

LUDLOW ORDINANCE NO. 2021-2

AN ORDINANCE OF THE CITY OF LUDLOW, IN KENTON COUNTY, KENTUCKY, ADOPTING AMENDMENTS TO THE LUDLOW ZONING ORDINANCE

WHEREAS, the City Administrator, Scott Smith, submitted an application requesting the Kenton County Planning Commission to review and make recommendations on proposed text amendments to the Ludlow Zoning Ordinance;

WHEREAS, the Kenton County Planning Commission held a hearing on Mr. Smith's application on January 7, 2021 at 6:15 p.m., via video telephone conference, at the offices of the Kenton County Planning Commission located at 1840 Simon Kenton Way, Covington, Kentucky;

WHEREAS, the Kenton County Planning Commission issued a Statement of Action and Recommendation reflecting certain proposed changes to the Ludlow Zoning Ordinance, a copy of which is attached as **Exhibit A**;

WHEREAS, the Ludlow City Council desires to adopt the Kenton County Planning Commission's proposed changes to the Ludlow Zoning Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF LUDLOW, KENTUCKY, AS FOLLOWS:

SECTION I

That the Ludlow City Council hereby approves the Kenton County Planning Commission's proposed changes to the Ludlow Zoning Ordinance attached as **Exhibit A** and incorporated by reference herein.

SECTION II

That the Kenton County Planning Commission's proposed changes to the Ludlow Zoning Ordinance are reflected in their entirety in **Exhibit B**, which is incorporated by reference herein. The Ludlow City Council hereby adopts those changes.

SECTION III

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION IV

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the

effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION V

That this ordinance shall become effective upon its passage and shall be published under KRS §83A.060(9) and other applicable law. The ordinance may be published by summary.

Passed by City Council on _____, 2021.

CITY OF LUDLOW, KENTUCKY

By: _____
Josh Boone, Mayor

ATTEST:

Laurie Sparks, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments. The complete zoning code can be viewed online at: www.pdskc.org

ATTACHMENT A

Proposed Text Amendments to Ludlow Zoning Ordinance
Words to be **deleted** are [~~lined through~~] - Words to be **added** are underlined

ARTICLE XII DEFINITIONS

SECTION 7.0 WORDS AND PHRASES

ACCESSORY BUILDING, STRUCTURE, OR USE, CUSTOMARY: A "customary accessory building, structure, or use" is one which:

- a. Is subordinate to and serves the principal building or principal use;
- b. Is subordinate in area, extent, or purpose to the principal building or principal use served;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- d. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.
- e. Includes, but is not limited to, detached garages, sheds, barns, gazebos, patios, decks (both detached and attached), swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts.

ALTERATION: Any construction, replacement, or change to the exterior of a building or structure when it is visible to the public. An Alteration shall include a proposed sign or changes to an existing sign. Painting of already painted brick or stone (this does not include never before painted brick or stone) and routine maintenance and repairs shall not be considered alterations.

ARTICLE XI OFF STREET PARKING AND LOADING

SECTION 11.0 GENERAL REQUIREMENTS

C. LOCATION OF OFF-STREET PARKING FACILITIES

1. Off-street parking facilities shall be located as follows:
 - a. Single-Family Residential Zones - (A-1, A-2, R-RE, R-1A, R-1B, R-1C, R-1D, R-1DD, R-1E, R-1EE, R-1F, R-1G): Off-street parking may be permitted in driveways in the front, side, and rear yards of permitted uses in these zones, provided all requirements of this ordinance are met. Additionally, off-street parking located in the rear yard shall be set

back a minimum of ten (10) feet from the rear lot line. No off-street parking area, located in the front yard in a single-family residential zone, may exceed four hundred (400) square feet (two parking spaces) except, however, the zoning administrator may allow additional off-street parking spaces to be located thereon, provided that the additional parking spaces will not cause the ratio of unpaved area to paved area (parking and driveway areas) in the front yard to be less than 3:1. All off-street parking of vehicles shall be on paved surfaces. No driveway or other off-street parking area is permitted directly in front of a principal structure unless directly accessing a garage.

ARTICLE XX URBAN DESIGN REVIEW BOARD

SECTION 20.0 URBAN DESIGN REVIEW BOARD ESTABLISHED

B. ESTABLISHMENT AND MAKE-UP

1. The Board shall consist of five members, with the City Administrative Officer or his/her designee having a by-right position in the group to represent the City and provide staffing support. The five members of the board will be recommended by Mayor and approved by Council. The following criteria will be met to satisfy the minimum requirements for the board. More than one criteria may be fulfilled by the same appointed member.

E. DUTIES AND POWERS

8. The Board shall make decisions on requests for Certificates of Appropriateness. The Board shall use the Ludlow Historic Design Guidelines or any applicable Chapter 99 Development Plan area guidelines in making decisions on these requests to alter, demolish, relocate, or add to a designated property, or to build a new structure in designated Historic Preservation Overlay zones or Chapter 99 Development Plan areas. The guidelines may include the United States Secretary of the Interior's Standards for Rehabilitation.

SECTION 20.1, CERTIFICATES OF APPROPRIATENESS

A. Applicability

Within the boundaries of a Historic Preservation Overlay zone that calls for the application of design guidelines, the alteration of the exterior appearance or demolition of any existing structure, or construction of a new structure, or portions thereof, may not be undertaken until a Certificate of Appropriateness has been issued. However, a Certificate of Appropriateness is not required for:

1. Routine maintenance and repair;

2. Any in-kind replacement;
3. Painting except when the work will involve the painting of brick and/or stone that has not been previously painted;
4. Any interior projects;
5. Any projects in the rear of the house not visible from any street;
6. Any project on an interior side that does not contain a prominent entrance or other significant architectural features;
7. Any accessory structure (garage, shed, fence, etc.), not visible from any street;
8. Landscaping of natural/plant materials;
9. In any case where ~~[a responsible public official]~~ the Building Inspector or the City Administrative Officer determines that there are emergency conditions dangerous to life, health, or property affecting an historic structure, that ~~[department]~~ person may order these conditions remedied without the approval of the UDRB or ~~[staff]~~ the Historic Preservation Officer. In all such cases, these actions will be communicated to the UDRB at a public meeting.

B. Application

1. An application for a Certificate of Appropriateness must be filed by the owner of the subject property or the owner's authorized agent.
2. Applications must be filed with the Historic Preservation Officer, who must forward the application to the Urban Design Review Board, unless ~~[staff]~~ the Historic Preservation Officer approval is authorized by Section 20.1, C.
3. There is no application fee for a Certificate of Appropriateness; however, a Certificate of Appropriateness must be obtained before any work is initiated.
4. Any person who performs work without a Certificate of Appropriateness may be required to have their application heard before the Urban Design Review Board and will be required to pay a ~~[\$50.00]~~ \$100.00 application fee to cover administrative costs.

C. Review and Approval

1. Certificates of Appropriateness may be reviewed and approved by the Historic Preservation Officer or by the UDRB. Table 20-1 outlines which projects may be reviewed and approved by ~~[staff]~~ the Historic Preservation Officer versus review and approval by the UDRB:

Table 20-1

Type of Project	URDB Review/Approval	Administrative Review/Approval
Accessory Structures <u>front, side protruding, or corner side</u>	[N/A] <u>Yes</u>	[N/A] <u>No</u>
Additions/ <u>alterations</u> , <u>front, side protruding</u> , or side on corner lot	[x] <u>Yes</u>	[N/A] <u>No</u>
Additions/ <u>alterations</u> , side or rear	<u>Yes</u> If facing street	[N/A] <u>No</u>

Table 20-1

Type of Project	URDB Review/Approval	Administrative Review/Approval
Changes to any UDRB Approved Project, major	<input checked="" type="checkbox"/> <u>Yes</u>	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>
Changes to any UDRB Approved Project, Minor	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>	<input checked="" type="checkbox"/> <u>Yes</u>
Demolitions / Relocations	<input checked="" type="checkbox"/> <u>Yes</u>	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>
Doors/ <u>storm doors</u> , front, <u>side protruding</u> , or corner side	<input checked="" type="checkbox"/> <u>Yes</u>	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>
Doors, side or rear	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>
Driveway/parking areas/ <u>curb cuts</u> -, new <u>and any changes</u>	<input type="checkbox"/> <u>N/A</u> <input checked="" type="checkbox"/> <u>Yes</u>	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>
Exterior Wall, front, <u>side protruding</u> , or corner side, material and/or style change	<input checked="" type="checkbox"/> <u>Yes</u>	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>
Exterior Wall, side or rear, material and/or style change	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>
<u>Gutter, box, repair or replacement</u>	<u>Yes</u>	<u>No</u>
Gutter (<u>other than box</u>) or downspout	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>	<input checked="" type="checkbox"/> <u>Yes</u>
Roof, pitched, material and/or style change	<input checked="" type="checkbox"/> <u>Yes</u>	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>
Roof, flat, material and/or style change	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>	<input checked="" type="checkbox"/> <u>Yes</u>
<u>Roof decks and roof structures front, side protruding, or corner side</u>	<u>Yes</u>	<u>No</u>
<u>Lighting, building Exterior lighting fixtures</u>	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>	<input checked="" type="checkbox"/> <u>Yes</u>
Masonry (<u>brick or stone</u>) tuckpointing	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>	<input checked="" type="checkbox"/> <u>Yes</u>
Mechanical systems, <u>solar panels, satellite dishes, utilities</u> and accessories, [all <u>yards</u>] <u>front, side protruding, or corner side</u>	<input type="checkbox"/> <u>N/A</u> <input checked="" type="checkbox"/> <u>Yes</u>	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>
Ornamental trim or Architectural details, changes/alterations, front, <u>side protruding</u> , [and <u>or</u>] corner side	<input checked="" type="checkbox"/> <u>Yes</u>	<input type="checkbox"/> <u>N/A</u> <input type="checkbox"/> <u>No</u>

