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construction" commenced on or after the effective date of the City of Carlisle's floodplain management regulations and includes any subsequent improvements to such structures.

"New Manufactured home park or subdivision" means 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 the City of Carlisle's floodplain management regulations.

"100 Year Flood" see Base Flood.

"Recreational vehicle" means a vehicle which is:

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include 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" means 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" means 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 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent 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" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities, and pads equals or exceeds 50

percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

#### ARTICLE 3. GENERAL PROVISIONS

##### SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazard within the corporate limits of the City of Carlisle.

##### SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study dated 27 September 1985, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

##### SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities.

##### SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

##### SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

##### SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and, (3) deemed strictly in favor of the people; provided, however, that the provisions of this ordinance shall not be construed to be retroactive.

##### SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of the City of Carlisle or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

##### SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance 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 ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than Fifty Dollars (\$50.00) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Carlisle from taking such other lawful actions as is necessary to prevent or remedy any violation.

#### ARTICLE 4. ADMINISTRATION.

##### SECTION A. DESIGNATION OF LOCAL ADMINISTRATOR.

The City of Carlisle Zoning Administrator is hereby appointed to administer and implement the provisions of this ordinance.

##### SECTION B. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the City of Carlisle 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,

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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. Specially, the following information is required:

##### (1) Application Stage.

- Elevation in relation to Mean Sea Level of the proposed lowest floor (including basement) of all buildings;
- Elevation in relation to Mean Sea Level to which any non-residential building will be flood-proofed;

- Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 5, Section B(2);
- 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 City of Carlisle 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 City of Carlisle 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.

##### SECTION C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

The Flood Damage Prevention duties of the City of Carlisle Zoning Administrator shall include, but not be limited to:

- Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- Advise permittees 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;
- 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;
- Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- 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 Article 4, Section B(2);
- 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 Article 4, Section B(2);
- When flood-proofing is utilized for a particular building, the City of Carlisle Zoning Administrator shall obtain certification from a registered professional engineer or

architect, in accordance with Article 5, Section B(2);

- 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 City of Carlisle Zoning Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article;
- When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section 8, then the City of Carlisle 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 Article 5;
- All records pertaining to the provisions of this ordinance shall be maintained in the office of the City of Carlisle Zoning Administrator and shall be open for public inspection.

##### SECTION D. VARIANCE PROCEDURES.

- The City of Carlisle Board of Adjustment as established by the City of Carlisle shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- The City of Carlisle Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City of Carlisle Zoning Administrator in the enforcement or administration of this ordinance.
- Any person aggrieved by the decision of the City of Carlisle Board of Adjustment or any taxpayer may appeal such decision to the Nicholas Circuit Court as provided in Kentucky Revised Statutes.
- Variances may be issued for the repair or rehabilitation of historic structures (see definition) 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.
- In passing upon such applications, the City of Carlisle Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- the danger that materials may be swept onto other lands to the injury of others;
- the danger to life and property due to flooding or erosion damage;
- the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- the importance of the services provided by the proposed facility to the community;
- the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- the compatibility of the proposed use with existing and anticipated development;
- the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- the safety of access to the property in times of flood for ordinary and emergency vehicles;
- the expected height, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- the costs of providing governmental services during and

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