

**CITY OF MIDDLETOWN
ORDINANCE NO. 02-11-21-A
AN ORDINANCE REVISING CHAPTER 150
OF THE CODE OF ORDINANCES RELATING TO BUILDING REGULATIONS**

WHEREAS, the City of Middletown is a home rule city with a population of 7,849 and as such has zoning authority under KRS chapter 100 and is a member of the joint planning unit in Jefferson County;

WHEREAS, Middletown has, by ordinance, required city review and approval of all Category 2 and greater (i.e. 2A, 2B and Category 3), development plans; and

WHEREAS, reasonable design guidelines are in the best interest of the citizens of the City of Middletown and establishing reasonable design guidelines is compatible with KRS chapter 100 and is not in conflict with any provision of the Land Development Code, which does not regulate design standards;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDDLETOWN, KENTUCKY:

SECTION 1:

The City of Middletown does hereby amend chapter 150 to add design standards to certain of its Codified Ordinance Sections. Specifically, Sections 150.04 (A) and (B).

SECTION 2: The City of Middletown does hereby enact the following amendments to sections of Chapter 150 of its codified ordinances, as follows:

150.04 (A) Letters of Compliance; Building Permits

- 1) ~~The Chief Building Inspector for Metro Louisville shall be designated as the local enforcement agent for the Kentucky Building Code, with the exception that prior to the issuance of any building permit from Metro Louisville, the city shall be given the opportunity to review the permit application and plans to determine if the project (and its site) is in compliance with all city ordinances. Any building or site improvement project which also requires the approval of a development plan, designated Category 2 or greater (i.e. 2A, 2B and Category 3), also requires the review and approval of the City of Middletown Commission. Review of development plan is regulated by the process and standards set out in Section 150.04(A) and 150.04(B).~~
- 2) If the property development plan is in compliance, a letter of compliance shall be issued to the applicant by the city and the applicant shall present that letter of compliance to Metro Louisville, as part of the permit development plan approval process. If the property development plan is not in compliance with city ordinance, the city shall state in writing those items of non-compliance and provide those findings to Metro Louisville and the applicant.

- 3) The City ~~Mayer~~ Commission, after consideration of the application materials and sufficient investigation, including consultation and opinion of engineer, architect, or other consultant, as may be appropriate to the application, to make a determination based on the criteria herein, on whether to grant or deny the letter of compliance. The decision shall be in writing and within 60 days of the filing of a complete application and the decision shall set forth findings supporting the approval or denial. Failure of the applicant to supply the needed information (as determined by the city), or to allow the city inspection tolls the 60-day time for the city decision. The city may condition its decision subject to the terms, provision, and conditions, as they may deem reasonably necessary to secure the general purposes of this section.
- 4) The applicant shall have a right to appeal the decision to the City Commission, which appeal must be in writing and must be received within 30 days of the denial. The appeal will be docketed for review and decision at the next regularly scheduled City Commission meeting, provided it is received at the city office within seven days prior to the meeting. If not so timely received, it shall be docketed for the following regular meeting. The applicant will be allowed a reasonable time to present any relevant evidence that supports applicant's appeal. The decision of the City Commission on the appeal must be in writing, with findings supporting the approval or denial.

150.04 (B) Design Standards: City wide.

The following design standards shall be used to determine if the building permit development plan is in compliance with city ordinances:

- 1) All construction in all zoning districts (including accessory structures) shall have building architecture and exterior finishes, which are in keeping with the general character of the existing architecture of the first and second tier adjacent properties and/or other substantially similar structures and sites in the City, in terms of style, type of materials, design and appearance. Masonry exterior components are preferred, with other materials used for accents.
- 2) Roof lines, pitches and material must be in keeping to the character of the of the first and second tier adjacent properties and/or other substantially similar structures and sites in the City, in terms of style, type of material and design.
- 3) In all non-residential zoned areas, the landscaping and buffering of any new construction from ~~single-family residential areas is required,~~ with less intense zoning or form district classifications shall be consistent with the type of buffering materials typically utilized in the first and second tier adjacent properties and/or other substantially similar structures and sites in the City to minimize the impact of noise, light, unwanted pedestrian access, trash and other health and safety impacts, while being consistent with the surrounding development.
- 4) ~~All fences and walls must not be installed in such a way as to obstruct drainage.~~ All fence and wall materials must match the general style and

materials must be in keeping with the general character of the of the first and second tier adjacent properties and/or other substantially similar structures and sites in the City, in terms of style, type of material and design.

- 5) ~~Residential drives or driveways shall be paved with concrete or asphalt and there shall be only one drive per single family lot. The development must be in compliance with the Land Development Code in effect for the City of Middletown. The applicant shall also submit to the City evidence that its proposed improvements to the site and facilities shall be in compliance with the Americans with Disabilities Act.~~
- 6) Commercial parking areas shall be designed to minimize light and noise impact on the community. When possible, commercial parking and access shall be shared to minimize curb-cuts. If the development plan requires connection to a state right of way, the developer must supply written confirmation that the Kentucky Transportation Cabinet has approved the connection. Any connection to a City of Middletown right of way must be complaint with the City of Middletown encroachment permit ordinance.
- 7) Any accessory structure or garages shall match the general style and materials of the primary structures on the lot and must be in keeping with the general character of the of the first and second tier adjacent properties and/or other substantially similar structures and sites in the City, in terms of style, type of material and design. No accessory structure or garage may be higher than the top roof-line of the primary structure on the lot.
- 8) ~~Any type of signage of any type in a non-single family residential area of the city must be~~ The development plan shall be in compliance with the Metro Louisville Land Development Code; and in addition, the signage must be in keeping with the general character of the of the first and second tier adjacent properties and/or other substantially similar structures and sites in the City, in terms of style, type of material, and design and must be compliant with the Middletown sign ordinance.
- 9) Any exterior of any property, must not be in a dilapidated condition at the time of application for a ~~building permit~~ development plan approval. Dilapidated condition hereby means; weeds and grass (i.e., non-ornamental or crop material) or grass higher than 12 inches in height; trees, bushes, or any other item that obstruct the use of sidewalks or streets; stacks of limbs, debris, leaves and yard waste; accumulations of rubbish; inoperative vehicles, boats and trailers; unsanitary conditions such as stagnant water.

SECTION 3:

This ordinance shall take effect upon enactment and publication according to law.

First Reading: 2-11-21

Second Reading: 3-11-21

Passed and Approved: 3-11-21



Mayor Byron Chapman

ATTEST:



Deborah Columbia
Clerk Deborah Columbia

In Favor: 5

Opposed: 0