prior Code KOC, § 950.5, passed 4-15-2002, amd. 9-2006)

§ 150.031 PERMIT APPLICATION.

(A) (1) This notice shall be accompanied by a permit application fee of \$500 and written application which shall include: a copy of the proposed plan of construction, including site location, technical specifications, a narrative statement explaining the full details of the proposed building or other structure and certifying that the proposed building or structure will be constructed in compliance with all ordinances, statutes and other regulatory guidelines or directives.

(2) A statement explaining whether contiguous residents and/or property owners are in favor of or opposed to the proposed building or other structure.

(B) A contiguous property is one that is physically visible to the proposed construction site or within range of sound or smell to be created by the proposed building or other structure and/or the activity to be conducted at the building or other structure when completed.

(Prior Code KOC, § 950.5, passed 4-15-2002)

§ 150.032 STATEMENT REQUIRED.

The statement concerning whether contiguous residents and/or property owners are in favor of or opposed to the proposed building or other structure, as required by § 130(A)(2), shall include a statement of how many residents and/or property owners are in favor or opposed and shall advise of the date of the meetings with the residents and/or property owners, when such favor or opposition was obtained.

(Prior Code KOC, § 950.5, passed 4-15-2002)

§ 150.033 REVIEW OF PROPOSED PLANS.

(A) Once notice has been properly served, the Town Council or a committee designated by the Town Council to review proposed plans of construction, shall review the proposed plan of construction and statement explaining whether contiguous residents and/or property owners are in favor of or opposed to the proposed building or other structure.

(B) The Town Council shall, either on its own recommendation or that of a designated committee, issue a certificate, certifying that the form and attachments have been properly filed a copy being provided to the applicant and the Oldham County Planning and Zoning Commission shall or may request additional information be provided prior to approval or issuance of such a certificate.

(C) All antennae or receivers shall be hidden within pre-existing structure if possible, or disguised to blend in with surrounding vegetation, trees or architecture.

(Prior Code KOC, § 950.5, passed 4-15-2002)

§ 150.034 ILLEGAL NONCONFORMING USE.

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If construction of any building or other structure that is more than 100 feet in height is commenced or completed before the issuance of the required certificate, that building or other structure shall be deemed an illegal nonconforming use and shall be ordered by the Town Council to be torn down or otherwise made conforming. Any other violation of this section shall be a civil offense subject to the penalties set out in §150.999(B), (Prior Code KOC, § 950.5, passed 4-15-2002)

HOUSING COMMISSION

§ 150.045 STRUCTURES UNFIT FOR HUMAN HABITATION.

From time to time, the City Council may find that there exists in Pewee Valley structures which are unfit for human habitation, occupancy or use due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or insanitary, or dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the city, in which case the Housing Commissioner shall investigate the structural conditions, issue findings of fact, and if appropriate, issue an order to repair, alter or improve, or demolish the structure, in accordance with the procedures set out in §150.055 to §150.063.

(Prior Code KOC, § 950.2, passed 2-1-1971; Am. Ord. 2006)

§ 150.055 DEFINITIONS.

For the purpose of this chapter §150.045 to §150.063, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GOVERNING BODY. The general council, board of commissioners or other legislative body, charged with governing a city, and the fiscal court of any county.

OWNER. The holder of the title in fee simple and every mortgagee of record.

PARTIES IN INTEREST. All individuals, associations and corporations who have interests of record in a structure and any who are in possession thereof.

PUBLIC OFFICER. The officer or officers who are authorized by ordinances and resolutions adopted hereunder to exercise the powers prescribed by such ordinances and resolutions. The city engineer or other qualified licensed engineer selected by the city council may be designated a public officer for all purposes hereunder.

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PUBLIC AUTHORITY. Any housing commission or any officer who is in charge of any department or branch of the government of the city, county or state relating to health, fire, building regulations or to other activities concerning structures in the city.

STRUCTURE. Any building, or part thereof, used or occupied, or intended for use or occupancy, for human habitation or commercial or industrial purposes, and includes any out-buildings and appurtenances belonging thereto or usually enjoyed therewith.
(Prior Code KOC, § 950.1, passed 2-1-1971)

§ 150.056 HOUSING COMMISSION CREATED; POWERS.

(A) There is hereby created the Pewee Valley Housing Commission, consisting of five members appointed by the city council. The Housing Commission shall be administered by a public officer known as the Commissioner appointed by the city council, who shall have authority over structures in the city relating to health, fire and safety regarding their occupancy and use.

(B) The Pewee Valley Housing Commission shall have the additional powers and authority:

(1) To investigate the structural conditions in the city in order to determine which structures therein are unfit for human habitation, occupancy or use, or may be demolished.

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, but the entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the purposes of the ordinances; and

(5) To delegate any of his or her functions and powers under the ordinance, to such officers and agents as he or she designates.

(6) To issue a permit for the demolition or moving of any building or structure within the city limits.

(Prior Code KOC, § 950.1, passed 2-1-1971)

§ 150.057 HOUSING COMMISSION; COMMISSIONER.

The Housing Commission members and the Commissioner shall be appointed by a majority vote of the Pewee Valley City Council and shall exercise the powers hereinafter prescribed and provided. The Commission members and Commissioner shall reside within the city limits and serve terms of two years.

(Prior Code KOC, § 950.1, passed 2-1-1971)

§ 150.058 PETITION; COMPLAINTS.

(A) Whenever a petition is filed with the Housing Commission by a public authority or by at least 5 residents of the city or county charging that any structure is unfit for human habitation, occupancy or use, or whenever it appears to the public officer (on his or her own motion) that any structure is unfit for human habitation, occupancy or use, the public officer shall, if his or her preliminary investigation discloses a basis for the charges, issue and cause to be served upon the owner of and parties in interest in such structure a complaint stating the charges in that respect. It shall be unlawful for the owner to intentionally let his property fall into a category.