Table 20-1

Type of Project	URDB Review/Approval	Administrative Review/Approval
Ornamental trim or Architectural details, changes/alterations, side and rear	<u>[N/A]No</u>	<u>[N/A]No</u>
Painting if brick <u>or stone</u> has not been painted	<u>[x]Yes</u>	<u>[N/A]No</u>
<u>Porches, railings, and steps front, side protruding, or corner side</u>	<u>Yes</u>	<u>No</u>
Routine maintenance or repairs, matching materials and styles (except windows)	<u>[N/A]No</u>	<u>[N/A]Yes</u>
New Construction/Reconstruction	<u>[x]Yes</u>	<u>[N/A]No</u>
<u>Fences/retaining walls, front, side protruding, or corner side</u>	<u>[N/A]Yes</u>	<u>[N/A]No</u>
<u>Signage/Awnings, new or alteration to size, shape, or lighting front, side protruding, or corner side</u>	<u>[x]Yes</u>	<u>[N/A]No</u>
Signage/Awnings, face changes	<u>[N/A]No</u>	<u>[N/A]No</u>
<u>Shutters, front, side protruding, or corner side</u>	<u>[x]Yes</u>	<u>No</u>
Shutters, side or rear	<u>[N/A]No</u>	<u>[N/A]No</u>
Windows, replacement, change in <u>material/size/color/configuration front, side protruding, or corner side</u>	<u>[x]No</u>	<u>[N/A]Yes</u>
Windows, replacement, same material/size/color/ <u>configuration side and rear</u>	<u>[N/A]Yes</u>	<u>[x]No</u>
Windows, storm, new or alteration <u>front, side protruding, or corner side</u>	<u>[N/A]No</u>	<u>[x]Yes</u>
Windows, storm, <u>replacement new or alteration side and rear</u>	<u>[N/A]No</u>	<u>[N/A]No</u>

Table 20-1

Type of Project	URDB Review/Approval	Administrative Review/Approval
<u>Windows, storm, replacement in kind</u>	<u>No</u>	<u>No</u>

2. The Historic Preservation Officer is hereby authorized to issue Certificates of Appropriateness without review by the Urban Design Review Board, under the following circumstances:

d. The Historic Preservation Officer may not disapprove any project. Any application which is not approved by ~~[staff]~~the Historic Preservation Officer must be forwarded to the Urban Design Review Board in accordance with SECTION 20.12, D.

SECTION 20.2, PROCEEDURE AND CRITERIA FOR DEMOLITION AND MOVING OF STRUCUTRES

A. Applicability

The demolition or moving of all or part of an existing building in a designated Historic Preservation Overlay zone requires the approval of the Urban Design Review Board, in accordance with the following procedures:

1. The Urban Design Review Board must approve the Certificate of Appropriateness to demolish the structure if any one of the following circumstances is found to exist:
 - a. Demolition has been ordered by ~~[a responsible public official]~~the Building Inspector or the City Administrative Officer for reasons of public health and safety. In the case of imminent danger, such demolition may occur prior to approval by the Urban Design Review Board; or

ARTICLE VII DEFINITIONS

SECTION 7.0 WORDS AND PHRASES:

For the purposes of this ordinance, certain terms, phrases, words, and their derivatives are herewith defined as follows:

Words used in the future tense include the present;

Words used in the present tense include the future;

Words used in the singular include the plural;

Words used in the plural include the singular;

Words used in the masculine include the feminine;

Words used in the feminine include the masculine;

The word "shall" is mandatory;

The word "may" shall be deemed as permissive.

ACCESSORY BUILDING, STRUCTURE, OR USE, CUSTOMARY: A "customary accessory building, structure, or use" is one which:

- a. Is subordinate to and serves the principal building or principal use;
- b. Is subordinate in area, extent, or purpose to the principal building or principal use served;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- d. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.
- e. Includes, but is not limited to, detached garages, sheds, barns, gazebos, patios, decks (both detached and attached), swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts.

ACCESS POINT: An access point is:

- a. A driveway, a local street, or a collector street intersecting an arterial street;
- b. A driveway or a local street intersecting a collector street; or
- c. A driveway or a local street intersecting a second local street.

AGRICULTURE: The use of land for major agricultural purposes, including agriculture, dairying, farming, floriculture, horticulture, pasturage, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

AIR RIGHTS: The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development (depending on the individual property in question) which is reasonably necessary or legally required for the full and free use of the ground surface.

ALLEY: Public rights-of-way which normally affords a secondary means of access to abutting property.

ALTERATION: Any construction, replacement, or change to the exterior of a building or structure when it is visible to the public. An Alteration shall include a proposed sign or changes to an existing sign. Painting of already painted brick or stone (this does not include never before painted brick or stone) and routine maintenance and repairs shall not be considered alterations.

APARTMENT: A portion of a building consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

APARTMENT HOUSE: See DWELLINGS, MULTI-FAMILY.

AUTOMOBILE LAUNDRY: A building or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin operated devices, of the above nature, which are operated on a self-service basis shall be construed to be the same.

AUTOMOBILE AND TRAILER SALES AREAS: Any area used for the display, sale, or rental of new or used automobiles or trailers, and where only minor incidental repair of such automobiles or trailers may take place.

BASEMENT: That portion of a building between floor and ceiling, which is so located that the vertical distance from the average level of the adjoining grade to the floor below is greater than the vertical distance from the average level of the adjoining grade to the ceiling.

BILLBOARD: a sign, having an area greater than twenty-five (25) square feet, and which meets any one or more of the following criteria:

- a. a permanent structure sign which is used for the display of offsite commercial messages;
- b. a permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located; or
- c. an outdoor sign used as advertising for hire, i.e., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign), in exchange for a rent, fee or other consideration.

BOARD: The Ludlow Urban Design Review Board as established in [ARTICLE XX](#).

BOARD OF ADJUSTMENTS: Board of Adjustments of the legislative body.

BREW PUB: Establishments primarily engaged in the retail sale of prepared food for consumption, which includes the brewing of beer as an accessory use. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

BUFFER AREA: Areas so planned and/or zoned which act as a buffering or separation area between two (2) or more uses or structures not compatible, due to design, function, use, or operation.

BUILDING: A structure enclosed within exterior walls or firewalls for the shelter, housing, support, or enclosure of persons, animals, or property of any kind.

BUILDING, ALTERATION OF: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, or any addition to a building, or movement of a building from one location to another.

BUILDING AREA OR LOT COVERAGE BY BUILDING: That portion of a lot or building site that can be legally occupied by the ground floor of the principal building or use and all permitted accessory uses.

BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

BUILDING, DETACHED: A building surrounded by open space on the same lot or tract of land.

BUILDING, HEIGHT OF: The vertical distance measured from average elevation of the finished grade adjoining the building at the front building line to the highest point of the roof surfaces, if a flat roof; to the deck line of a mansard roof; and to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING INSPECTOR: The official or officials appointed by the legislative body to administer and enforce the building codes.

BUILDING PERMIT: A permit issued by the legislative body's city coordinator authorizing the construction or alteration of a specific building, structure, sign, or fence.

BUILDING, PRINCIPAL: The building on a lot used to accommodate the primary use to which the premises are devoted.

BUILDING SETBACK LINE: A line parallel to the front, side, and/or rear lot line and set back from the lot line a distance to provide the required minimum yard space, as specified in this ordinance.

BUILDING SITE: One contiguous piece of land that meets all of the provisions of the legislative body's ordinances, regulations, and codes for building on said site.

CAMPING/VACATION MOBILE UNIT: Any coach, cabin, house trailer, house car or other vehicle or structure intended for, designed for, and used for temporary human habitation or sleeping purposes, mounted upon wheels or supports, or supported and/or capable of being moved by its own power or transported by another vehicle.

CANOPY (MARQUEE): A roof-like structure open on three (3) sides serving the purpose of protecting pedestrians from rain, snow, sun, or hail, which structure projects from a building.

CARPORT: See GARAGE, PRIVATE.

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

CHANGEABLE COPY SIGN, AUTOMATIC: "Automatic changeable copy sign" means a type of sign on which the copy changes automatically through the use of electronic or electro-mechanical technology. All changeable copy shall be included within the allotted face of sign square footage.

