



GEORGETOWN-SCOTT COUNTY ZONING ORDINANCE

In effect in the City of Georgetown Only.

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*Produced and Maintained by the Georgetown-Scott County
Planning Commission*

230 East Main Street, Georgetown KY 40324

ZONING ORDINANCE

SCOTT COUNTY, KENTUCKY

and the cities of

Georgetown

Sadieville

Stamping Ground

**Georgetown-Scott County
Zoning Ordinance**

City of Georgetown Edition

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ARTICLE I

ENACTING CLAUSE, TITLE, PURPOSE

1.1 ENACTING CLAUSE

The Common Council of the City of Georgetown, the Town Boards of Stamping Ground and Sadieville, and the Fiscal Court of Scott County, Kentucky, as authorized by the Kentucky Revised Statutes, Section 100.201 do ordain as follows:

1.2 TITLE

This ordinance is entitled "Zoning Ordinance, Georgetown, Scott County, Kentucky," and may be referred to as the "Zoning Ordinance." The zoning maps referred to herein are entitled "Zoning Map, Scott County, Kentucky" and "Zoning Map, Georgetown, Kentucky." The Zoning Maps are hereby made a part of the Zoning Ordinance, and certified copies of this ordinance are on file with the Georgetown-Scott County Planning Commission, with the Scott County Clerk, and the Georgetown City Clerk.

1.3 PURPOSE

The purpose of the Zoning Ordinance is to promote the general welfare by establishing and regulating zoning districts throughout Georgetown, Stamping Ground, Sadieville, and Scott County for the specific purposes detailed in the Kentucky Revised Statutes, Section 100.201. In establishing the zoning districts, this ordinance seeks the general welfare by designating sufficient space for all necessary uses of the land, by protecting the permitted uses in each district from the undesirable effects of conflicting uses, and by ensuring the stable value of all permitted development. This ordinance further seeks the general welfare by protecting the efficiency and encouraging the improvement of traffic circulation and access to the land in all districts in order that daily travel and commerce may increase in safety and may be carried forth with a minimum of delay for the benefit of all activities and persons in Georgetown, Stamping Ground, Sadieville and Scott County.

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ARTICLE II

2.1 DEFINITIONS

For the purpose of this document, certain words and terms used in these Regulations are defined in this Article. In this document, words used in the present tense include the future, the singular includes the plural and the plural includes the singular, the word "shall" is a mandatory requirement, the word "may" is permissive, the word "structure" includes the word "building"; and the word "person" includes a firm, association, organization, partnership, trust, company, or cooperation as well as an individual. Any words or phrases not defined shall be given their ordinary meaning and usage.

A.

1. **ACCESS:** The right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.
2. **ACCESSORY STRUCTURE OR USE:** Any structure or use, other than the principal structure or use, directly incidental to or required for the enjoyment of the permitted use of any premises; also as specifically designated under the zoning district regulations of the Zoning Ordinance. Accessory structures shall not be a part of the principal house or building, nor give the appearance of being attached or an extension of the principal structure.
3. **ADULT USES** include, but are not limited to, all of the following uses:
 - a. **ADULT BOOKSTORE/VIDEO STORE:** an establishment whose primary business includes the sale or rent of materials (including books, periodicals, magazines, films, videotapes, CD-ROMs, DVDs, audio tapes, or other printed or pictorial material) whether for on premise or off-premise viewing, that are intended to provide sexual stimulation or gratification, or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas (see definition below); and who devotes more than 15 percent of their total floor area to the items listed above.
 - b. **ADULT THEATER:** an establishment, whether open or enclosed, used for presenting material, for viewing, that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. This definition includes adult arcade, adult mini-motion picture theater, adult booth(s), and adult drive-in theaters.
 - c. **ADULT BOOTH:** a small enclosed or partitioned area inside an adult oriented establishment which is: (1) designed or used for the viewing of adult material by one (1) or more persons and, (2) is accessible to any

person, regardless of whether a fee is charged for access. The term "Adult Booth" includes, but is not limited to, a "peep show" booth, or other booth used to view adult material (including, but not limited to, videotapes, audiotapes, films, CD-ROMs, DVDs).