(B) The complaint shall state: That a hearing will be held before the Housing Commissioner (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; that the owner and parties in interest may file an answer to the complaint and appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

(Prior Code KOC, § 950.1, passed 2-1-1971)

§ 150.059 DETERMINATION.

If after the notice and hearing, the Housing Commission determines that the structure under consideration is unfit for human habitation, occupancy or use, 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 requiring the owner:

(A) To the intent and within the time specified in the order, to repair, alter or improve the structure to render it fit for human habitation, occupancy or use, or, at the option of the owner, to vacate and close the structure if the repair alteration or improvement of the structure can be made at a cost that is not more than 50% of the value of the structure; or

(B) Within the time specified in the order, to remove or demolish the structure if the repair, alteration or improvement of the structure cannot be made at a cost that is not more than 50% of the value of the structure.

(Prior Code KOC, § 950.1, passed 2-1-1971,)

§ 150.060 COMPLIANCE WITH ORDER TO REPAIR.

(A) If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the structure, the public officer may cause the structure to be repaired, altered or improved or to be vacated and closed. The Housing Commissioner may cause to be posted on the main entrance of any structure so closed, a placard with the following words: *"This building is unfit for human habitation, occupancy or use; the use or occupation of this building for human habitation, occupancy or use, is prohibited and unlawful."*

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(B) If the owner fails to comply with an order to remove or demolish the structure, the public officer may cause such structure to be removed or demolished. It shall be a violation of this ordinance to knowingly permit a building to fall into a state of disrepair so as to require demolition. No building within the city may be demolished or moved without the prior written permission of the Housing Commissioner or the city council.

(C) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition shall be a lien upon the real property upon which cost was incurred. If the structure, is removed or demolished by the public officer, he or she shall sell the materials of the structure and shall credit the proceeds of the removal or demolition and any balance remaining shall be deposited in the circuit court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

(Prior Code KOC, § 950.1, passed 2-1-1971 Am. Ord. 2006)

§ 150.061 CONDITIONS.

The public officer may determine that a structure is unfit for human habitation, occupancy or use if he or she finds that conditions exist in the structure which are dangerous or injurious to the health, safety or morals of the occupants of the structure, the occupants of neighboring structures or other residents of the city or county. The conditions may include the following (without limiting the generality of the foregoing): Defects increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness. Additional standards to guide the public officer or his or her agents, in determining the fitness of a structure for human habitation, occupancy or use, may be provided by resolution of the City Council.

(Prior Code KOC, § 950.1, passed 2-1-1971)

§ 150.062 SERVICE OF COMPLAINTS OR ORDERS.

(A) Complaints or orders issued by a public officer pursuant to this subchapter shall be served upon persons either personally or by certified mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of the complaint or order upon such persons may be made by publication pursuant to KRS Chapter 424.

(B) A copy of the complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order, and shall be recorded in the office of the County Clerk wherein the structure is located.

(Prior Code KOC, § 950.1, passed 2-1-1971)

§ 150.063 TEMPORARY INJUNCTIONS; PENALTIES.

(A) Any person affected by an order issued by the public officer may, within 30 days after the posting and service of the order, petition the circuit court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may issue a temporary injunction restraining the public officer pending the final disposition of the cause.

(B) Hearings shall be had by the court on the petition within 20 days or as soon thereafter as possible.

(C) In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive.

(D) Costs shall be in the discretion of the court.

(E) The remedies herein provided shall not be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages from the city for action taken pursuant to any order of the Housing Commissioner, or because of non-compliance by such person with any order of the Housing Commission.

(F) In addition to any other remedies, the violation of this ordinance shall be a civil offense, and the offender shall pay a civil fine of not more than \$250 per offense, plus court costs and reasonable attorneys fees. Each day of non-compliance shall constitute a separate offense with continuing fines of \$100 day. The Housing Commissioner, in his discretion, may authorize the public officer or code enforcement officer to issue a citation for any violation of this ordinance.
(Prior Code KOC, § 950.1, passed 2-1-1971, Am.Ord.2006, §130.90)

DRAINAGE

§ 150.070 DRAINAGE PLAN REQUIREMENTS.

(A) All construction projects that include any ground disturbing activity equal to or greater than 20,000 square feet must conform to the following minimum requirements as set forth in this subchapter.

(B) A drainage plan shall be prepared by an engineer licensed by the State of Kentucky and dated, signed and sealed by the same. Prior to any ground disturbing activity, the owner shall submit the drainage plan to the city for approval from the City Council or an engineer approved by the Council for each application. The plan shall be on paper of size 24" by 36" and shall be sufficient to show how the proposed on site drainage systems shall provide for existing drainage and changes to the existing drainage system caused by the proposed construction project. The plan shall not adversely affect any existing through drainage system by restricting or reducing existing offsite flow

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through the project site. The plan shall include calculations prepared by the design engineer that show how the design restricts post development offsite flow at any point to that of predevelopment offsite flow for 2 year, 10 year and 100 year design storms.

(C) All drainage systems, including all pipe, structures, and detention systems shall be placed in a public easement for drainage purposes. The drainage easement shall be a minimum of 10 feet in width but shall be of sufficient size to insure that all surface water runoff for a 100-year design storm shall be contained within the easement. A land surveyor licensed by the State of Kentucky shall prepare the easement for approval from the City Council or an engineer approved by the city. Upon said approval and written acceptance by the city, the easement shall be recorded in the office of the County Clerk of Oldham County Court.

(D) Design for any detention, diversion, or discharge of storm water runoff shall include calculations that show the water surface for a 100-year design storm shall remain a minimum of 1 foot below the top of the detention storage basin or storage structure.

(E) The plan shall include a detailed erosion and sediment control plan that incorporates best management practices as established by the Kentucky Division of Conservation that are acceptable to the City Council or an engineer approved by the city.