CHANGEABLE COPY SIGN, MANUAL: "Manual changeable copy sign" means any sign on which copy for all or a portion of the sign can be changed by a human being removing or rearranging letters, symbols or numerals. All changeable copy shall be included within the allotted face of sign square footage.

CHILD DAY CARE CENTER: See NURSERY SCHOOL.

CITIZEN MEMBER: Any member of the Planning Commission or Board of Adjustments who is not an elected or appointed official or employee of the legislative body.

CITY: The City of Ludlow, Kentucky.

CLINIC, ANIMAL: A building used by medical persons for the treatment of small animals on an out-patient basis only, without animal runs.

CLINIC, HUMAN CARE: A building used by medical persons for the treatment of persons on an out-patient basis only.

CLUB: An association of persons for some common objective, usually jointly supported and meeting periodically.

COMMERCIAL MESSAGE: Words, symbols, logos, pictures or any combination thereof that identify which directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.

COMMISSION (PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION): The Kenton County and Municipal Planning and Zoning Commission, Kenton County, State of Kentucky.

COMPLEX (COMMERCIAL): Multiple sites that do not meet the definition of “Center, integrated” but that meet all of the following criteria: the sites are cumulatively contiguous; the sites form a defined geographic area, typically extending to public streets, highways, waterways or other natural or human-built geographic boundaries; the owners or agents for the owners of the sites have common interests in promoting business and other activity in the defined geographic area.

COMPREHENSIVE (MASTER) PLAN: A guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. It shall contain, as a minimum, the following elements:

- A. A statement of goals and objectives, principles, policies, and standards;
- B. A land use plan element;
- C. A transportation plan element;
- D. A community facilities plan element;
- E. May include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, regional impact, historic preservation, and others.

CONCEALED LIGHTING: An artificial light source intended to illuminate the face of a sign, the direct source of which is shielded from public view and surrounding properties.

CONDITIONAL USE: A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed within this ordinance.

CONDITIONAL USE PERMIT: Legal authorization to undertake a conditional use, issued by the zoning administrator, pursuant to authorization by the board of adjustments, consisting of two parts:

- a. A statement of the factual determination by the board of adjustments which justifies the issuance of the permit; and
- b. A statement of the specific conditions which must be met in order for the use to be permitted.

CONFORMING USE: Any lawful use of a building, structure, lot, sign, or fence, which complies with the provisions of this ordinance.

COUNCIL: The Ludlow City Council.

CURB CUT: Any interruption, or break in the line of a street curb in order to provide vehicular access to a street. In the case of streets without curbs, curb cuts shall represent construction of any vehicular access which connects to said street.

DECIBEL: A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

DEMOLITION: Any act destroying in whole or in part or moving a landmark, or building or structure deemed by the Board to be of historic significance.

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

DEVELOPMENT PLAN: Written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, and all other conditions agreed to by the applicant.

DISTRICT: For purposes of this ordinance, synonymous with "ZONE".

DORMITORY: A residence hall providing rooms for individuals or groups.

DWELLING: Any building which is completely intended for, designed for, and used for residential purposes, but for the purposes of this ordinance, shall not include a hotel-motel, hotel, motel, nursing home, tourist cabins, college or university dormitories, or military barracks.

DWELLING, ATTACHED, SINGLE-FAMILY: A dwelling unit which is attached to one or more dwelling units, each of which has independent access to the outside of the building to ground level and which has no less than two (2) exterior walls fully exposed and not in common with the exterior walls of any other unit.

DWELLING, DETACHED, SINGLE-FAMILY: A dwelling standing by itself and containing only one (1) dwelling unit, separate from other dwellings by open space, but shall not include mobile homes.

DWELLING, TRAILER: See MOBILE HOME.

DWELLING, TWO-FAMILY: A residential building designed, arranged, or used exclusively by two (2) families, living independently of each other.

DWELLING, MULTI-FAMILY: A residential building having three (3) or more dwelling units, as separate housekeeping units.

DWELLING UNIT: A building, or portion thereof, providing complete housekeeping facilities for one (1) person or one (1) family.

EASEMENT: A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for drainage or access purposes.

EATING ESTABLISHMENTS -- RESTAURANTS: A restaurant is an establishment selling food items ordered from a menu and prepared on the premises for immediate consumption.

- A. Carry-out -- A fast service restaurant which does not have sit down eating arrangements and consumption of food on the premises is prohibited (or discouraged).
- B. Drive-in -- A restaurant where consumption of food on the premises is encouraged (in car, no seating facilities) and where food is provided by "car-hop" or self-service.
- C. Sit-Down Restaurants -- Those restaurants which provide seating arrangements.
- D. Combination -- A restaurant which provides any combination of sit down, carry out, and/or drive - in services.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare.

FAMILY: An individual or two (2) or more persons related by blood or marriage, or group of not more than three (3) persons (excluding servants) who need not be related by blood or marriage, living together in a single housekeeping unit as their common home for the time, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.

FENCE: A structure made of wire, wood, metal, masonry, or other material, including hedges.

FILLING STATION: See SERVICE STATION.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland waters; (b) the unusual and rapid accumulation of runoff of surface waters from any source; and (c) mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

FLOOD - 100 YEAR FREQUENCY: The highest level of flooding that, on the average, is likely to occur once every 100 years.

FLOODPLAIN OR FLOOD PRONE AREA: Any normally dry land area that is susceptible to being inundated by water from any source.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of floodways on the official zoning map.

FLOOR AREA, GROSS: The sum of the gross horizontal area of the several floors of a dwelling unit or units exclusive of porches, balconies, and garages, measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating dwelling units.

For uses other than residential, the gross floor area shall be measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

The gross floor area shall not include floors used for parking space when such parking pertains to a residential, commercial, or office used in the same structure.

FRATERNITY OR SORORITY: A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the said institution.

FRATERNITY/SORORITY HOUSE: A building used by a fraternity or sorority to provide living quarters for some or all members as well as to provide study, meeting, recreational and other facilities.

FRONTAGE: All the property abutting one (1) side of the right-of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley be considered as acceptable frontage. For purposes of this definition, frontage for a building wall shall be measured for the wall that is most nearly parallel to that street. In no case shall the same building wall be considered to have more than one frontage.

GARAGE, PRIVATE: A building used for the storage of vehicles and clearly accessory to the principal use permitted.

HISTORIC DISTRICT: An area of architectural, historical, or cultural significance that meets one or more of the criteria contained in SECTION 20.1, F., 1., of this ordinance and that has been designated by Council.

HOLIDAY DECORATIONS: Decorative elements of a temporary nature intended for the acknowledgement of a holiday or holiday season, exclusive of decorations, which contain business, product sales, or service advertising content. Holiday decorations shall not be considered “signs.”

HOME OCCUPATION: An accessory use customarily conducted entirely within a dwelling, as permitted herein and further meeting all requirements of this ordinance.

HOSPITAL (HUMAN CARE): A building used by medical persons for treatment of persons generally on an in-patient basis.

HOSPITAL (ANIMAL): A building used by medical persons for treatment of animals generally on an in-patient basis and may have outside runs.

HOTEL-MOTEL: A building or buildings to be used for the temporary abiding place for travelers and transient guests.

HOUSE TRAILER: See MOBILE HOME.

INVENTORY OF HISTORIC PROPERTIES AND SITES: A catalog of historical sites.

JUNK YARD: An open area where waste materials are bought, sold, exchanged, stored, shredded, baled, packed, disassembled, etc., including, but not limited to, scrap metals, paper, rags, rubber tires, bottles, inoperative motor vehicles, etc.

KENNEL: Any area specifically used for the raising, boarding, or harboring of small domestic animals.

LABORATORY, MEDICAL OR DENTAL: A building or a portion of a building used for providing bacteriological, biological, medical, x-ray, pathological, and similar analytical or diagnostic services to doctors or dentists.

LANDMARK: A building or structure of architectural, historical, or cultural significance that meets one or more of the criteria contained in SECTION 20.1, F., 1., of this ordinance and that has been designated by Council.

LAUNDROMAT: A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LEASABLE AREA, GROSS: The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

LEGIBLE: A sign or message is “Legible” when it can be understood by a person with an eighth-grade education (or more). Where this Article requires a determination of “visibility” or “legibility,” the standard shall be based on the eyesight of an adult eligible to receive a Kentucky driver’s license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person shall be presumed to be more than five feet and less than six feet tall.

LEGISLATIVE BODY: City of Ludlow, Kentucky.

LIVESTOCK: Domestic animals of types customarily raised or kept on farms for profit or other productive purposes.

LOADING AND/OR UNLOADING SPACE: A space used for the temporary standing, loading and/or unloading of vehicles.

LOT: A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group, as permitted herein, together with their accessory buildings or uses and such access, yards, and open spaces required under this ordinance.

LOT AREA: The total area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by rights-of-way, the waters of any lake or river, and shall be in one (1) zone only.