- d. **ADULT DANCING:** shall mean and include, but not limited to any dancing which exposes to view by patrons or spectators on the premises at any time the specified anatomical areas and/or specified sexual activities, as set forth herein.
- e. **ADULT DANCING ESTABLISHMENTS:** an establishment, including but not limited to any restaurant (eating and drinking establishment), lounge, dance hall, night club or other such place whose business includes the offering to customers of live entertainment wherein employees, agents, servants, or independent contractors perform dance routines and/or display or expose specified anatomical areas, offered as adult oriented entertainment for viewing by patrons and spectators on the premises and characterized by the emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- f. **ADULT CABARET:** see "Adult Dancing Establishments"
- g. **ADULT MOTEL:** a motel or similar establishment with the word "adult" or otherwise that advertises the presentation of adult material, offering public accommodations for any form of considerations which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions for the primary purpose of or engaging in sexual gratification or as related to specified sexual activities.
- h. **SEXUAL ENCOUNTER CENTER:** an establishment whose primary business is the provision on premises where customers either congregate, associate, or consort with employees, agents, servants, or independent contractors; who engage in specified sexual activities with or in the presence of such customers, or who display specified anatomical areas in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification appealing to adult sexual interests. These include, but are not limited to a bath house, swingers club, or similar establishment; includes those establishments that offer for any form of consideration: (1) physical contact in the form of wrestling or tumbling between persons of the same or opposite sex; (2) activities between male and female persons and/or of the same sex when one or more persons is in the state of full or partial nudity as defined by specified anatomical areas or where the activities are characterized by an emphasis on specified sexual activities.

- i. **MASSAGE PARLOR:** an establishment providing massages, for hire, by persons other than a licensed health care professional, including those activities that rub, stroke, knead, or tap the body with the hand or an instrument or both for the purpose of or engaging in sexual gratification or as related to specified sexual activities. This definition also includes those activities listed within "Sexual Encounter Center". This does not include any licensed or sanctioned athletic activity that generally employs or use the services of a physical trainer and/or those listed in the definition of Licensed Massage Therapist.
- 4. **ADULT USES, PROTECTED:** Any use or area identified herein that may be influenced by or are susceptible to the secondary effects of adult oriented uses including; any residentially zoned area, any area platted or developed for cluster residential development, any area containing three (3) or more residential and rural residential lots as shown on an approved and recorded plat, public or private school, college or university, church or other place of worship, library, type I day care facility, public park or playground.
- 5. **ADULT USE, SPECIFIED ANATOMICAL AREAS:** (1) less than completely and opaquely covered human genitals or pubic region; the cleavage of the human buttock; any portion of the human female breast below a horizontal line across the top of the areola at its highest point, the entire lower portion of the female breast, not including cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided that the areola is not exposed in whole or in part. (2) human male genitals in a discernible turgid state, even if completely and opaquely covered.
- 6. **ADULT USE, SPECIFIED SEXUAL ACTIVITIES:** shall include, but not limited to, human genitals in a state of sexual stimulation, arousal or tumescence; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock or female breast(s); acts of human analingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, necrophilia, pederasty, pedophilia, sadism, sadomasochism; excretory functions as part of or in connection with any of the activities listed herein.
- 7. **AGED PERSON(S):** persons who are 62 years of age or older.
- 8. **AGRICULTURAL USES:** Agricultural use means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops; including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provisions for dwellings for persons and their families who are engaged in the above agricultural use on the tract.