(F) The plan shall include existing and proposed contours on 1-foot intervals. The contours shall extend a minimum of 50 feet beyond any planned ground disturbing activity. However, the city may require additional information on existing grade contours if reasonably necessary.

(G) The plan shall include a clearing and grading plan clearly delineating any areas of trees to be removed.

(H) The submittal of the plans shall include a Soil and Sediment Control Permit/Stormwater Quality Management Permit issued by Oldham County, along with a complete copy of the application therefore.

(I) The submittal of the plans shall include Section 404 Permit (if applicable) from the U.S. Army Corps of Engineers.

(J) The submittal shall include Application for Water Quality Certification (if applicable) from the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division of Water - Water Quality Branch.

(K) The submittal shall include storm water control permit (if applicable) from the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division of Water - Water Quality Branch.

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(L) Single family residential construction for ground disturbing areas less than 20,000 square feet shall be exempt from this subchapter, but must operate in accordance with best management practices for construction.

(Ord. 2005-6, passed 4-4-2005) *Penalty*, see § 150.999

§ 150.071 FINANCIAL RESPONSIBILITY.

The financial responsibility for complying with the specifications and minimum requirements of § 150.070 shall be borne by the property owner constructing such project, including an application and review fee payable to the city, in the amount of \$200.

(Ord. 2005-6, passed 4-4-2005)

§ 150.072 PERMIT FOR GROUND DISTURBANCE.

(A) No person, firm or corporation shall hereafter commence with any project that includes ground disturbing activity within the city limits that disturbs an area equal to or greater than 20,000 square feet, without first having obtained a written permit to do so from the City Council. An application for such permit shall be in writing and contain the name and address of the person making application, the name and address of the contractor or person to construct the project, the name and address of the engineer that prepared the drainage plans, and the name and address of the owner of the property, along with the original drainage plan in compliance with the requirements set out in § 150.071, and one copy thereof.

(B) There being a substantial likelihood of irreparable harm to property and public safety by a violation of the permit provided for in this ordinance, after investigation by the City Council or an engineer approved by the Council, any person committing such violation shall immediately cease and desist such activity. If the violation continues after written notice, the City Council or Chief of Police shall issue a Stop Work Order, and the city may obtain an injunction from the Oldham County Court, or levy a penalty against the offender, or both.

(Ord. 2005-6, passed 4-4-2005) *Penalty*, see § 150.999

OUTDOOR LIGHTING

§ 150.080 DEFINITIONS.

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

DIRECT LIGHT. Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

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FIXTURE. The assembly that houses the lamp or lamps, and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and/or a refractor or lens, and shielding.

FOOTCANDLE. A unit of illuminance. The amount of light falling on one square foot from one candle one foot away.

FLOODLIGHT OR SPOTLIGHT. Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

GLARE. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases to cause momentary blindness.

HEIGHT OF LUMINAIRE. The height of a luminaire shall be the vertical distance from the ground directly below the center line of the luminaire to the lowest direct light-emitting part.

INDIRECT LIGHT. Direct light that has been reflected or has scattered off of other surfaces.

LAMP: The component of a luminaire that produces the actual light.

LIGHT TRESPASS. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

LUMEN. A unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this ordinance the lumen output values shall be the initial lumen ratings of a lamp.

LUMINAIRE. This is a complete lighting system and includes a lamp or lamps and a fixture.

OUTDOOR LIGHTING. The illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

SHIELDING. This is where direct light from a lamp is cut off or deflected downward by the use of a hood or box or other means.

TEMPORARY OUTDOOR LIGHTING. The specific illumination of an outside area or object by any manmade device located outdoors that produces light by any means for a period of less than seven days with at least 180 days passing before being used again.
(Ord. 2005-6, passed 4-4-2005).

§ 150.081 REGULATIONS.

All public and private outdoor lighting installed in the city shall be in conformance with the requirements established by this subchapter.
(Ord. 2005-8, passed 6-5-2005) Penalty, see § 150.999

§ 150.082 CONTROL OF GLARE; LUMINAIRE DESIGN FACTORS.

(A) Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens and all flood or spot luminaires with a lamp or lamps rated at more than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct light-emitting part of the luminaire, where shielding may be used to bring such luminaire into conformance with this subchapter.

(B) Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height equal to or less than the value $3 + (D/3)$ where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.

(Ord. 2005-6, passed 4-4-2005)

§ 150.083 CONTROL OF LIGHTS SHINING ON RIGHTS-OF-WAY, PUBLIC PROPERTY.

(A) No luminaire shall be placed within the front setback area, or for corner lots, a side set back area, as defined by the applicable zoning regulation, except for lights installed for the purpose of illuminating an entrance to property, and, in which case, they shall individually and collectively, not cast a light upon any portion of the surfaced area of a public right of way, measured at a height of 4 feet above the surface, of an intensity greater than 4 footcandles.

(B) No luminaire, regardless of its size or type, shall be placed within the rear or side set back areas of residential property except where such areas are used for an entrance to the property and then such light(s) shall conform to the standards set out in section one of this section.

(C) No luminaire, regardless of its size or type, shall be permitted which is constructed or situated in such a manner that it casts a light beyond the boundaries of the property upon which the light is maintained and which can be measured at any point on the property of another at an intensity greater than one footcandle or at any point on a residential structure of another at an intensity of greater than 1/10 of 1 footcandle.

(D) The city shall retain the right to place street lights within its public rights of way where such lights are deemed necessary by the city or its officials for the safety of motorists and pedestrians. Such lights shall not be subject to the restrictions of this section.

(Ord. 2005-8, passed 6-5-2005) Penalty, see § 150.999

§ 150.084 EFFECTIVE DATE AND GRANDFATHERING OF NONCONFORMING LUMINAIRES.