LOT, CORNER: A "corner lot" is a lot situated at the intersection of two streets or on a curved street on which the interior angle of such intersection or curved streets does not exceed one hundred thirty-five (135) degrees.

LOT, DEPTH OF: The distance measured in the mean direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot lines.

LOT, DOUBLE FRONTAGE: A lot other than a corner lot that has frontage on more than one (1) street.

LOT, INTERIOR: A lot other than a corner lot with only one (1) frontage on a deeded and occupied public right-of-way.

LOT LINE, FRONT: The common boundary line of a lot and a street right of-way line. In the case of a corner lot or a double frontage lot, the common boundary line and that street right-of-way line toward which the principal or usual entrance to the main building faces.

LOT LINE, REAR: The boundary line of a lot which is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

LOT LINE, SIDE: Any boundary line of a lot, other than a front lot line or rear lot line.

LOT OF RECORD: A designated fractional part or subdivision of a block, according to a specific recorded plat or survey, the map of which has been officially accepted and recorded in the office of the appropriate county clerk, state of Kentucky.

LOT WIDTH: The width of the lot as measured along the building front setback line.

MICROBREWERY: Establishments engaged in on-site brewing of beer and sales of beer by the glass for on-premise consumption. These establishments are primarily used for the production of beer and ale and may include retail and food service as an accessory use. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

MICRO-DISTILLERY: Establishments primarily engaged in on-site distillation of spirits and may include retail and food service as an accessory use. The distillery operation processes the ingredients to make spirits by mashing, cooking, and fermenting. The micro-distillery operation does not include the production of any other alcoholic beverage.

MINIMUM FRONT YARD DEPTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the front lot line, as defined herein, and the front lot line.

MINIMUM REAR YARD DEPTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the rear lot line, as defined herein, and the rear lot line.

MINIMUM SIDE YARD WIDTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the side lot line, as defined herein, and the side lot line.

MOBILE HOME: Any coach, cabin, mobile home or other mobile structure in a single unit which is intended, designed, and used for the fixed residence of a person, family, or a household, mounted upon wheels or supports, or supported and/or capable of being moved or transported by another vehicle. For the purpose of this ordinance, the removal of wheels and/or the attachment of a foundation to said mobile structure shall not change its classification.

MOBILE HOME PARK: Any lot, parcel, or premises, subdivided, designed, maintained, intended, and/or used to accommodate ten (10) or more mobile homes, and meets the requirements as specified in this ordinance. For the purpose of this ordinance, any lot or premises used for the wholesale or retail sale of mobile homes shall not be included within this definition. Double width mobile structures, which are fabricated on individual chassis with wheels and are designed to be joined shall be considered a mobile home for purposes of this ordinance.

MODULAR HOUSING: Housing manufactured off-site, often mass-produced, and designed so that sections are interchangeable. For purposes of this ordinance, this definition shall not include mobile homes.

N/A: Where used in the sign regulations, the particular requirement is “not applicable.”

NEIGHBORHOOD: A geographical area containing residences or a combination of residences and businesses, which geographical area meets all of the following criteria:

- a. The area shall consist of at least 20 acres that are geographically contiguous;
- b. The area shall have direct access from local streets to one or more collector and/or arterial streets;
- c. The area shall not be part of another designated neighborhood for which permits for which permanent entrance signs have been issued; and
- d. The area shall either have been developed as one planned complex, subdivision or center, or it shall have established its identity as a neighborhood through activities of a community

association, neighborhood festivals or other continuing activities separate from the desire for an entrance sign.

NITA measure of luminance. One nit is equal to one candela per square meter (1cd/m²). Ten thousand nits are equal to one stilb. A candela, on which the definition is based, is a unit of measurement of the intensity of light. Part of the SI system of measurement, one candela (cd) is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. Another way of putting it is that an ordinary wax candle generates approximately one candela.

NONCONFORMING LOT: A lot which was lawfully created but which does not conform to the minimum area or dimensional requirements specified for the zone in which it is located.

NONCONFORMING USE OR STRUCTURE: An activity or a building, sign, fence, structure, or a portion thereof, which lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the regulations contained in this ordinance, or amendments thereto, which pertain to the zone in which it is located.

NOXIOUS MATTER OR MATERIALS: Matter or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals as determined by the appropriate health department.

NURSERY: Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

NURSERY SCHOOL/DAY CARE CENTER: Any building used for the daytime care or education of preschool age children with or without compensation, and including all accessory buildings and play areas.

NURSING HOME: A health establishment which provides nursing care under the direction of a Kentucky licensed physician to patients who, for reason of illness or physical infirmities, are unable to care for themselves properly.

ODOROUS MATTER: Any matter or material that yields an odor which is offensive in any way to a person with reasonable sensitivity.

OUTDOOR DISPLAY AREA: An area utilized to display a variety of types of products sold on the premises.

PARKING AREA, OFF-STREET: An open, surfaced area, other than the right-of-way of a street, alley, or place, used for temporary parking of motor vehicles.

PARKING BUILDING OR GARAGE: A building, or portion thereof, designed, intended, and used exclusively for the temporary parking of motor vehicles which may be publicly or privately owned and/or operated.

PARTICULATE MATTER: Any material, except uncombined water, which exists in a finely divided, suspended form as a liquid or solid at standard conditions.

PDS: Planning and Development Services of Kenton County.

PERFORMANCE STANDARDS: Criteria established to control building enclosure, landscaping, noise, odorous matter, exterior lighting, vibration, smoke, particulate matter, gasses, radiation, storage, fire, and explosive hazards, and humidity, heat, or glare generated by or inherent in, uses of land or buildings.

PLANNED UNIT DEVELOPMENT (PUD): A large scale, unified land development which permits a mixture of land uses, clustering of residential units of varying types, and common recreation/open spaces, through flexible regulations which encourage creative design to preserve the natural features and foliage of the site.

PRESERVATION PLAN: Guidelines and/or regulations for the rehabilitation of certain sites, structures and/or areas to incorporate them into a livable community.

RAILROAD RIGHTS-OF-WAY: A strip of land within which the railroad tracks and auxiliary facilities for track operation are normally located, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

RESIDENTIAL CLUSTER DEVELOPMENT (RCD): A large scale, unified land development which permits a clustering of attached and detached single-family residential dwellings, with common recreation/open spaces, through flexible regulations which encourage creative design to preserve the natural features, foliage, and other characteristics of the site.

REST HOME: Any building, institution, residence, or home used as a place of abode for the reception and care of three (3) or more persons, who by reasons of age, mental, or physical infirmities, are not capable of properly caring for themselves.

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

SCHOOLS, PAROCHIAL: An institution or a place for instruction or education belonging to and maintained by a religious organization.

SCHOOLS, PRIVATE: An institution or a place for instruction or education belonging to and maintained by a private organization.

SCHOOLS, PUBLIC: An institution or place for instruction or education belonging to and maintained under public authority and open to the public for their attendance.

SECTION 106 REVIEW: The process set forth in National Historic Preservation Act of 1966, 16 U.S.C. 470, et. seq., as amended, and 36 C.F.R. Section 800, which requires federal agencies to consider the effects on historic properties of any project carried out by them or that receives federal financial assistance, permits, or approvals.

SEPARATE (LIGHTING OR ILLUMINATION): A prohibition on separate illumination for a sign does not prohibit indirect, incidental illumination that spills over from a light serving another lawful purpose.

SERVICE FACILITIES, PUBLIC UTILITIES: Service facilities include all facilities of public utilities operating under the jurisdiction of the Public Service Commission, or the Department of Motor Transportation, or Federal Power Commission, and common carriers by rail, other than office space, garage and warehouse space and include office space, garage space and warehouse space when such place is incidental to a service facility.

SERVICE STATION: Any building, structure, or land, used for the dispensing, sale, or offering for sale, at retail, of any automobile fuels, oils, or accessories and in connection with which is performed general automotive servicing other than body work.

SIGN: Any device, fixture, placard or structure, including its component parts, which by display of a visual image draws attention to an object, product, place, activity, opinion, idea, person, institution, organization

or place of business, or which identifies or promotes the interests of any person, and which is visible from any public street, road, highway, right-of-way or parking area.

SIGN, ANIMATED: a sign which uses movement or change of lighting to simulate action or motion.

SIGN, DETACHED: Any sign erected on a freestanding frame, foundation, mast or pole and not attached in any way to any building. Every face of a freestanding sign shall be considered as a separate sign for purposes of computing the sign area.

SIGN, DIRECTORY: Any sign providing way-finding information by identifying occupants of specific buildings or units within a building and, where necessary, providing directions for finding such building or unit.

SIGN, MARQUEE: A sign that is on a permanent roofed structure that projects beyond a building, sometimes into public property, to provide protection from the weather.

SIGN, PRINCIPAL: The main freestanding sign on a site. The term is used to distinguish such a sign from other freestanding signs that may be allowed on multi-tenant or large sites.