- a. **AGRICULTURAL USE, AUTOMOBILE SALVAGE:** A place of business maintained, operated or used for storing, keeping, buying or selling junked, wrecked, abandoned or inoperative automobiles, vehicles, farm vehicles or the parts thereof. This term shall not include general scrap metal recycling facilities or general materials storage and re-processing operations.
 - b. **AGRICULTURAL USE, RECREATIONAL:** An outdoor recreational use, i.e. fishing, boating, hunting, riding, etc., involving a tract of real estate in excess of 250 acres which incorporates part-time residential use, e.g. hunting or fishing lodges which are not primary dwellings for the occupants.
 - c. **AGRICULTURAL USE, RESIDENTIAL:** Residential use in an A-1 zone, the density of which shall not exceed one dwelling unit per five contiguous acres held under common title and residential cluster development into A-1 zone, the density of which shall not exceed one dwelling unit per five acres.
- 9. **ALLEY:** A public or private way permanently reserved as a secondary means of access to abutting property.
 - 10. **ALTERATION:** Any change or addition to the supporting members of foundation of a structure that would change the outward dimensions or appearance.
 - 11. **ANIMAL HOSPITAL & CLINIC:** A medical facility that provides for the examination, care, and treatment of animals that does not include boarding of animals except for those requiring emergency or medical treatment.
 - 12. **ANTENNAS OR RELATED EQUIPMENT, FOR TELECOMMUNICATION TOWERS:** Any transmitting, receiving or other equipment used in conjunction with a Wireless Communications Facility. The term includes Utility or Transmission Equipment, antennas, radios, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar equipment. This definition does not include Cellular Antenna Towers.
 - 13. **APARTMENT:** A room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family located in a building containing two or more such rooms or suites or located in a building devoted primarily to nonresidential use.
 - 14. **APPLICANT:** A person or entity who is authorized by the provisions of these regulations to file an Application for approval under these regulations.
 - 15. **APPLICATION:** An Application is the completed form or forms and all accompanying documents, exhibits, and fees required of an Applicant by Staff or the Planning Commission as part of a submission for review.

16. **AQUIFER:** A geologic formation, group of formations, or part of a formation capable of yielding, storing, or transmitting a usable amount of groundwater to wells or springs for domestic or animal use.
17. **AQUIFER RECHARGE AREA:** An area in which the principal movement of water is the downward seepage of surface waters into ground water by: (1) the infiltration of water from the surface into the soil or other rock materials that lie directly below the surface; (2) the downward movement of water through the materials that comprise the zone of aeration; and (3) the delivery of water into the zone of saturation where it becomes groundwater.
18. **AS-BUILT PLANS:** Engineering plans of public facilities prepared after construction by the developer and certified by an engineer, to show the exact location and dimensions of the system as it has actually been installed.
19. **ASSISTED LIVING FACILITY:** a building, establishment, complex, or distinct part thereof which accepts primarily aged persons for domiciliary care, not nursing or medical care; provides on site to its residents private lockable residential spaces as defined by 905 Kentucky Administrative Regulations (KAR) 5:080, KRS Chapter 13B and Executive Order 96-862, Certification of Assisted Living Residences (Voluntary); provides on site to its residents in addition to the residential unit, meal service in a community dining facility and non-medical personal care services in consideration of each residents' respective needs; other than supervision of self-medication, medical services are not a service provided by the facility. The facility may provide space for an unrelated Home Health Service or a Medical Doctor's Office for ease of access to those services by the residents. provides linkages with hospitals, community services, and makes transportation available; and provides timely assistance to residents for response to urgent or emergency needs.

B.

20. **BASE STATION, FOR TELECOMMUNICATION TOWERS:** A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communication between user equipment and a communication network. The term does not include Cellular Antenna Tower as defined in this section or any equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - a. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment regardless of technological configuration (including Small Wireless Facilities).

