

**TITLE XV: LAND USAGE**

Chapter

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## CHAPTER 150: BUILDING REGULATIONS

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### **GENERAL PROVISIONS**

#### **150.01 KENTUCKY BUILDING CODE ADOPTED BY REFERENCE.**

(A) The Kentucky Building Code, as promulgated in 815 KAR 7:100 by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky, is hereby adopted in full as a part of this code of ordinances as if set out at length herein.

(B) A copy of said Kentucky Building Code together with a copy of all other regulations or NFPA Pamphlets adopted or referred to thereunder, is on file in the County Planning and Zoning Office, and said office shall at all times keep a copy of said Building Code for reference.  
(Ord. 2-87-44, passed 5-21-87)

## Grant County - Land Usage

## ▪ 150.02 BUILDING FEES.

(A) *Residential permit fee schedule.* The following formula will be utilized in the establishment of construction costs for residential dwellings.

<i>Type of Work</i>	<i>Cost</i>
Living space	.20 cents per square foot
Basement - unfinished	.05 cents per square foot
Basement - finished	.10 cents per square foot
Crawl space	.05 cents per square foot
Garages - attached	.05 cents per square foot
Garages - detached	.08 cents per square foot
Demolition permit	\$35
Above ground swimming pool	\$35
In ground swimming pool	\$35
Decks	\$35
Temporary structure (tents and stages)	\$35
Manufactured homes	\$100
Basements for double wides and modulares will follow schedule for residential basements.	
Signs	\$1 per square foot
In the event a permit is issued but construction is not actually commenced, applicant shall be entitled to a refund of 80% of the permit fee.	
Any project started before obtaining a permit shall be charged double.	
Mileage fees for trips necessary to conduct inspections hereunder shall be computed at the rate of \$0.25 per mile, round trip.	

(B) *Commercial permit fee schedule.* Plan review fees for new construction, alterations and repairs shall be calculated using the scale below. (Square foot construction costs calculated by type of construction and use group.) Minimum fee for review of plans shall be \$100.

(1)

<i>Construction Cost</i>	<i>Permit Fee</i>
\$0 to \$14,999.99	\$50
\$15,000 to \$29,999.99	\$100
\$30,000 to \$49,999.99	\$200
\$50,000 to \$74,999.99	\$300
\$75,000 to \$99,999.99	\$400
\$100,000 to \$149,999.99	\$500
\$150,000 to \$199,999.99	\$600
\$200,000 to \$249,999.99	\$700
\$250,000 to \$349,999.99	\$800
\$350,000 to \$499,999.99	\$900
\$500,000 to \$749,999.99	\$1,000
\$750,000 to \$999,999.99	\$1,500
\$1,000,000 to \$1,999,999.99	\$2,500
\$2,000,000 to \$2,999,999.99	\$3,500
\$3,000,000 to \$3,999,999.99	\$4,500
\$4,000,000 to \$4,999,999.99	\$5,500
\$5,000,000 to \$5,999,999.99	\$6,500
Each additional million dollars	\$1,000
Demolition permit	\$35
See table below for square foot construction costs by use group.	
Any project started before obtaining a permit shall be charged double the scheduled fee.	

(2) *Square foot construction costs.* (See table next page.)





Square foot construction costs:

Type of Construction

Use Group		1A	1B	2A	2B	2C	4	3A	3B	5A
A-1	Assembly, theaters, with stage	90.79	89.33	86.41	84.50	80.49	77.00	75.26	74.92	69.88
	Assembly, theaters, without stage	82.11	80.64	77.73	75.81	71.81	68.38	66.65	63.31	61.25
A-2	Assembly, nightclubs	70.76	69.48	67.61	65.87	65.03	63.14	58.16	57.91	50.76
A-3	Assembly, restaurants	70.25	68.97	67.09	65.36	64.52	62.62	57.65	57.39	50.25
A-4	Assembly, churches	60.87	59.31	56.39	54.48	50.47	47.04	45.31	44.97	39.92
B	Business	70.91	69.28	66.73	64.75	59.07	58.58	56.15	55.47	48.17
E	Educational	69.54	67.90	65.38	62.89	57.70	57.22	54.78	54.10	48.36
F-1, F-2	Factory and Industrial	40.43	38.98	36.96	35.11	32.36	29.77	29.33	29.23	24.22
H	High hazard	37.96	36.51	34.49	32.64	29.89	27.30	25.55	26.75	21.81
I-1	Institutional, supervised environment	59.64	58.38	56.14	54.53	50.92	48.26	47.40	47.36	43.34
I-2	Institutional, incapacitated	94.44	92.80	90.25	88.28	82.60	81.37	78.94	78.25	70.85
I-3	Institutional, restrained	77.02	75.38	72.83	70.85	65.18	64.70	62.26	61.57	56.23
M	Mercantile	55.55	54.27	52.38	50.64	49.80	48.21	43.23	42.98	35.84
R-1	Residential, hotels	52.43	61.16	58.93	57.31	53.70	52.08	50.19	50.15	43.52
R-2	Residential, multiple family	57.76	55.50	53.26	51.65	49.04	45.52	44.67	44.62	38.00
R-3	Residential, one- and two-family	49.71	48.35	46.89	45.51	44.24	43.38	42.43	42.28	38.44
S-1, S-2	Storage	37.96	36.51	34.49	32.64	29.89	27.30	26.86	26.76	21.81

(Ord. 2-87-44, passed 5-21-87; Am. Ord. 6-88-55, passed 11-3-88; Am. Ord. 2-92-105, passed 5-28-92; Am. Ord. 1-97-214, passed 4-21-97)

***SEPTIC SYSTEM INSTALLATION***

**▸ 150.15 INTENT.**

It is the intent of this subchapter to aid the County Health Department in enforcement of the provisions of Kentucky Revised Statutes relating to on-site sewage disposal. This subchapter shall not be construed to require the owner of any building to make additional provision for on-site sewage disposal in excess of existing legal requirements.

(Ord. 9-92-112, passed 9-3-92)

**▸ 150.16 DEFINITION.**

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

***BUILDING.*** Any structure designed for human habitation or where any person lives or where people assemble for the purpose of business, government, education, religion or entertainment or any other purpose.

(Ord. 9-92-112, passed 9-3-92)

**▸ 150.17 PROOF OF SEPTIC SYSTEM INSTALLATION AND APPROVAL; COPY ON FILE.**

(A) No electrical inspector shall issue an order to permit connection of permanent electric to any newly constructed or newly located building unless and until the owner of such building shall furnish a Proof of Septic System Installation and Approval@ from the County Health Department.

(B) All electrical inspectors in the county shall retain a copy of the Proof of Septic System and Installation Approval@ and shall maintain a file for the orderly storage and retrieval of the copy. The file shall constitute a part of the business records regularly maintained by said electrical inspectors.

(Ord. 9-92-112, passed 9-3-92) Penalty, see ' 150.99

**▸ 150.18 EXEMPTION.**

Temporary electrical service customarily furnished by an electrical utility company during the construction phase of a building is and shall be exempt from the provisions of this subchapter.

(Ord. 9-92-112, passed 9-3-92)



*ELECTRICAL CODE***150.30 UNIFORM STATE BUILDING CODE TO APPLY.**

The Uniform State Building Code, as is established by the Board of Housing, Buildings and Construction of the Commonwealth of Kentucky, is hereby adopted in full, and the same shall have the effect as if it were written fully herein, as a minimum standard for the construction, alteration and repair of any electrical wiring done within the effective area of this chapter. These standards shall also be used by certified electrical inspector in making inspections.

**150.31 PERMITS.**

(A) All persons, firms, companies or corporations shall, before beginning any installation, alteration or change of electrical wiring or equipment in the county, obtain a permit for such work. Permits for installation, alteration and use of electrical equipment shall issue upon the receipt of an application thereof made out on a printed form furnished by the administrative official of the County Planning and Zoning Commission. The fee is to be paid before final inspection as herein provided for. Permits shall be posted in plain view, inside the building near the entrance switch or inside the service switch when installed.