SIGN, TEMPORARY: A sign which is not permanently affixed. This definition is intended to include all devices such as banners, pennants, flags, searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

SIGN, WINDOW: A sign affixed to or installed inside a window and clearly legible to persons outside the building. Note that signs that are installed behind windows but that are legible from other private property or from driving lanes of adjacent streets will be subject to limitations on window signs but will also be regulated as wall signs.

SITE: One or more lots or parcels of land that, for purposes of the Zoning Ordinance, are used as a single unit. As an example, but not by way of limitation, a site may include more than one "lot" as shown on a subdivision plat, but, for zoning purposes, the permissible use, setbacks and yard requirements are determined for the larger "site" and not for the individual "lots."

SOUND LEVEL METER: An instrument standardized by the American Standards Association for measurement of intensity of sound.

STATE HISTORIC PRESERVATION OFFICE OR SHPO: The Kentucky program approved by the U.S. Secretary of Interior for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, 16 U.S.C. 470a, et. seq., and is also the Kentucky Heritage Cabinet established pursuant to KRS 171.381.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For purposes of this ordinance, a basement shall not be counted as a story.

STORY, HALF: A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story.

STREET, PRIVATE: A paved private roadway which affords access to abutting property for private users of such property. For the purposes of density calculations, a private street shall constitute the areas of its paved surface and sidewalks or the private right-of-way if designated on the recorded plat.

STREET, PUBLIC: A public roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords principal means of access to abutting property. For purposes of density calculations, a public street shall constitute all of the area within the public right-of-way.

STREET, ARTERIAL: Public thoroughfares which serve the major movements of traffic within and through the community, as identified in the adopted comprehensive plan.

STREET, COLLECTOR: Public thoroughfares which serve to collect and distribute traffic, primarily from local to arterial streets.

STREET, EXPRESSWAY: A divided arterial highway for through traffic with full or partial control of access, and generally with grade separations at major intersections.

STREET, FREEWAY: A divided multi-lane highway for through traffic with all crossroads separated in grades and with full control of access.

STREET, FRONTAGE ROAD (SERVICE OR ACCESS ROAD): A street adjacent to a freeway, expressway, or arterial, street separated therefrom by a dividing strip and providing access to abutting properties.

STREET, LOCAL: Roadways which are designed to be used primarily for direct access to abutting properties and feeding into the collector street system.

STRUCTURAL ALTERATION (SIGNS): As it applies to signs, any change in supporting members of a building or structure, such as foundation, bearing walls, columns, beams or girders. For a sign, any change in or replacement of supporting members of a sign structure, such as foundation, columns, beams or girders shall be considered a structural alteration.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including such as: buildings, mobile homes, signs, fences, etc.

SUBDIVISION: The division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided.

SURPLUS PROPERTIES: Properties owned by the City.

SWIMMING POOL, OUTDOOR: Any structure or device of any kind that is intended for swimming purposes, including but not limited to: any pool or tank of any material or type of construction, or any depression or excavation in any natural or constructed material, or any dike or berm of any material or type of construction; including all appurtenances to such structure or device and all appliances used in connection therewith; which structure or device is intended to cause, or would cause, if completely filled, the retaining of water to a greater depth than eighteen (18) inches at any point. Any such structure or device shall be deemed to be included within the meaning of the term "structure" as used in this ordinance.

Outdoor swimming pools shall be deemed to consist of the following classes: private, semi-public, public, and commercial, as follows:

- a. Private: when consisting of an accessory structure appurtenant to a one-family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests.
- b. Semi-public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, club, etc., and used only as such by persons who reside or are housed on the same lot or who are regular members of such organizations.
- c. Public: a swimming pool operated by a unit of government for the general public.

d. Commercial: a swimming pool operated for profit, open to the public upon payment of a fee.

TAVERN: Any establishment selling alcoholic and nonalcoholic beverages by the drink for consumption on the premises.

TRAILER: See CAMPING/VACATION MOBILE UNIT.

UNDERTAKING: As used in Section 106 Review a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

USE, PERMITTED: A use which may be lawfully established, if permitted, in a particular zone provided it conforms with all requirements of such zone.

VARIANCE: A departure from dimensional terms of this ordinance pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

VEHICLE: Any device meeting the definition of "motor vehicle" under KRS. §186.010.

YARD DEPTH, FRONT: An area extending the full width of the lot or building site measured between a line parallel to the street right-of-way line intersecting the foremost point of any building excluding steps and unenclosed porches and the front lot line, as defined herein.

YARD DEPTH, REAR: An area extending across the full width of the lot and measured between a line parallel to the rear lot line, as defined herein, which intersects the rearmost point of any building excluding steps and unenclosed porches and the rear lot line.

YARD WIDTH, SIDE: An area between any building and the side lot line, as defined herein, extending from the front to the rear yard, or on through lots or building sites from one front lot line to the other front lot line.

ZONE: An established area within the city for which the provisions of this ordinance are applicable. (Synonymous with the word "DISTRICT".)

ZONING ADMINISTRATOR: The official or officials appointed by the legislative body to administer and enforce the provisions of this ordinance.

ARTICLE XI OFF-STREET PARKING AND ACCESS CONTROL REGULATIONS

In all zones, off-street parking facilities for the storage or parking of motor vehicles for use of occupants, employees, and patrons of the building hereafter erected, altered, or extended, and all uses of the land after the effective date of this ordinance, shall be provided and maintained as herein prescribed. However, where a building permit has been issued prior to the date of adoption of this ordinance, and provided that construction has not begun within ninety (90) consecutive calendar days of such effective date, off-street parking facilities in the amounts required by this ordinance shall prevail.

SECTION 11.0 GENERAL REQUIREMENTS

- A. COMPUTATION OF PARKING SPACES: In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to be the next highest whole number.
- B. ADDITIONAL PARKING SPACES TO BE PROVIDED: Whenever the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, change of use, or other units of measurement specified herein, additional parking spaces shall be provided in the amounts hereafter specified for that use, if the existing parking space is inadequate to serve such increase in intensity of use.
- C. LOCATION OF OFF-STREET PARKING FACILITIES
 - 1. Off-street parking facilities shall be located as follows:
 - a. Single-Family Residential Zones - (A-1, A-2, R-RE, R-1A, R-1B, R-1C, R-1D, R-1DD, R-1E, R-1EE, R-1F, R-1G): Off-street parking may be permitted in driveways in the front, side, and rear yards of permitted uses in these zones, provided all requirements of this ordinance are met. Additionally, off-street parking located in the rear yard shall be set back a minimum of ten (10) feet from the rear lot line. No off-street parking area, located in the front yard in a single-family residential zone, may exceed four hundred (400) square feet (two parking spaces) except, however, the zoning administrator may allow additional off-street parking spaces to be located thereon, provided that the additional parking spaces will not cause the ratio of unpaved area to paved area (parking and driveway areas) in the front yard to be less than 3:1. All off-street parking of vehicles shall be on paved surfaces. No driveway or other off-street parking area is permitted directly in front of a principal structure unless directly accessing a garage.
 - b. Multi-Family Residential Zones - (R-2, R-3): Off-street parking may be permitted in side or rear yards of permitted uses in these zones, provided that off-street parking facilities shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking

may be permitted in required front yards, only if approved according to an approved development plan.

- c. Special Development Zones - (RCD, PUD, MHP) Off-street parking shall be located as designated on the approved plan.
 - d. Commercial and Industrial Zones –
 1. Except as herein provided, off-street parking may be permitted in minimum required front, side, and rear yards of these zones, provided that all off-street parking facilities shall be set back a minimum of five (5) feet from any street right-of-way lines.
 2. IP Zone: Off-street parking may be permitted in the side and rear yards, provided that all off-street parking facilities shall be set back a minimum of ten (10) feet from the rear lot line, and shall not be permitted in the minimum required side yards. Off-street parking may be permitted in front yards, provided that all minimum required front and side yard setback requirements are maintained.
2. All off-street parking facilities shall be located on the same lot as the building served, except for the following:
 - a. Permitted uses locating within multi-family and industrial zones may supply off-street parking within three hundred (300) feet from such lot served, upon approval of the zoning administrator, provided that such off-street parking facilities are unable to be provided on the same lot, or contiguous to the same lot, as the building being served. In addition, said off-street parking shall be located in the same zone as the use being served.
 - b. Existing single, two, or multi-family dwellings, which are permitted uses herein and occupy a lot of such size that off-street parking could not be provided on the same lot as the use being served, said off-street parking may be permitted to locate within a distance not to exceed three hundred (300) feet from said dwelling or dwellings, upon approval of the zoning administrator. In addition, said off-street parking lot shall be located in the same zone as the use being served.
 - c. Off-street parking, as required for a conditional uses, may be permitted to locate on another lot than the building or use being served is located, when approved by the Board of Adjustment, provided that said parking is located within a reasonable walking distance of the use or building being served and available at all times without restrictions for said purposes.