(A) This subchapter shall take effect immediately upon approval by City Council and publication in a newspaper of general circulation, and shall supersede and replace all previous ordinances pertaining to outdoor lighting.

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(B) All luminaires in place prior to the date of this subchapter shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this ordinance. Notwithstanding, all luminaires within the city limits shall be brought into compliance within 10 years of enactment of this subchapter.
(Ord. 2005-8, passed 6-5-2005)

§ 150.085 INSTALLATION OF PUBLIC AREA AND ROADWAY LIGHTING; NEW CONSTRUCTION.

(A) Installation of any new public area and roadway lighting fixtures other than for traffic control shall be specifically approved by the City Council.

(B) Before any proposal for new multiple public roadway lighting luminaires shall be approved, the City Council shall hold a public hearing to describe the proposal and to provide an opportunity for public comment.

(C) If any subdivision, development or new construction within the city proposes to have installed street or other common or public area outdoor lighting, the lighting plans, description, and data shall be approved by the city and the final plat shall contain a statement certifying that the applicable provisions of the city will be adhered to.
(Ord. 2005-8, passed 6-5-2005) Penalty, see § 150.999

§ 150.086 NOTIFICATION REQUIREMENTS.

Any building permit application within the city shall include a statement asking whether the planned project will include any outdoor lighting.
(Ord. 2005-8, passed 6-5-2005) Penalty, see § 150.999

§ 150.087 VIOLATIONS, LEGAL ACTIONS AND PENALTIES.

If after receipt and investigation of a complaint, city officials find that any provision of this subchapter is being violated, notice by hand delivery or by certified mail, return receipt requested, of such violation shall be given to the owner and/or to the occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the 30-day period, such continuing violation shall constitute a minor offense.
(Ord. 2005-8, passed 6-5-2005) Penalty, see § 150.999

§ 150.088 EXCEPTIONS.

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(A) Any luminaire with a lamp or lamps rated at a total of 1800 lumens or less and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used without restriction to light distribution or mounting height, except that if any spot or flood luminaire rated 900 lumens or less is aimed, directed or focused so as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.

(B) Luminaires used for public roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.

(C) All temporary emergency lighting needed by the Police, the Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this subchapter.

(D) All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this subchapter, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.

(E) Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet regardless of lumen rating.

(F) Where any provision of federal, state, or county or city statute, ordinance, or regulation conflicts with any provision of this subchapter, the most restrictive shall govern unless otherwise regulated by law.

(G) Spot lighting may be used to illuminate a building, sign or flag, or flood lighting for temporary backyard, driveway or security purposes, provided such lights do not cause glare perceptible from the street or light trespass upon neighboring property greater than 1 footcandle. (Ord. 2005-8, passed 6-5-2005) Penalty, see § 150.999

§ 150.089 TEMPORARY LIGHTING; ADVERTISING.

(A) Any temporary outdoor lighting that conforms to the requirements of this subchapter shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the City Council after considering:

(1) The public and/or private benefits that will result from the temporary lighting;

(2) Any annoyance or safety problems that may result from the use of the temporary lighting; and

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(3) The duration of the temporary nonconforming lighting.

(B) The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the City Council, who shall consider the request at a duly called meeting of the Council. Prior notice of the meeting of the City Council shall be given to the applicant and the Pewee Valley Lighting Committee. The City Council shall render its decision on the temporary lighting request within two weeks of the date of the meeting. A failure by the City Council to act on a request within the time allowed shall constitute a denial of the request.

(C) Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure and shall comply with shielding requirements of § 150.082. Bottom-mounted outdoor advertising-sign lighting shall not be used. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within which do not require shielding must be approved by the City Council, where lamp wattage total shall be less than 41 watts. Dark backgrounds with light lettering or symbols are preferred to minimize detrimental effects. Laser or similar high intensity source lights, including searchlights, is prohibited.

(Ord. 2005-8, passed 6-5-2005) Penalty, see § 150.999

§ 150.999 PENALTIES.

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

(1) Violators of the state's Building Code shall, upon conviction, be subject to a fine of not less than \$10, nor more than \$1,000, for each offense.

(KRS 198B.990(1))

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

(KRS 227.990(1))

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

(KRS 318.990)

(B) Every other violation of this chapter, except where the express terms of an ordinance provide otherwise, shall be a civil offense and the offender shall pay a civil fine of not more than \$250 per offense, plus costs, and up to \$25 per day for continuing violations, not to exceed the actual cost to the city to investigate and correct any violations, including engineering and attorney fees incurred as a result of the violation, which provisions may be enforced under § 130.90 or otherwise.

CHAPTER 151: ZONING

Section

Regulations Adopted

- 151.01 Comprehensive Planning and Zoning Adopted.
- 151.02 Joint Planning Unit Agreement Adopted
- 151.03 Subdivision Regulations Adopted

Amendments to Adopted Regulations

- 151.010 Goals and objectives adopted
- 151.20 Goals and objectives amended
- 151.21 Administration of regulations
- 151.22 Minimum lot size; flag lot width
- 151.23 Interstate 71 corridor sign regulations
- 151.24 Public schools; adequate facilities
- 151.25 Sidewalks on public property
- 151.26 Adult entertainment regulations
- 151.27 Sewer capacity regulations
- 151.30 Road capacity regulations

Violations

- 151.99 Penalty

Cross-reference:

See TSO-I and TSO-II for additional amendments and other zoning related legislation.

§ 151.01 COMPREHENSIVE PLANNING AND ZONING ADOPTED.

(A) The city does hereby adopt, ratify, and affirm the zoning maps, the Comprehensive Zoning Regulations and Land Use Map of the Oldham County - LaGrange - Pewee Valley - Crestwood - Planning and Zoning Commission, as recorded in the Oldham County Clerk's office.

(B) The city readopts, ratifies, and affirms the existing agreement between Oldham County and the city establishing the original Joint Planning Commission.