- b. The term includes any structure other than a Cellular Antenna Tower that, at the time the required Application is filed with the Planning Commission under this subsection, supports or houses equipment described in subparagraph (A) of this definition that has been reviewed and approved under the applicable zoning or siting process even if the structure was not built for the sole or primary purpose of providing such support.
 - c. The term does not include any structure that, at the time the required Application is filed with the Planning Commission under this definition, does not support or house equipment described in this definition.
- 21. BED AND BREAKFAST:** An existing house, or portion thereof, where short-term sleeping rooms [not exceeding five (5) in number] and limited provision for meals are offered. The use of the property for a Bed and Breakfast shall be incidental to the residential use of the property. This residential use requirement may be satisfied by either a resident owner or manager. These short-term lodgings shall not exceed fifteen (15) consecutive days. A Bed and Breakfast is distinguished from sleeping rooms as they are defined in paragraph 2.1 Definitions and permitted in Section 4.36 or conditionally permitted in Section 4.37 by the limited offering of the meals in the kitchen and dining room serving all guests and the targeting of the tourism market. As in the sleeping room, no food preparation shall be allowed in the bedrooms. *(Section Added 05/02/1991).*
- 22. BIKEWAY:** A way or portion of a way intended and designated primarily for bicycle traffic.
- 23. BLOCK:** A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development. The length of a block shall be the greatest distance between right-of-way lines on opposite sides of the block.
- 24. BUILDING:** A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.
- 25. BUILDING LINE:** A line parallel to a street right-of-way line, edge of a stream, or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of-way, stream bank, or other property line.
- 26. BUILDING PERMIT:** A permit issued by the Building Inspector allowing a property owner or his agent to construct, alter, or remove a building, or engage in similar activity which alters the character of the lot in question.

C.

- 27. CELLULAR ANTENNA TOWER:** A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of Cellular Telecommunications Services or Personal Communication Services.
- 28. CELLULAR TELECOMMUNICATIONS SERVICES:** A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
- 29. CERTIFICATE OF OCCUPANCY:** A certificate issued by the Enforcement Officer after building has taken place which certifies that the building meets minimum standards for human occupancy and the site meets requirements of the Zoning Ordinance and these regulations.
- 30. CLUSTER SUBDIVISION:** A major residential subdivision of agriculturally-zoned land that separates residential lots from preserved agricultural lots with a total density not to exceed 1 unit per 5 acres.
- 31. CO-LOCATION:** Locating two (2) or more transmission Antennas or Related Equipment on the same Cellular Antenna Tower or other applicable structure.
- 32. COMMERCIAL FLOOR AREA:** Floor area of a building which is devoted to the storage and display of merchandise, the performance of consumer services or the circulation and accommodation of customers.
- 33. COMMERCIAL LANDSCAPE OPERATION:** the sale and/or provision of tree, lawn, and landscaping goods or services or grounds maintenance to others. Activities include, but are not limited to:
- a. The sale or provision or use of landscaping materials (including, without limitation: mulch, sod, trees, grasses, flowers) grown or produced on or off of the subject property;
 - b. Mowing, planting, pruning, and mulching;
 - c. Snow and ice maintenance, management, and removal;
 - d. Nurseries and greenhouses; and
 - e. Office buildings and facilities for the storage, repair, and maintenance of materials and equipment reasonably necessary for providing these goods and/or services.
- 34. COMMISSION:** The Georgetown-Scott County Joint Planning Commission and/or Planning Commission.
- 35. COMPATIBILITY STANDARDS:** Standards that have been enacted by a local government under the authority of this section for the purpose of protecting and

preserving the monetary value of real property located within the local government's jurisdiction.