- D. COLLECTIVE PARKING PROVISION: Collective off-street parking facilities may be provided, however, the area for such parking facilities shall not be less than would otherwise be individually required, except as provided under Shared Parking Provision Section 11.0, E.
- E. SHARED PARKING PROVISION: When any land or building is under the same ownership, or upon submission of satisfactory guarantees of the continued operation and proper maintenance of the shared parking facility, and proposed development is for two (2) or more land uses, excluding residential uses, the number of minimum required parking spaces shall be computed by multiplying the minimum number of parking spaces normally required for each land use by the appropriate percentage, as shown in the following shared parking credit table, for each of the five (5) time periods shown. The number of parking spaces required is then determined by adding the results in each column. The column total that generates the highest number of parking spaces becomes the minimum parking requirement.
- F. OFF-STREET PARKING EXEMPTIONS: Due to the unique characteristics of the neighborhood commercial zone, including service by public transportation, the availability of on-street parking, and the provision for municipal parking lots, no off-street parking spaces are required for the rehabilitation or reuse of existing structures within the neighborhood commercial zone.

SHARED PARKING CREDIT TABLE					
Time Of Operation					
LAND USE TYPE	Weekday		Weekend		Nighttime
	Daytime (6AM- 6PM)	Evening (6PM- midnight)	Daytime (6PM-6PM)	Evening (6PM-midnight)	
Office/Industrial	100%	10%	10%	5%	5%
Retail/Personal Service	60%	90%	100%	70%	5%
Hotel/Motel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Indoor Theater/Commercial Recreational Establishment	40%	100%	80%	100%	10%

1.
 1. The following requirements shall apply to any shared parking facility for mixed use development.
 - a. The shared parking facility must be located within five hundred (500) feet walking distance of the entrance to the establishment to be served. Said walkway access shall provide a safe means of pedestrian access to and from the establishment being served.
 - b. Reserved spaces shall not be shared.
 - c. It shall be determined at the time of parking facility plan approval that shared parking is possible and appropriate at the location proposed. Particular attention is needed to assure that sufficient

and convenient short-term parking will be available to commercial establishments during the weekday daytime period. The short-term shared parking spaces must be located in the most convenient and visible area of the parking facility nearest the establishment being served.

- d. Any subsequent change in use shall require the issuance of a new zoning permit and proof that minimum parking requirements, per these regulations, will be met.
 - e. Shared parking may be utilized for other uses, which are not shown in the parking credit table. The applicant shall prepare a similar calculation for the proposed uses, indicating the estimated percentage of each time period, based upon current parking information. Documentation shall be submitted by the applicant to demonstrate that the normal and regular operating hours of the uses proposing a shared parking arrangement do not coincide or overlap in any manner.
- F. DRIVEWAYS NOT COMPUTED AS PART OF REQUIRED PARKING AREA: Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of single-family residential zones, where access driveways may be used for parking.
- G. OFF-STREET PARKING SPACE TO BE USED FOR PARKING ONLY: Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or servicing of any kind, other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this ordinance.
- H. NO BUILDING TO BE ERECTED IN OFF-STREET PARKING SPACE: No building of any kind shall be erected in any off-street parking lot except a parking garage containing parking spaces equal to the requirements set forth in this section of the ordinance or a shelter house/booth for a parking attendant, provided the number of required spaces are not reduced.
- I. PARKING PLAN APPROVAL REQUIRED: Plans for all parking lot facilities, including parking garages, shall be submitted to the zoning administrator for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the city. Such plans shall show the number of spaces and arrangements of parking aisles, location of access points onto adjacent streets, provisions for vehicular and pedestrian circulation, location of sidewalks and curbs on or adjacent to the property, utilities, location of shelters for parking attendant, locations of signs, typical cross-sections of pavement, including base and sub-base, proposed grade of parking lot, storm drainage facilities, location and type of lighting facilities, and such other information or plans as the circumstances may warrant. Where such parking plans include provisions for access points to adjacent streets, then said plans shall also be prepared in accordance with the requirements of **SECTION 11.2**.

ARTICLE XX URBAN DESIGN REVIEW BOARD

SECTION 20.0 URBAN DESIGN REVIEW BOARD ESTABLISHED

A. PURPOSE

1. The Board and the procedures for which it is responsible for implementing are intended to protect, develop and promote the educational, cultural, travel, industrial, commercial, and other economic development and growth opportunities associated with the City's neighborhoods, areas, squares, streetscapes, sites, places, structures having a special or distinctive character or a special historic, aesthetic architectural, archaeological, special, or cultural significance to the City. It is the unique character of the City's residential neighborhoods and commercial districts that imparts distinctiveness to the City and which serve as visible reminders of the history and cultural heritage of the City, the State, and the Nation. The protection of these resources is in the interest of the economic well-being, prosperity, health, safety and general welfare of the people.
2. The Board is established for the purpose of creating and maintaining an Inventory of Historic Properties and Sites, assisting with the Section 106 review process of the National Historic Preservation Act for undertakings occurring in the City, reviewing City-funded activities when the activity may affect historical properties identified in the Inventory and Preservation Plan, marketing any historic properties that the City may surplus in the future, stabilizing and improving property values in the City and encouraging new buildings and developments that will be harmonious with the existing historic buildings and districts but will not necessarily be of the same architectural style. Regulations in such areas are intended to protect against destruction of or encroachment upon such areas, structures, or sites, to encourage uses which will lead to their continuance, conservation, and improvement in a manner appropriate to the preservation of the cultural, social, economic, political, architectural, or archeological heritage of the city; to prevent creation of environmental influences and adverse conditions to such purposes; and to assure that new structures and uses in such areas will be in keeping with the character to be preserved and enhanced. The purpose is to develop the City not as a museum but as a vital living area in which each succeeding generation may build with the quality and sensitivity of past generations.

B. ESTABLISHMENT AND MAKE-UP

1. The Board shall consist of five members, with the City Administrative Officer or his/her designee having a by-right position in the group to represent the City and provide staffing support. The five members of the board will be recommended by Mayor and approved by Council. The following criteria will be met to satisfy the minimum requirements for the board. More than one criteria may be fulfilled by the same appointed member.
2. The membership shall meet the following criteria:
 - a. One member shall represent the Ludlow Historic Society, Inc.
 - b. One member shall represent the Ludlow Heritage Museum, Inc.

- c. Two members that have training, education or experience in preservation-related fields, that include architecture, landscape architecture, history, archaeology, architectural history, planning/zoning, building materials, real estate appraisal, economic/community development, or related fields. One of these two may not be a resident, so long as they have working knowledge of the community and their expertise are not found amongst the citizenry willing to serve.
 - d. Two members will be representing the community at large. A Ludlow business owner, that is not a resident, may be appointed as one of the Members At-Large.
 3. Members should be Ludlow residents, unless otherwise noted above, or in special circumstances.
 4. The Board shall keep accurate attendance figures and report annually on the attendance of members. In the event that any member of the Board is absent for more than one-fourth of the regularly scheduled meetings per calendar year, the Mayor has the right to reconsider such Board member's appointment and to recommend to Council a replacement for such Board member for the reason of excessive absenteeism. Such replacement must be in accordance with the general appointive guidelines of this section.
 5. Each Board member shall attend at least one informational or educational meeting biennially that has been approved by the State Historic Preservation Office (hereinafter "SHPO") or attend training that would aid in the performance of their duties and responsibilities. Training not previously approved by the SHPO shall be submitted to the City to be approved by the Mayor.

C. TERMS OF OFFICE

1. The members of the Board shall serve a term of four years and shall serve without pay but may be reimbursed by the City for necessary expenses incurred in connection with their duties subject to prior approval by the Mayor.
2. Vacancies on the Board shall be filled within 60 days, with the replacement completing the term of the previous member.
3. Three members of the Board will begin with four-year terms and two members of the Board will begin with a two-year term before beginning full four-year terms.

D. ORGANIZATION

1. The Board shall elect from its membership a Chairperson, a Vice Chairperson, and a Secretary who shall serve for terms of one year and who shall be eligible for reelection. The Chairperson shall preside over the Board meetings and shall have the right to vote. In the absence or disability of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson.
2. The Board shall adopt and make public a set of bylaws for the transaction of its business which shall provide for the time and place of regular meetings and for the calling of special meetings. Special meetings shall only be called by the Chairperson or by at least two members of the Board.
3. Meetings of the Board shall be conducted as follows:

- a. A simple majority of the membership of the Board shall constitute a quorum.
- b. Regular meetings of the Board shall be held on the third Thursday of each month at 7:00 p.m. in the Meeting Room of the Ludlow Municipal Building. All meetings of the Board shall be open to the public and a public record must be kept of the Board's resolutions, proceedings and actions. All meeting shall have a previously available agenda and shall comply with the Kentucky Open Meetings Statute, KRS 61.805 to 61.850.
- c. Notice of special meetings of the Board shall be made as follows:
 1. Published pursuant to Kentucky Revised Statutes, Chapter 424, not less than seven nor more than twenty-one days prior to regular meetings or received no less than twenty-four hours prior to special meetings; and
 2. At least fifteen days prior written notice given by first class mail to the owners of property and owners of property immediately adjacent to property affected by matters under consideration by the Board.
4. The recommendations of the Board shall be considered "approved" upon a majority vote of the Board members present and voting, if a quorum is present. These recommendations shall be signed by the Chairperson and the Secretary.
5. The Board shall cause full minutes of its meetings to be kept, and upon approval by the Board, they shall be filed with the Secretary of the Board, who shall make them available for public inspection and shall file and maintain them in a manner similar to that provided for minutes of City Council meetings.
6. No member of the Board shall vote on any matter that may affect the property, income, or business interest of that member or their family members. Board members are not allowed to participate in discussions at Board meetings about any property in which they or a family member have an interest and they shall disqualify themselves prior to the beginning of a discussion about property in which they have an interest.