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(C) The city adopts, ratifies, and affirms the Oldham County Comprehensive Plan of February 26, 2002, including the Outlook 2020 Vision Statement, the Goals and Objectives Statement, and the Plan Elements, as amended from time to time, with city approval.
(Prior Code KOC, § 920.2, passed 8-26-1974; 2006 Amd; *see* KRS 65.8808, §130.90; TOC II)

§ 151.02 JOINT PLANNING UNIT AGREEMENT ADOPTED

The city does hereby adopt, ratify, and affirm the amended Joint Planning Unit Agreement by and among the Fiscal Court of Oldham County and the cities of LaGrange, Crestwood and Pewee Valley, and approves its form and content as set out hereinbelow:

(1) Creation Of A Joint Planning Unit.

(A) A joint planning unit is hereby created and established as authorized by the Kentucky Revised Statutes, Chapter 100, and other applicable laws, for all of Oldham County and all of its cities.

(B) The joint planning unit shall be jointly financed as follows: The Cities of Crestwood, LaGrange and Pewee Valley shall each remit the sum of \$1.00 per year and Oldham County shall bear the remaining expenses of the operation of the joint planning unit. Oldham County Fiscal Court shall approve a budget annually for the joint planning unit, and amend it as needed. Nothing contained in this agreement shall prohibit the acceptance of funds from other sources for the expenses of the planning unit.

(2) Creation Of The Planning Commission.

(A) There is hereby created a joint planning commission which shall be known as the **OLDHAM COUNTY JOINT PLANNING AND ZONING COMMISSION**. 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 Chapter 100 of the Kentucky Revised Statutes. The commission may engage in planning operations within its jurisdiction which shall be coterminous with its political boundaries.

(B) It being hereby resolved that the jurisdiction of the Oldham County Fiscal Court for all legislative purposes under the terms of this agreement and as provided by Chapter 100 of the Kentucky Revised Statutes, shall be all land in the county except that land located within the corporate limits of any city fully participating in the joint planning unit. It is further ordained that the jurisdiction of the City Commission for the City of Crestwood for all legislative purposes shall be all land located within the corporate limits of the sixth class city of the City of Crestwood; further resolved that the City of LaGrange have legislative jurisdiction of all matters located within the municipal corporate limits of the fourth class city of the City of LaGrange; and further resolved that the City of Pewee Valley have legislative jurisdiction of all matters located within the municipal corporate limits of the fifth class city of the City of Pewee Valley.

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(C) The planning commission shall consist of fifteen (15) members. The County Judge/Executive and the Mayors of Crestwood, LaGrange and Pewee Valley with the approval of their respective legislative bodies shall appoint the members of the planning commission who may be citizen members or public officials. The Oldham County Judge/Executive shall appoint ten (10) members from the count at large, of which not more than two (2) may be public officials. The Mayor of Crestwood shall appoint one (1) member from within the City of Crestwood, who may be a public official. The Mayor of LaGrange shall appoint two members from within the City of LaGrange, of which not more than one (1) may be a public official. The Mayor of Pewee Valley shall appoint two (2) members from within the City of Pewee Valley, of which not more than one (1) may be a public official.

(D) Reimbursement of expenses incurred by members is hereby authorized. Citizen members shall receive as compensation when present the sum of fifty dollars (\$50.00) per meeting not to exceed eighteen (18) meetings per annum.

(E) In accordance with KRS 100.143, the term of office for all elected public officials appointed to the planning commission shall be the same as their official tenure in office. The term of office for other members shall be four (4) years, except that the original terms shall be staggered so that a proportionate number serve one, two, three and four years respectively. Reappointments or appointments to fill vacancies shall continue the staggered pattern. All vacancies whether by resignation, dismissal or expiration of the term of office shall be filled within sixty (60) days by the appropriate appointing authority or as otherwise provided by KRS 100.147.

(F) The oath of office shall be administered to all members of the commission before entering upon their duties as provided by KRS 100.151. A member may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance or conflict of interest. The removed members shall have the right of appeal in the manner provided by KRS 100.157.

(G) The commission annually shall elect a chairman and any other officers which it deems necessary. All officers shall be citizen members, and the term of office shall be one (1) year with eligibility for re-election.

(H) The commission may employ a staff as it may deem necessary for its work and may contract with professional planners and other parties for such services as it may require as provided in KRS 100.173.

(I) The Oldham County Fiscal Court does hereby retain the final authority to approve all salaries, wages or contracts made/or paid by the planning commission to any person, firm or corporation working for the commission. The court further expressly reserves the final authority as to the hiring or firing of all persons, firms or corporations employed by the commission on either a full or part time basis. The court reserves this authority because the county will be primarily responsible for the funding of the joint planning unity on an annual basis.

(J) 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

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meetings; the manner in which notice shall be give; date; time; place and the subject or subjects to be discussed, as well as the method of calling and conducting such 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 chan 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, then a vote of a simple majority of the total membership shall be necessary.

(K) The commission shall adopt and approve its own bylaws before it may property 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. The commission shall have general powers necessary to carry out its function in accordance with this agreement and the provisions of Chapter 100 of the Kentucky Revised Statutes. 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/or the legislative body of any participating city.

(3) *Preparation Of Comprehensive Plan.* It shall be one of the duties of the commission created by this ordinance to prepare a comprehensive plan as required by KRS 100.183. The plan prepared by this commission shall conform to the requirements of KRS 100.187, and other applicable provisions of the Kentucky Revised Statutes and laws of the Commonwealth of Kentucky. The commission shall also prepare a statement of goals and objectives as required by KRS 100.193 which statement of goals and objectives shall act as a guide for the preparation of the remaining elements and the aids to implementing the plan. The statement so prepared by the commission shall be presented for consideration, amendment and adoption by the legislative bodies and the fiscal court in the planning unit. The planning commission shall comply with the requirements of KRS 100.197 regarding the adoption or amendment of the comprehensive plan. The various elements may be adopted as they are completed, or as a whole when all have been completed. The planning commission shall hold a public hearing and adopt the elements by a resolution which may be carried only by a simple majority vote of the total commission membership.