- 36. COMPREHENSIVE PLAN:** The officially adopted Comprehensive Plan prepared and adopted by the Planning Commission reflecting the community plans for the future location of streets, parks, public buildings, land uses, and other similar information for Scott County, Georgetown, Stamping Ground, and Sadieville, Kentucky.
- 37. CONCEPTUAL PLAN:** A conceptual plan indicating the developer's objectives and desires in regard to the future development of his land presented to the Planning Commission and/or staff for the formal consideration required for zone changes.
- 38. CONDITIONAL USE:** Means 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 in the zoning regulation.
- 39. CONDITIONAL USE PERMIT:** Means legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Adjustment consisting of two parts:
 - a. A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit.
 - b. A statement of the special conditions which must be met in order for the use to be permitted.
- 40. CONDOMINIUM:** A multiple unit development containing individually owned units and jointly owned and shared areas and facilities that have the effect of permitting more than one unit on a lot without the division of the fee simple interest in the lot.
- 41. CONSTRUCTION PLANS AND SPECIFICATIONS:** Also "Construction Plans" or "Construction Documents." Those Plans required by these Regulations to be submitted for approval by the Commission Engineer, which include detailed plans for the construction of streets, curbs and gutters, and sidewalks, as well as stormwater management plans, and grading and water quality protection plans as required in Article XI of the *Subdivision & Development Regulations*.
- 42. CONSUMER SERVICES:** Sales of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs. For example, consumer services include the provision of the personal services such as beautician and barbering services, the provision of lodging, entertainment, specialized instruction, financial service, automobile

storage, transportation, laundry and dry-cleaning services, and all other similar services.

- 43. COUNTY:** Scott County, Kentucky; when referring to jurisdiction the term "County" or "Scott County" shall imply the cities of Georgetown, Sadieville, and Stamping Ground and the unincorporated areas of Scott County.
- 44. COVERAGE:** Coverage shall mean the total area of the footprint of the building divided by the total area of the lot.
- 45. CREEK CONSERVATION CORRIDOR:** Those areas zoned C-1.
- 46. CUL-DE-SAC:** A permanent dead-end street or court culminated by a turnaround and not intended to be extended in the future.

D.

- 47. DAY:** For the purpose of submittal procedures, "day" shall refer to calendar day rather than working day, unless otherwise noted.
- 48. DAY CARE:** Care of a child away from his own home and is designed to supplement, but not substitute for, the parent's responsibility for the child's protection, development and supervision, when it is necessary or desirable for the parent or child to be out of the home for all or part of the day or night. The term shall not include childcare facilities operated by religious organizations while religious services are being conducted, or kindergarten or nursery schools which have as their primary function educational instruction.
 - a. **DAY CARE FACILITY, TYPE I:** Any facility other than a dwelling unit which regularly receives four (4) or more children for day care; (ii) any facility, including a dwelling unit, which regularly provides day care for thirteen (13) or more children. If pre-school children of any day care staff receive care in the facility, they shall be included in the number for which the facility is licensed.
 - b. **DAY CARE FACILITY, TYPE II:** Any home or dwelling unit which regularly provides care apart from parents for four (4), but not more than twelve (12) children. The director's own pre-school children shall be included in the number for which the home is licensed.
- 49. DENSITY, GROSS:** The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This includes all non-residential land uses, private streets, and right-of-way.
- 50. DENSITY, NET:** The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres)

upon which the dwelling units are proposed, but, excluding public and private right-of-way

- 51. DEVELOPER:** Any individual, firm, association, corporation, governmental agency or any other legal entity commencing proceedings under these regulations, to carry out the division and/or development of land as defined herein, for himself or for another.
- 52. DEVELOPMENT:** Any construction, redevelopment, change in use or intensity of use of a property, or renovation involving such a change, provided that the standards in regulations are met by all proposed improvements and existing features. In some contexts in these regulations, the term "development" includes a subdivision of land.
- 53. DEVELOPMENT, MAJOR:** All development, as defined above, that does not fall within the definition of Minor Development.
- 54. DEVELOPMENT, MINOR:** Any development that adds no new buildings or parking lots of greater than 20 spaces. In industrial areas, minor developments include building or outdoor storage expansion of up to 10% of the total square footage or 10,000 square feet, whichever is less.
- 55. DEVELOPMENT PLAN:** A presentation in the form of maps, and drawings (plans and profiles) of a proposed use and/or structure by the owner or developer of the land which sets forth in detail the intended development.
- 56. DEVELOPMENT PLAN, FOR TELECOMMUNICATION TOWERS:** means a presentation in the form of sketches, maps and drawings (plans and profiles) of a proposed use and/or structure by the owner or developer of the land which sets forth in detail the intended development, according to the standards and procedures in Article IV (Development Approval Procedure) and Articles V through VIII.
- 57. DISTILLERY SPIRITS:** Beverages obtained by the distillation from wine, fermented fruit or plant juice or from starch material that has been first brewed, having an alcohol content higher than that of beer or wine.
- 58. DISTILLERY SPIRITS STORAGE FACILITY:** Structure used to store wooden barrels containing distilled spirits in a rack or palletized system. Limited to a maximum of 40,000 square feet in size and 60 feet in height.
- 59. DRIVEWAY:** a short road or paved area leading from a public or private road to a residential structure house or garage.
- 60. DUPLEX:** A structure containing two dwelling units, each of which has direct access to the outside.