E. DUTIES AND POWERS

1. The Board shall conduct a continuing survey of historic and cultural resources according to SHPO guidelines for purposes of determining those of a distinctive character or special historic, aesthetic, architectural, archeological, or cultural significance or value. The Board shall prepare and maintain an inventory of these resources within the City for use by public agencies and private owners. This inventory shall be referred to as the Inventory of Historic Properties and Sites. The inventory shall identify historic properties throughout the city and prioritize or rank these identified properties and sites based on eminent risk of loss and historical value. The format and content of and subsequent additions or changes to the Inventory of Historic Properties and Sites shall be approved by the Board and submitted to Council for approval.
2. The Board, after completion of the initial Inventory of Historic Properties and Sites, shall prepare and submit its recommendations for a preservation plan for historic

sites and structures in the City to the appropriate planning agency of the City for its consideration, review, and alteration for proposed adoption by the City.

3. The Board shall assist the City in its consultation with the Kentucky SHPO for the Section 106 Review on all projects which are deemed federal undertaking. The Board's review and comments shall be included in all Section 106 submissions to the SHPO.
4. For purposes of Section 106 Review and where appropriate, the Board, in consultation with the City and the SHPO, may expand the definition for what will be considered "historic properties" at the local level from the federal definition outlined in 36 CFR §800.16 (l)(1) and (l)(2) to include other resources with local significance deemed worthy of preservation.
5. The Board shall review and comment on any plans for new construction prior to demolition of or alteration to identified historic properties (buildings, streetscapes, structure, or sites) to help ensure appropriateness and compatibility of design of new construction and consider alternatives for rehabilitation and adaptive reuse of existing historic properties. The Inventory and Preservation Plan established through Section E. 1. and 2. will inform this review. When the City is unable to implement recommendations made by the Board, the City will continue to consult with the Board in the development of alternatives.
6. The Board shall assist the City in surplus of city-owned historic properties to prospective owners interested in historic preservation prior to these properties being listed on the open market, auctioned, or demolished. The Board may, upon request by the City, propose plans to prospective owners for the rehabilitation and adaptive reuse of individual historic structures.
7. The Board shall assist in determining recommended areas for Historic Preservation Overlay zones and shall make recommendations to the City for the designation of Historic Landmarks.
8. The Board shall make decisions on requests for Certificates of Appropriateness. The Board shall use the Ludlow Historic Design Guidelines or any applicable Chapter 99 Development Plan area guidelines in making decisions on these requests to alter, demolish, relocate, or add to a designated property, or to build a new structure in designated Historic Preservation Overlay zones or Chapter 99 Development Plan areas. The guidelines may include the United States Secretary of the Interior's Standards for Rehabilitation.
9. The Board shall make decisions on requests for exterior alterations, demolitions, and new construction in Historic Preservation Overlay zones.
10. The Board may initiate plans for the rehabilitation of individual historic structures in the City.
11. The Chairperson of the Board shall have the power to administer an oath to witnesses prior to testifying before the Board on any issue.
12. In the development of the Certified Local Government Program, the City may ask the Board to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.
13. The Board shall administer the Main Street Facade Program.

ARTICLE XX URBAN DESIGN REVIEW BOARD

SECTION 20.1 CERTIFICATES OF APPROPRIATENESS

A. Applicability

Within the boundaries of a Historic Preservation Overlay zone that calls for the application of design guidelines, the alteration of the exterior appearance or demolition of any existing structure, or construction of a new structure, or portions thereof, may not be undertaken until a Certificate of Appropriateness has been issued. However, a Certificate of Appropriateness is not required for:

1. Routine maintenance and repair;
2. Any in-kind replacement;
3. Painting except when the work will involve the painting of brick and/or stone that has not been previously painted;
4. Any interior projects;
5. Any projects in the rear of the house not visible from any street;
6. Any project on an interior side that does not contain a prominent entrance or other significant architectural features;
7. Any accessory structure (garage, shed, fence, etc.), not visible from any street;
8. Landscaping of natural/plant materials;
9. In any case where [~~a responsible public official~~] the Building Inspector or the City Administrative Officer determines that there are emergency conditions dangerous to life, health, or property affecting an historic structure, that [~~department~~] person may order these conditions remedied without the approval of the UDRB or [~~staff~~] the Historic Preservation Officer. In all such cases, these actions will be communicated to the UDRB at a public meeting.

B. Application

1. An application for a Certificate of Appropriateness must be filed by the owner of the subject property or the owner's authorized agent.
2. Applications must be filed with the Historic Preservation Officer, who must forward the application to the Urban Design Review Board, unless [~~staff~~] the Historic Preservation Officer approval is authorized by Section 20.1, C.
3. There is no application fee for a Certificate of Appropriateness; however, a Certificate of Appropriateness must be obtained before any work is initiated.
4. Any person who performs work without a Certificate of Appropriateness may be required to have their application heard before the Urban Design Review Board and will be required to pay a [~~\$50.00~~] \$100.00 application fee to cover administrative costs.
5. Contents
 - a. Prior to either the preparation of working drawings and specifications or calling for proposals or bids from contractors, any property owner may seek an informal meeting with the UDRB for technical assistance prior to

formally submitting for a project. All informal meetings requested shall be held at a regularly scheduled meeting. The UDRB shall provide a written account of such technical assistance to the property owner for use in any subsequent application.

- b. Every application for alterations or additions to existing structures or the erection of any new structure within the boundaries Historic Preservation Overlay zone must be accompanied by drawings of the proposed exterior alterations, additions, or changes. For new construction, all buildings and other site improvements must be indicated on the drawings. For demolition, all proposed changes to any remaining structures and any site improvements must be indicated on the drawings.
- c. As used herein, “drawings” mean site plans, elevations, and/or perspectives drawn at a scale with sufficient detail to show the location of improvements on the site (if applicable) and the architectural design and exterior appearance of buildings and structures on the site. These drawings must include the following information (unless waived by the Historic Preservation Officer):
 1. Existing and proposed principal and accessory buildings, including location, dimensions, and height;
 2. Access points and off-street parking spaces;
 3. Driveways, sidewalks, walkways, terraces, and other paved surfaces;
 4. Accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
 5. Existing and proposed landscape areas and materials, if proposed to be altered;
 6. Proposed materials, textures, and colors, including samples of materials or color samples.
 7. All properties immediately adjacent to the site must also be included in the site plan; a site section and/or site elevations, including any adjacent properties, may be required for new construction.
- d. An application for a Certificate of Appropriateness is not considered complete until all illustrative material necessary to adequately describe the proposed project has been submitted to the Historic Preservation Officer. The Urban Design Review Board may refuse to consider an application for a Certificate of Appropriateness if it judges that insufficient information has been provided by the applicant.

C. Review and Approval

1. Certificates of Appropriateness may be reviewed and approved by the Historic Preservation Officer or by the UDRB. Table 20-1 outlines which projects may be reviewed and approved by [staff]the Historic Preservation Officer versus review and approval by the UDRB:

Table 20-1

Type of Project	URDB Review/Approval	
Windows, storm, new or alteration <u>front, side protruding, or corner side</u>	[N/A]No	[x]Yes
Windows, storm, [replacement] <u>new or alteration side and rear</u>	[N/A]No	[N/A]No
<u>Windows, storm, replacement in kind</u>	No	No

- 1.
2. The Historic Preservation Officer is hereby authorized to issue Certificates of Appropriateness without review by the Urban Design Review Board, under the following circumstances:
 - a. The application must be determined to be consistent with the Ludlow Historic Design Guidelines.
 - b. The Historic Preservation Officer may not approve any application for any new construction or for the demolition of a principal or contributing structure.
 - c. The Historic Preservation Officer may refer any project to the Urban Design Review Board upon which it may otherwise act, due to the complexity of the project or uncertainty as to its consistency with the Ludlow Historic Design Guidelines.
 - d. The Historic Preservation Officer may not disapprove any project. Any application which is not approved by ~~staff~~the Historic Preservation Officer must be forwarded to the Urban Design Review Board in accordance with SECTION 20.21, D.
 - e. Upon issuance of a Certificate of Appropriateness by the Historic Preservation Officer, all other provisions of this section must be followed, and the Historic Preservation Officer must notify the Urban Design Review Board of such action at its next regular meeting.