(B) The application for each such permit shall contain the name of the owner or user of the electrical equipment to be installed, altered or changed, and the location of such work by correct address, street and number, also, name and address of person, firm or corporation or company making the installation.

Penalty, see ' 150.99

**150.32 FEES.**

The county shall set from time to time the reasonable fees to be paid for the inspection of all electrical equipment installed or altered within the county.

**150.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provided in ' 10.99.

(B) Any electrical inspector who violates any provision of ' 150.15 through 150.18 of this chapter shall be deemed guilty of a violation and fined not less than \$10 nor more than \$250 for each offense. (Ord. 9-92-112, passed 9-3-92)

## CHAPTER 151: SIGNS

### Section

#### *General Provisions*

151.01 Signs in public right-of-way

#### *Construction Regulations*

151.10 Definitions

151.11 Adoption of sign regulations

151.12 Signage requiring building permit

151.13 Design of freestanding signs over 12 feet in height

151.14 Illuminated signage to be labeled or tested

151.15 Approval of Planning Commission required

151.16 Designated enforcement agency

151.17 Required inspection

151.99 Penalty

#### **GENERAL PROVISIONS**

##### **' 151.01 SIGNS IN PUBLIC RIGHT-OF-WAY.**

(A) No person shall put, post or place or cause to put, post or place any type of sign, placard, advertisement or display on any utility pole or other type pole or upon any tree, which stands within the boundaries of any county right-of-way or easement.

(B) This section shall be applicable to all signs, placards, advertisement and displays, as above referred, except those which are lawfully put, posted or placed on county right-of-ways or easements by the County Road Department, or by law enforcement agencies.

(C) The County Road Supervisor or his designee or any law enforcement officer with jurisdiction in the unincorporated area of the county, is authorized to remove any sign, placard, advertisement or display which is put, posted or placed in violation of the terms of this section and may be immediately disposed of.

Penalty, see ' 151.99

**CONSTRUCTION REGULATIONS****151.10 DEFINITIONS.**

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

**FREE-STANDING DRAINAGE.** Independently supported pole or ground sign, not mounted or attached to any building or structure.

**HIGH-VOLTAGE MAINTENANCE CORPORATION.** A local independent agency authorized by the County Building Department and state certified electric inspectors as a recognized testing agency for component compliance within the county.

**LISTING AGENCY.** An independent agency registered with the U.S. Patent and Trademark Office testing for public safety, including the examination and testing of devices, systems and materials to determine their relation to life, fire, casualty hazards, and crime prevention.

**151.11 ADOPTION OF SIGN REGULATIONS.**

The following sign regulations are hereby adopted in full as a part of this code of ordinances.

**151.12 SIGNAGE REQUIRING BUILDING PERMIT.**

(A) All signage over eight square feet in size shall require a building permit.

(B) All interior signage within a structure shall require a building permit. Zoning approval shall not be required.

Penalty, see ' 151.99

**151.13 DESIGN OF FREESTANDING SIGNS OVER 12 FEET IN HEIGHT.**

Freestanding signs over 12 feet in height shall be designed by an professional engineer registered in the Commonwealth of Kentucky.

Penalty, see ' 151.99

**151.14 ILLUMINATED SIGNAGE TO BE LABELED OR TESTED.**

Illuminated signage must be labeled by an approved recognized listing agency, or tested by high voltage maintenance corporation.

Penalty, see ' 151.99

▪ **151.15 APPROVAL OF PLANNING COMMISSION REQUIRED.**

All signage shall be approved by the County Planning Commission before a building permit shall be issued.

Penalty, see ' 151.99

▪ **151.16 DESIGNATED ENFORCEMENT AGENCY.**

The County Building Department shall be designated as the local enforcement agency for the sign regulations set out herein. All inspections shall be performed by persons certified by the Kentucky Department of Housing, Buildings, and Construction.