- 61. DWELLING AND DWELLING UNIT:** A dwelling is a building providing shelter, sanitation, and the amenities for a permanent habitation. It does not include temporary habitation. It does not include temporary lodging or sleeping rooms but does include modular homes. Dwelling unit refers to that dwelling accommodation within a building designed for one individual or family unit maintaining a separate and independent housekeeping.

E.

- 62. EASEMENT:** Authorization by a property owner for the use by others of any designated part of his property, for a specified purpose and time as described in the conveyance of limited rights to land by such easement.
- 63. ENFORCEMENT OFFICER:** Any administrative official designated by the Fiscal Court and the City Council who shall be charged with and provided with the authority to enforce the ordinances, regulations, codes and orders of the Planning Commission, Board of Adjustment, Fiscal Court, City Council and any applicable Court order.
- 64. ENGINEER:** A licensed, professional civil engineer appointed or requested by the Planning Commission or retained by the developer.
- 65. ENVIRONMENTALLY SENSITIVE AREAS:** Sinkholes, cave areas, major rock formations and outcroppings, springs, floodplains/floodways, and landfills/refuse areas.
- 66. EXEMPT SOLAR ENERGY SYSTEM (EXEMPT SES):** An SES that is a facility of a municipally owned electric system or public utility regulated by the Kentucky Public Service Commission or Federal Energy Regulatory Commission, which is exempt from planning and zoning requirements under KRS 100.324.

F.

- 67. FAÇADE:** The main face or front of a building.
- 68. FAMILY:** One (1) or more persons who inhabit a single dwelling unit, as a single housekeeping unit, which is:
- a. Traditionally characterized by matrimonial or parent-child relationships, provided that all such persons are related by blood, marriage, adoption, fosterage, or guardianship and no more than two (2) unrelated inhabitants are included in the housekeeping unit; or
 - b. Predominantly characterized by voluntary associational or communal relationships.
- 69. FARMLAND OF STATEWIDE IMPORTANCE:** A map unit identified by the Natural Resources Conservation Service as including soils that nearly meet the

requirements for prime farmland and that economically produce high yields of crops, when treated and managed according to acceptable farming methods.

- 70. FENCEROWS:** lines of trees and shrubbery that have grown along existing fence lines to form a natural hedge.
- 71. FILING DEADLINE AND REVIEW SCHEDULE:** A schedule adopted by the Planning Commission that governs filing and review deadlines and schedules;
- 72. FILL:** Natural material which is added to or moved on a site during the grading process to provide developable building areas and adequate drainage.
- 73. FLOODPLAIN:** An area along a stream or watercourse which would be under water as the result of a rainfall with a one-hundred (100) year return period. The floodplain shall be as shown on the FEMA Flood Insurance Rate Maps (FIRM), for those stream segments included in the maps, or as designated in the Comprehensive Plan for Creek Conservation Corridors not on the FEMA maps.
- 74. FLOODWAY:** The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water within designated heights and velocities; including, but not limited to, flood flows associated with the regulatory flood. The floodway is intended to carry the deep and fast-moving flood water, and the two principal factors in its determination are the selection of the flood discharge and the permitted increase in flood heights.
- 75. FOOTPRINT of the SES** is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the equipment to function, such as transformers and inverters. The Footprint does not include perimeter fencing or visual buffers, nor transmission lines or portions thereof that are required to connect the SES to a utility or customer outside the SES perimeter.