D. Public Hearing Notice for applications to the UDRB

When an application is made for a Certificate of Appropriateness for projects identified in Table 20-1 that required UDRB review and approval, or is forwarded by the Historic Preservation Officer, a public hearing must be held by the UDRB. Notice for a public hearing for designation of historic structures, areas, or sites must be made in accordance with SECTION 20.0, D., 3., c.

E. Urban Design Review Board Hearing/Action

1. The Urban Design Review Board must hold regular meetings, at least once a month, and review applications that have been received by the staff 14 business days or more prior to each meeting. The Urban Design Review Board must hold at least one public hearing on all applications for Certificates of Appropriateness that involve new construction, demolition of principal or contributing structures, or substantial alterations to a building. The applicant must be informed of the time and place at which the Urban Design Review Board will consider the application and the applicant will be heard.
2. Following the Urban Design Review Board’s review and public hearing, if required, the Board must take action, by simple majority vote, on applications for Certificates

of Appropriateness, based on the review and decision-making criteria of Section 20.1, F.

3. In acting on an application for a Certificate of Appropriateness, the Urban Design Review Board is authorized to approve, approve with modifications, or disapprove the application.
4. If the Urban Design Review Board approves an application, it must cite the appropriate section(s) of the Ludlow Historic Design Guidelines. A Certificate of Appropriateness must then be issued to the applicant and signed by the Historic Preservation Officer on behalf of the Chairperson or Vice-Chairperson. The Certificate of Appropriateness must be attached to the application, along with documents approved by the Urban Design Review Board, and must be transferred to the office of the Zoning Administrator and Building Inspector. All documents approved by the Urban Design Review Board must be stamped accordingly. The Zoning Administrator or Building Inspector must thereupon process the application in the usual manner.
5. If the Urban Design Review Board disapproves an application, it must cite the appropriate section(s) of the Ludlow Historic Design Guidelines, for such disapproval and must transmit a record of such action and the reasons therefore in writing to the Zoning Administrator and Building Inspector and to the applicant. No further action may be taken by the Zoning Administrator or Building Inspector on the application. The applicant may modify the application to make it acceptable to the Urban Design Review Board and has the right to resubmit the application at any time.
6. The Urban Design Review Board must act within 60 days of receipt of a complete application. The failure of the Urban Design Review Board to approve or disapprove such application within such time, unless otherwise mutually agreed by the applicant and the Urban Design Review Board, will be deemed to constitute disapproval and the issue will be considered to have been resolved. The applicant has the right to re-apply to the Urban Design Review Board again, if they so choose.
7. After a Certificate of Appropriateness has been issued in accordance with this section, the project must, from time to time, be inspected in the field to review the construction, reconstruction, alteration, maintenance, or repair as authorized and such action as is necessary must be taken to assure compliance with the approved application.
8. Approval of a Certificate of Appropriateness does not exempt the applicant from complying with all of the requirements of this zoning ordinance, the Building Code, Housing Code, and other regulations of the City.

F. Review and Decision-Making Criteria

In acting on any application for a Certificate of Appropriateness, the Urban Design Review Board must follow the procedures and make findings regarding the applicable criteria as follows:

1. If the work involves the alteration of an existing structure or site, including demolition of additions, the staff or Urban Design Review Board must first determine whether the structure or site is contributing based on:

- a. Its value as a reminder of the cultural or archeological heritage of the city, state, or nation;
 - b. Its location as a site of a significant local, state, or national event;
 - c. Its identification with a person or persons who significantly contributed to the development of the city, state, or nation;
 - d. Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state, or nation;
 - e. Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing architectural significance;
 - f. Its characteristic of an architectural style of a period; or
 - g Its character as a contributing element in a Historic Preservation Overlay zone or in a Historic Designation Report.
2. If the structure or site is determined to be contributing, the Urban Design Review Board must state the basis for such determination and must make the following findings to approve the proposed work:
 - a. That the proposed work is consistent with the Ludlow Historic Design Guidelines, and the historic and architectural character of the building, structure, appurtenance, or site will be properly preserved;
 - b. That the proposed project will not have a detrimental impact on the historic or architectural character of the property; and
 - c. That the proposed project is compatible with other properties in the Historic Preservation Overlay zone in terms of form, proportion, mass, texture, configuration, building materials, color, the location of the building on the lot, and the land use.
3. If the structure or site is not determined to be significant or contributing, to approve the proposed work, the Urban Design Review Board must find Section 20.1 , F., 2., above and it must further find that the proposed work will not increase the incompatibility of an existing structure.
4. If the Urban Design Review Board fails to make positive finding(s) as required above, a Certificate of Appropriateness may not be issued unless the Urban Design Review Board finds:
 - a. That the proposed alterations are necessary for the continued viability of the structure and the cost of making these improvements in such a manner as to meet the above finding(s) will result in the building being incapable of earning an economic return upon its value at that time, or upon future sale of the property in the case of an owner/occupant. The Urban Design Review Board may require cost estimates for an alternative that would comply with the design guidelines; or
 - b. The proposed project is required for the physical functioning of the building or health or safety reasons and no reasonable alternative is available to meet this need.

5. If the Urban Design Review Board finds that either of the latter two circumstances exists, every effort must be made to minimize the adverse impact of the proposed work and to allow for the work to be reversed in the future.
6. If the proposed work involves new construction (both infill and additions to existing structures), the Urban Design Review Board must make the following findings to approve the work:
 - a. That the proposed work is consistent with the Ludlow Historic Design Guidelines; and
 - b. That the proposed project is compatible with other buildings in the Historic Preservation Overlay zone in terms of form, proportion, mass, texture, configuration, building materials, color, and location of the building on the lot.
7. Requests for approval of demolition, in whole or in part, or relocation of a contributing structure must also follow the procedures established in [SECTION 20.2](#).

ARTICLE XX URBAN DESIGN REVIEW BOARD

SECTION 20.2 PROCEDURE AND CRITERIA FOR DEMOLITION AND MOVING OF STRUCTURES

A. Applicability

The demolition or moving of all or part of an existing building in a designated Historic Preservation Overlay zone requires the approval of the Urban Design Review Board, in accordance with the following procedures:

1. The Urban Design Review Board must approve the Certificate of Appropriateness to demolish the structure if any one of the following circumstances is found to exist:
 - a. Demolition has been ordered by ~~[a responsible public official]~~ the Building Inspector or the City Administrative Officer for reasons of public health and safety. In the case of imminent danger, such demolition may occur prior to approval by the Urban Design Review Board; or
 - b. The demolition is requested for an inappropriate addition or a noncontributing building, and the Urban Design Review Board determines that the demolition will not adversely affect the character of the area, including the appearance of the streetscape in terms of the overall scale, rhythm, design, or unity; or
 - c. The proposed replacement structure and development will strengthen the viability of the area as a whole and will not adversely affect the character of the area, including the appearance of the streetscape in terms of the overall scale, rhythm, design, or unity; or
 - d. The demolition is consistent with plans or policies adopted by the Mayor and the City Council.; or
 - e. In approving the Certificate of Appropriateness to demolish the structure, the Urban Design Review Board must state the basis for approval, pursuant to one of the above findings.
2. If none of the circumstances listed in Section 20.2, A., 1., are found to exist, the Urban Design Review Board may approve the permit to demolish the structure only if it finds that the structure cannot be reused or cannot earn an economic return upon its value. If an owner requests a demolition permit for this reason, the Urban Design Review Board must hold a public hearing in accordance with [SECTION 20.0, D., c.](#), and the following procedures:
 - a. Unless otherwise agreed by the applicant, the hearing must be held at the next regular meeting of the Urban Design Review Board. In

every case, however, the hearing must be held within 45 days of the date of the original application.

- b. At the hearing, the owner must present reasons why the structure cannot be reused or cannot earn an economic return upon its value. Any other persons may speak at this hearing and may present evidence to demonstrate reuse potential or opportunities for an economic return upon its value.
 - c. Within no more than 90 days of the date of the hearing, the Urban Design Review Board must identify a satisfactory plan for the preservation of the structure. If such a plan is presented, the demolition may not be approved. In the event the Urban Design Review Board does not identify an economically feasible plan, or otherwise concurs with the showing by the owner, the demolition must be approved. If, prior to the expiration of the 90-day period, the Urban Design Review Board identifies a preliminary plan for the preservation of the structure, the Urban Design Review Board must be given an additional period of time not to exceed 90 days to recommend a final plan.
 - d. If the Urban Design Review Board has taken no action to approve or disapprove the request within the 90-day period (or 180-day period if extended), the demolition must be allowed and permits must be issued by the Zoning Administrator and the Building Inspector.
3. If the Urban Design Review Board approves a Certificate of Appropriateness for demolition as per this subsection, it may require the applicant to perform mitigating actions, such as archival documentation of the structure and/or salvage and re-use of historic elements.
 4. As an alternative to demolition that has been approved pursuant to Section 20.2, A., 1., or Section 20.2, A., 2., the Urban Design Review Board may approve the moving of an existing building where:
 - a. The new surroundings would be harmonious with the historical and architectural character of the building; and
 - b. The relocation would help preserve and protect a building of historical interest.