(4) *Creation Of Boards Of Adjustment; Pewee Valley Board of Adjustment*

(A) It is further authorized by this agreement the creation of an Oldham County Board of Adjustment, a LaGrange Board of Adjustment, and a Pewee Valley Board of Adjustment pursuant to th terms of KRS 100.217.

(B) The Oldham County Board shall have jurisdiction over all appropriate issues on lands located within Oldham County outside the City of LaGrange and the City of Pewee Valley. The LaGrange Board shall have jurisdiction on lands located within the City of LaGrange, and the Pewee Valley Board on lands located within the City of Pewee Valley.

(C) Members of the Oldham County Board shall be appointed by the County Judge/ Executive subject to the approval by the Oldham County Fiscal Court. Members of the LaGrange Board and the Pewee Valley Board shall be appointed by the respective Mayors and subject to the approval of the respective City Councils. Each Board of Adjustment shall consist of five (5) members, all of

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whom must be citizen members, and not more than two (2) of whom may be citizen members of the planning commission. Each Board shall hold meetings as provided by KRS 100.221, and shall comply with all other provision os Chapter 100 of the Kentucky Revised Statutes pertaining to such Board of Adjustment.

(D) Reimbursement of expenses incurred by members is hereby authorized. Members of the Oldham County Board shall receive as compensation when present the sum of fifty dollars (\$50.00) per meeting not to exceed eighteen (18) meetings per annum.

(E) In accordance with KRS 100.217, the term of office for members shall be four (4) years, except that the original terms shall be staggered so that a proportionate number serve one, two, three and four years respectively. Reappointments or appointments to fill vacancies shall continue the staggered pattern. All vacancies whether by resignation, dismissal or expiration of the term of office shall be filled within sixty (60) days by the appropriate appointing authority or as otherwise provided by KRS 100.217.

(F) The oath of office shall be administered to all members of the board before entering upon their duties as provided by KRS 100.217. A member may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance or conflict of interest. The removed members shall have the right of appeal in the manner provided by KRS 100.217.

(G) Each board annually shall elect a chairman, vice-chairman and secretary, and any other officers which it deems necessary. All officers shall be citizen members, and the term of office shall be one (1) year with eligibility for re-election.

(H) As provided in KRS 100.237, each board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations and which may be suitable only in specific locations in the zone only if certain conditions are met. Further, each board shall have the power to hear and determine applications for dimensional variances as provided by KRS 100.241. Each board shall not posses the power to grant a variance to permit a use of any land, building or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question, as provided in KRS 100.247.

(5) *Final Authority Of Legislative Bodies.* There is hereby expressly reserved to the Oldham County Fiscal Court, the City Commission of Crestwood, and the City Councils of LaGrange and Pewee Valley, the reviewing authority to determine the final validity of any text amendment of any zoning regulations, and any zoning may amendments within the boundaries of each of their respective jurisdictions as established by this ordinance, and as provided by KRS 100.205, KRS 100.207 and KRS 100.211.

(6) *Filing Written Agreement.* The planning unit shall comply with the provisions of KRS 100.127 and see that this written agreement for the joint planning unit between the Oldham County Fiscal Court and the City Commission for the City of Crestwood, and the City Councils for the Cities of

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LaGrange and Pewee Valley is duly recorded. Upon its completion, the agreement should be filed in the office of the Oldham County Court Clerk, and office of the Clerk of each city participating in the planning unit.

(7) *Continuation Of Existing Regulations.* It is hereby expressly authorized and approved that all zoning and subdivision regulations as now exist in Oldham County, the City of Crestwood, the City of LaGrange, and the City of Pewee Valley shall continue in full force and effect following adoption of this amended agreement.

(8) *Amendment Of Agreement.* This agreement may be amended by the mutual consent of the parties hereto.

(9) *Separability.* Should any section of provision of this agreement be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of this agreement or ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid specifically.

(10) *Repeal Of Conflicting Ordinances.* All orders, ordinances, resolutions or parts of such orders, ordinances or resolutions in conflict with this ordinance, or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this order full force and effect. This ordinance shall become effective upon the date of its passage and publication according to law.

(11) *Definitions.* As used in this ordinance, unless the context requires otherwise:

(A) All terms used herein shall have the same meaning as those defined by KRS 100.111 and other provisions of Chapter 100 of the Kentucky Revised Statutes, as amended;

(B) COURT OF COUNTY means Oldham County Fiscal Court of Oldham County;

(C) CITIES means Crestwood, LaGrange and Pewee Valley;

(D) CITY COMMISSION and CITY COUNCIL means the governing legislative bodies of the cities participating in this joint planning unit;

(E) CITIZEN MEMBER means any member of the planning commission or board of adjustment who is not an elected or appointed official or employee of a city or county.

(Prior Code KOC, § 920.11, Ord.1993-9, passed 12-6-93)

§ 151.03 SUBDIVISION REGULATIONS ADOPTED.

The Oldham County Subdivision Regulations, as revised by the Oldham County Planning and Zoning Commission and approved by the Oldham Fiscal Court Ordinance No. KOC 95-930-001 entitled *An Ordinance Relating to the Adoption of the Oldham County Subdivision Regulations in*

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Oldham County, Kentucky, are hereby approved and adopted. A copy of said revised Oldham County Subdivision Regulations is attached hereto by reference and made a part of this Ordinance.
(Prior Code KOC, § 920.13, Ord. No. 1996-1, passed 3-4-96)

AMENDMENTS TO ZONING REGULATIONS

§ 151.10 GOALS AND OBJECTIVES ADOPTED

The Oldham County Goals and Objectives Statement, as set out in T.O.C. I is hereby approved and adopted.