G.

- 76. GOVERNING AUTHORITY:** The Scott County Fiscal Court, Sadieville City Council, Stamping Ground City Council, and/or Georgetown City Council; also referred to as Legislative Body.
- 77. GRADING:** Any stripping, cutting, filling, stockpiling of soil, or any combination thereof, including the land in its cut or filled condition.
- 78. GSCPC** means Georgetown-Scott County Planning Commission or Planning Commission. *See also Georgetown-Scott County Planning Commission, Planning Commission.*

H.

- 79. HAZARDOUS MATERIALS:** For purposes of these Regulations, this definition is consistent with State and Federal definitions of hazardous materials.
- 80. HEIGHT:** The vertical distance measured from the average finished grade at the front building line to the highest point of structure.
- 81. HOME OCCUPATIONS:** Professional office, one professional with no staff, studio or personal services maintained or conducted within a dwelling or accessory building. Home occupations must meet the following conditions:
- a. The home occupation must be incidental to the principal residential use of the residence and be limited to 25% of the ground floor area, in no event to exceed 300 square feet.
 - b. The home occupation shall result in no exterior evidence, except a wall sign not to exceed 5 square feet in area which identify the home occupation. Complete sign information can be found in the Sign Ordinance, .
 - c. The home occupation shall not generate any atmospheric pollution, light flashes, glare, odor, noise, vibration, truck or other heavy traffic.

I.

- 82. INDUSTRY:** The processing of products or raw materials. The two categories of industry are defined according to the following performance standards.
- a. **HEAVY INDUSTRY:** Those industries whose processing operations result in the outdoor storage or processing of materials or products, the emissions of any atmospheric pollution, visible light flashes or glare, odors, or noise or vibration which is heard or felt off the premises or those industries which constitute a fire, explosion, or other hazard detrimental to the health and welfare of the community or adjacent property owners.
 - b. **LIGHT INDUSTRY:** Those industries whose processing operations result in none of the above conditions.

J.

- 83. JUNKYARD:** Property used for the outdoor storage, display, or keeping of inoperative or inoperable machinery, whether or not it is capable of operation, or the accumulation of trash, waste material, or vegetation, in a manner which is unsightly, offensive or not in harmony with surrounding property.

K.

84. KENNEL: A commercial business for the sale or temporary boarding of three (3) or more dogs over the age of six (6) months, not including those owned by the resident or property owner

85. KYTC: Kentucky Transportation Cabinet

L.

86. LEGISLATIVE BODY: See Governing Authority.

87. LOCAL GOVERNMENT: A city, county, urban-county government, charter county government, or consolidated local government that is engaged in planning and zoning under KRS 100.

88. LOT: A piece, parcel or plot of land occupied by or to be occupied by one principal building and its accessory buildings and including the open spaces required under this regulation and having its principal frontage on a street.

- a. **CORNER LOT:** A lot which abuts upon two intersecting streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
- b. **LOT DEPTH:** The distance between the front and rear property lines of a lot, measured perpendicularly from the street.
- c. **LOT FRONTAGE:** The front of a lot is that portion nearest to the street. For the purpose of determining yard requirements for corner and through lots, all sides of a lot adjacent to a street shall be considered frontage.
- d. **LOT LINE:** The boundary dividing a lot from a right-of-way, adjoining lot, or other adjoining tract of land. Front, rear, and side lot lines are self-explanatory.
- e. **LOT-OF-RECORD:** A lot which is part of a subdivision or development recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has also been recorded prior to April 1958 (for the city of Georgetown) and prior to February 1970 (for the unincorporated area and the cities of Stamping Ground and Sadieville).
- f. **LOT, THROUGH OR DOUBLE FRONTAGE:** Any lot other than a corner lot which abuts on two (2) streets.
- g. **LOT WIDTH:** The distance between the two side property lines of a lot, measured parallel to the street.