▪ **151.17 REQUIRED INSPECTION.**

(A) An electric inspection shall be performed on all illuminated signage by an electric inspection agency certified in the county.

(B) A footer inspection shall be performed by the County Building Inspector for all freestanding signs prior to placement of poles or posts.

(C) A final inspection shall be performed on all signage by the County Building Inspector after installation is complete and an electric inspection has been performed.

▪ **151.99 PENALTY.**

(A) Where an act or omission is prohibited or declared unlawful in this chapter, and no penalty is otherwise provided, the offense shall be deemed a misdemeanor and the offender shall be fined not more than \$500 for each offense.

(B) Any person who violates ' 151.01 shall be deemed guilty of a violation and fined not less than \$10 nor more than \$100. Each sign which is placed by a violator contrary to the terms of ' 151.01 shall be considered a separate offense.



## CHAPTER 152: ZONING CODE

### Section

152.01 Zoning code adopted by reference

#### • **152.01 ZONING CODE ADOPTED BY REFERENCE.**

The Zoning Code for Grant County, as established by Ord. 4-97-217, passed 3-31-97, and appended thereto, is hereby adopted by reference as fully as though set forth herein as the Zoning Code for the county.

(Ord. 4-97-217, passed 3-31-97; Am. Ord. 8-97-221, passed 6-2-97; Am. Ord. 12-97-225, passed 7-21-97; Am. Ord. 13-97-226, passed 7-21-97; Am. Ord. 17-97-230, passed 8-19-97; Am. Ord. 35-97-248, passed 12-15-97; Am. Ord. 05-98-255, passed 3-16-98; Am. Ord. 17-98-266, passed 6-1-98; Am. Ord. 18-98-267, passed 6-1-98; Am. Ord. 11-99-306, passed 5-3-99; Am. Ord. 28-99-323, passed 8-2-99; Am. Ord. 33-99-328, passed 10-4-99; Am. Ord. 03-2000-340, passed 2-22-00; Am. Ord. 18-2000-355, passed 5-15-00; Am. Ord. 40-2000-377, passed 10-2-00; Am. Ord. 06-2003-490, passed 4-7-03; Am. Ord. 03-2004-519, passed 2-16-04)



## CHAPTER 153: FLOOD DAMAGE CONTROL

### Section

- 153.01 Statutory authorization
- 153.02 Statement of purpose; objectives
- 153.03 Definitions
- 153.04 General provisions
- 153.05 Administration
- 153.06 Variance procedures
- 153.07 Provisions for flood hazard reduction
  
- 153.99 Penalty

#### ▪ **153.01 STATUTORY AUTHORIZATION.**

The Legislature of the State of Kentucky has in KRS 100 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Fiscal Court of Grant County does ordain the following chapter. (Ord. 7-97-220, passed 7-7-97)

#### ▪ **153.02 STATEMENT OF PURPOSE; OBJECTIVES.**

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

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

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

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

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

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

(B) *Objectives.* The objectives of this chapter are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

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

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and,

(7) To insure that potential home buyers are notified that property is in a flood area.

(Ord. 7-97-220, passed 7-7-97)

#### ▪ **153.03 DEFINITIONS.**

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

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

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

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

***AREA OF SPECIAL FLOOD HAZARD.*** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (a) By an approved state program as determined by the Secretary of the Interior, or
- (b) Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

**NEW CONSTRUCTION.** Structures for which the "start of construction" commenced on or after the effective date of Grant County's floodplain management regulations and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Grant County's floodplain management regulations.

**100 YEAR FLOOD.** See Base Flood.

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

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

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

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

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

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

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

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

**VARIANCE.** A grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(Ord. 7-97-220, passed 7-7-97)

• **153.04 GENERAL PROVISIONS.**

(A) *Lands to which this chapter applies.* This chapter shall apply to all areas of special flood hazard within the jurisdiction of Grant County, Kentucky.