(Prior Code KOC, §920.xx, Ord. 1996.xx, passed xx/xx/xx)

§ 151.20 GOALS AND OBJECTIVES AMENDED

The Oldham County Goals and Objectives Statement is hereby amended as follows:

(A) *Objective BI-2-3.* Improve the physical appearance of the cities.

(B) *Objective BI-3.* To support and encourage agriculture for the purpose of recognizing the cultural heritage of the community and the agricultural contribution to the economic base.

(C) *Objective BI-3-1.* Work with the Natural Resource Conservation Service, Farm Bureau and other agencies to identify prime agricultural lands and active farms. Develop strategies to support agriculture.

(Prior Code KOC, § 920.16, passed 9-4-2001)

§ 151.21 ADMINISTRATION

Section 1201, Administration, of the Oldham County Zoning Ordinance is hereby amended to read as follows:

This Ordinance shall be administered and enforced by the Administrator who may be a member of the Planning Commission and who shall be appointed by the County Judge subject to the approval of the Fiscal Court. The salary of the Administrator shall be determined in the same manner. The County shall pay all members of the Planning Commission in an amount determined by the Fiscal Court. The County shall bear all legal, administrative and enforcement expenses for all areas of the County except for ordinances or regulations of a city which are more stringent or restrictive than this ordinance. Enforcement shall include, without limitation, variances, conditions of a conditional use permit, binding elements of a zoning map amendment or conditions of approval of a subdivision plan. Each incorporated city that maintains its own Board of Adjustments shall pay the members of such Board and its legal counsel's expenses in an amount determined by the city. The County and a city may contract for different provisions. The Board of Adjustments shall hear and decide appeals where it is alleged by the appellants that there is

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error in any ordinance, requirement, permit, decision, determination or refusal made by the Administrator or other administrative official in the enforcement of these regulations and any other resolutions relating to planning and zoning.
(Ord. 2005-7, passed 5-2-2005)

§ 151.22 MINIMUM LOT SIZE; FLAG LOT WIDTH

(A) The Oldham County Comprehensive Zoning Ordinance governing dimension and area requirements for R-1 residential districts, as set out in Article V, Section 501(A)(2), shall be amended to insert the following text after line 3:

The minimum lot area within Pewee Valley – 43,560 square feet.

(B) The Oldham County Comprehensive Zoning Ordinance governing dimension and area requirements for R-1A residential districts, as set out in Article V, Section 501(B)(4), shall be amended to insert the following text after line 3:

The minimum lot area within Pewee Valley – 43,560 square feet.

(Ord.No. 2005-4, passed 2-7-2005)

(C) The Oldham County Subdivision Regulations governing lot arrangement, size and shape, in particular flag lots, as set out in Article 8, Section 8.10(H), third sentence, shall be amended as follows:

Single flag lots within Pewee Valley shall have a minimum deeded 50 foot wide panhandle.

(Prior Code KOC, § 930.1, passed 10-6-1997, amended Ord.No. 2005-4, 2-7-2005)

§ 151.23 PUBLIC SCHOOLS; ADEQUATE FACILITIES AMENDMENTS.

(A) The Oldham County Comprehensive Zoning Ordinance is hereby amended by adding a new Article XX to read as follows:

(1) *Purpose.* The purpose of this section is to ensure that, to the maximum extent practical, approval of new residential development will be granted only when it can reasonable be expected that adequate public school facilities will be available to accommodate such new development.

(2) *School Capacity Consideration.* As part of the consideration of any request to rezone property to a residential zoning classification, available public school capacity shall be considered. Available school capacity inadequate to accommodate the number of students generated by a project

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or proposal may be considered grounds for denial of a rezoning request as not being in compliance with the adopted comprehensive plan.

(3) *School Capacity defined/applied.* School capacity shall be quantified using figures, data or other information provided by the Oldham County School Board, those figures, data or other information in a form mutually agreed upon by the Planning Commission and the Oldham County School Board. The form and method of arriving at the figures, data, or other information relating to school capacity shall be periodically reviewed (at least once per calendar year) for accuracy and relevancy by the staff of the Planning Commission. As part of this review, the Planning Commission may request from the Oldham County School Board its raw data and formula used to determine school capacity. The Planning Commission through its staff may review this information to determine its accuracy, fairness, comprehensiveness as well as review for other pertinent factors. The Planning Commission may, based on this review and its results, decide to alter, amend or substitute school capacity figures to be considered but must have a reasonable or generally accepted statistical basis upon which to do so.

(4) *Students Generated defined/applied.* The Oldham County School Board shall provide the Planning Commission such data as necessary to determine the average number of students generated per dwelling unit in a new development. This average shall be applied by the Planning Commission to development proposals in order to determine the number of students on average to be generated by a development. That figure will be compared to school capacity or planned school capacity available to identify inadequacies. The form and method of arriving at the figures, data, or other information relating to students generated per dwelling shall be periodically reviewed (at least once per calendar year) for accuracy and relevancy by the staff of the Planning Commission. As part of this review, the Planning Commission may request from the Oldham County School Board its raw data and formula used to determine average students generated per dwelling. The Planning Commission through its staff may review this information to determine its accuracy, fairness, comprehensiveness as well as review for other pertinent factors. The Planning Commission may, based on this review and its results, decide to alter, amend or substitute the average students generated per dwelling to be considered but must have a reasonable or generally accepted statistical basis upon which to do so.

(5) *Mitigation.* The Planning Commission and/or Legislative Body as part of its consideration of school capacity when evaluating a residential rezoning request shall also consider the following mitigating factors potentially altering the overall impact of the proposed development on school capacity:

(a) The unique makeup of the residents occupying developments of the type proposed (e.g. a development targeted at retired individuals typically without resident school age children);

(b) Provision within the proposed development of a school site or other capital improvements as desired by the Oldham County School Board;

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(c) Failure of the Oldham County School Board to provide any or all of the data necessary to administer this ordinance may suspend consideration of school capacity as a factor affecting the rezoning of property to a residential classification;

(d) Phasing.