(B) *Basis for establishing areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

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

(D) *Compliance.* No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(E) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(F) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:

- (1) considered as minimum requirements;
- (2) liberally construed in favor of the governing body; and,
- (3) deemed neither to limit nor repeal any other powers granted under state statutes.

(G) *Warning and disclaimer or liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Grant County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 7-97-220, passed 7-7-97) Penalty, see ' 153.99



**153.05 ADMINISTRATION.**

(A) *Designation of local administrator.* The Zoning Administrator is hereby appointed to administer and implement the provisions of this chapter.

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

(1) Application stage.

(a) Elevation in relation to Mean Sea Level of the proposed lowest floor (including basement) of all buildings;

(b) Elevation in relation to Mean Sea Level to which any non-residential building will be flood-proofed;

(c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in ' 153.07(B)(2);

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

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

(C) *Duties and responsibilities of the Zoning Administrator.* The duties of the Zoning Administrator shall include, but not be limited to:

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

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

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

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

(5) Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with ' 153.05(B)(2);

(6) Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved buildings have been flood-proofed, in accordance with ' 153.05(B)(2);

(7) When flood-proofing is utilized for a particular building, the Zoning Administrator shall obtain certification from a registered professional engineer or architect, in accordance with ' 153.05(B)(2);

(8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Zoning Administrator shall make the necessary interpretation as provided in this section;

(9) When base flood elevation data or floodway data have not been provided in accordance with ' 153.04(B), then the Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of ' 153.07;

(10) All records pertaining to the provisions of this chapter shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.  
(Ord. 7-97-220, passed 7-7-97) Penalty, see ' 153.99

**' 153.06 VARIANCE PROCEDURES.**

(A) The Flood Insurance Appeals Board as established by the Fiscal Court shall hear and decide appeals and requests for variances from the requirements of this chapter.

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

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

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

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

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

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

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

(H) *Conditions for variances.*

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

(2) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

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

(4) The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(Ord. 7-97-220, passed 7-7-97) Penalty, see ' 153.99

**' 153.07 PROVISIONS FOR FLOOD HAZARD REDUCTION.**

(A) *General standards.* In all areas of special flood hazard the following provisions are required:

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

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

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

(4) New construction or substantial improvements shall be constructed by methods and practices that minimized flood damage;

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

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

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

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

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

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

(B) *Specific standards.* In all areas of special flood hazard where base flood elevation data have been provided, as set forth in ' 153.04(B) or ' 153.05(C)(9), the following provisions are required:

(1) *Residential construction.* New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of ' 153.07(B)(3).

(2) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated one foot above the base flood elevation. Buildings located in all A-Zones may be flood-proofed in lieu of being elevated, provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in ' 153.05(C)(7).

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

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

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

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

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

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

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

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

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

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

(i) the lowest floor of the manufactured home is elevated to or above the level of the base flood elevation, or

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

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

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of ' 153.07(B)(4)(b)(i) and (iii) above.

(c) All recreational vehicles placed on sites must either:

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(i) be on the site for fewer than 180 consecutive days,

(ii) be fully licensed and ready for highway use, or

(iii) meet the permit requirements for new construction, including anchoring and elevation requirements for "manufactured homes".

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

(5) *Floodways.* Located within areas of special flood hazard established in ' 153.04(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

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

(b) If ' 153.07(B)(4)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of ' 153.07.

(C) *Standards for streams without established base flood elevation and/or floodways.* Located within the areas of special flood hazard established in ' 153.04(B), where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

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

(2) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with ' 153.05(C)(9).

(D) *Standards for subdivision proposals.*

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

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

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

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

(E) *Standards for areas of shallow flooding (AO zones).* Located within the areas of special flood hazard established in ' 153.04(B) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

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

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

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

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

(Ord. 7-97-220, passed 7-7-97) Penalty, see ' 153.99

**' 153.99 PENALTY.**

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Grant County from taking such other lawful actions as is necessary to prevent or remedy any violation.

(Ord. 7-97-220, passed 7-7-97)