(B) The Oldham County Subdivision Regulations are hereby amended by adding a new Section 8.15 to read as follows:

(1) *Purpose.* The purpose of this section to ensure that, to the maximum extent practical, approval of new residential development will be granted by the Oldham County Planning Commission only when it can reasonably be expected that adequate public school facilities will be available to accommodate such new development.

(2) *School Capacity Consideration.* As part of the consideration of any request to subdivide property for residential purposes that creates more than two housing units per year, available public school capacity shall be considered. Available school capacity inadequate to accommodate the number of students generated by a project or proposal may be considered grounds for denial of a subdivision plat as not being in compliance with these regulations.

(3) *School Capacity defined/applied.* School capacity shall be quantified using figures, data or other information provided by the Oldham County School Board, those figures, data or other information in a form mutually agreed upon by the Planning Commission and the Oldham County School Board. The form and method of arriving at the figures, data, or other information relating to school capacity shall be periodically reviewed (at least once per calendar year) for accuracy and relevancy by the staff of the Planning Commission. As part of this review, the Planning Commission may request from the Oldham County School Board its raw data and formula used to determine school capacity. The Planning Commission through its staff may review this information to determine its accuracy, fairness, comprehensiveness as well as review for other pertinent factors. The Planning Commission may, based on this review and its results, decide to alter, amend or substitute school capacity figures to be considered but must have a reasonable or generally accepted statistical basis upon which to do so.

(4) *Students Generated defined/applied.* The Oldham County School Board shall provide the Planning Commission such data as necessary to determine the average number of students generated per dwelling unit in a new development. This average shall be applied by the Planning Commission to development proposals in order to determine the number of students on average to be generated by a development. That figure will be compared to school capacity or planned school capacity available to identify inadequacies. The form and method of arriving at the figures, data, or other information relating to students generated per dwelling shall be periodically reviewed (at least once per calendar year) for accuracy and relevancy by the staff of the Planning Commission. As part of this review, the Planning Commission may request from the Oldham County School Board its raw data and formula used to determine average students generated per dwelling. The Planning Commission through its staff may review this information to determine its accuracy, fairness,

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comprehensiveness as well as review for other pertinent factors. The Planning Commission may, based on this review and its results, decide to alter, amend or substitute the average students generated per dwelling to be considered but must have a statistical basis upon which to do so.

(5) *Mitigation.* The Planning Commission as part of its consideration of school capacity when evaluating a request to subdivide land for residential purposes shall also consider the following mitigating factors potentially altering the overall impact of the proposed development on school capacity:

(a) The unique makeup of the residents occupying developments of the type proposed (e.g. a development targeted at retired individuals typically without resident school age children);

(b) Provision within the proposed development of a school site or other capital improvements as desired by the Oldham County School Board;

(c) Failure of the Oldham County School Board to provide any or all of the data necessary to administer this ordinance may suspend consideration of school capacity as a factor affecting the subdivision of property for residential purposes;

(d) Phasing.
(Ord. 2004-6, passed 10-2-2004)

§ 151.24 INTERSTATE 71 CORRIDOR SIGN REGULATIONS.

The Oldham County Zoning Ordinance, Section 214.2, is hereby adopted as follows:

(A) For the purpose of this sign regulation, the Interstate 71 Corridor shall be defined as shown below. A map showing the boundary of the Interstate 71 Corridor is available at the Planning and Zoning Office.

(B) Signs located along the Interstate 71 Corridor, shall meet the following design standards in addition to the standard in the zoning district in which the sign is located:

(1) No billboards shall be located within 1,500 feet of the center of the nearest travel lane of Interstate 71. A billboard, also known as an off-premise sign, is defined as a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

(2) No roof signs shall be located within 660 feet of the center of the nearest travel lane of Interstate 71.

(3) No freestanding signs or banners shall be located within 300 feet of the center of the nearest travel lane of Interstate 71.

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(4) No freestanding sign shall exceed 80 square feet in area on one side and 160 square feet in area on all sides when located between 300 and 660 feet of the center of the nearest travel lane of Interstate 71.

(5) No signs located within 1,500 feet of the center of the nearest travel lane of Interstate 71 may be constructed or installed prior to being reviewed and approved by the Kentucky Transportation Cabinet.

(Ord. 2005-14, passed 12-5-2005)

§ 151.25 SIDEWALKS.

The Oldham County Subdivision Regulations are hereby amended by adding the following to the end of Section 8.6(E):

In the City of Pewee Valley, sidewalks shall be provided in all new subdivisions, being any subdivision for which an application for sub plat approval is filed after the effective date of this ordinance, regardless of the width of the lot, on both sides of the street and shall be at least 4 feet wide and constructed with 4 inch thick gravel concrete, having a compression strength not less than 3,500 PSI poured on a 3 to 4 inch rock base compacted to 90% and reinforced with 14 gauge 6 x 6 wire mesh, as in trade practices set for the American Association of Concrete. Sidewalks shall be scored every 4 feet, with expansion joints placed every 36 feet, and shall have a broom finish.

(Prior Code KOC, § 930.2, passed 11-2-1998)

VIOLATIONS

§ 151.99 PENALTY.

Any violation of the Oldham County Zoning Ordinance or Subdivision Regulations occurring within the city, and any violation of city, county or state building regulations within the city, shall be classified as a civil offense punishable by a civil fine of not more than \$250 per violation and up to \$100 per day for continuing violations, which may be enforced by the city Code Enforcement Board under the provisions of § 130.90, with right of appeal to the city Board of Adjustments.