M.

- 89. MANUFACTURED HOME:** a single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems contained therein.
- 90. MANUFACTURED HOME, QUALIFIED:** a manufactured home that meets all the following criteria:
- a. Is manufactured on or after July 15, 2002;
 - b. Is affixed to a permanent foundation and is installed in compliance with KRS 227.550;
 - c. Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
 - d. Has a minimum total living area of nine hundred (900) square feet;
 - e. Is not located in a manufactured home land-lease community.
- 91. MESSAGE THERAPIST, LICENSED (LICENSED HEALTH CARE PROFESSIONAL):** Any person who has graduated from a 600-hour Massage Therapy School, accredited by a State Licensure Board or its equivalent and who possess a valid state license in massage therapy from any state which regulates the same by means of a written examination; may also include a physician, nurse, occupational therapist, physical therapist, podiatrist, or chiropractor.
- 92. MEDICINAL CANNABIS** means marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B. This definition includes Medicinal Cannabis products and raw plant material; but does not include industrial hemp or industrial hemp products as defined in KRS 260.850.
- 93. MEDICINAL CANNABIS BUSINESS** means an entity licensed under KRS 218B as a cultivator, dispensary, processor, producer, or safety compliance facility.
- 94. MEDICINAL CANNABIS CARDHOLDER** means a registered qualified patient, designated caregiver, or visiting qualified patient who has applied for, obtained, and possesses a valid registry identification card issued by the Kentucky Cabinet for Health and Family Services for Medicinal Cannabis in compliance with KRS 218B; or a visiting qualified patient who has obtained and possesses (1) a valid

out-of-state registry identification card; and (2) documentation of having been diagnosed with a qualifying medical condition.

95. MEDICINAL CANNABIS CULTIVATOR means a business that is licensed to grow Medicinal Cannabis in compliance with KRS 218B, more specifically to:

- a. Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material;
- b. Deliver, transport, transfer, supply, or sell raw plant material or related supplies to other licensed cannabis businesses in this state; or
- c. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction
- d. Medicinal Cannabis cultivators are regulated in four tiers by KRS 218B, as follows:
 - i. A Tier I cultivator shall not exceed an indoor growth area of two thousand five hundred (2,500) square feet.
 - ii. A Tier II cultivator shall not exceed an indoor growth area of ten thousand (10,000) square feet.
 - iii. A Tier III cultivator shall not exceed an indoor growth area of twenty-five thousand (25,000) square feet.
 - iv. A Tier IV cultivator shall not exceed an indoor growth area of fifty thousand (50,000) square feet.

96. MEDICINAL CANNABIS DISPENSARY means an establishment that is licensed in compliance with KRS 218B to:

- a. Acquire or possess Medicinal Cannabis from a cultivator, processor, or producer in this state;
- b. Acquire or possess Medicinal Cannabis accessories or educational material;
- c. Supply, sell, dispense, distribute, or deliver Medicinal Cannabis, Medicinal Cannabis accessories, and educational material to cardholders or other dispensaries;
- d. Sell cannabis seeds to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; or
- e. Acquire, accept, or receive Medicinal Cannabis products from a cardholder pursuant to KRS 218B.110.

97. MEDICINAL CANNABIS PROCESSOR means a business that is licensed in compliance with KRS 218B to:

- a. Acquire or purchase raw plant material from a cultivator, processor, or producer in this state;
- b. Possess, process, prepare, manufacture, manipulate, blend, or package Medicinal Cannabis;
- c. Transfer, transport, supply, or sell Medicinal Cannabis and related supplies to other cannabis businesses in this state; or
- d. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.

98. MEDICINAL CANNABIS PRODUCER means a business that is licensed in compliance with KRS 218B to:

- a. Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material;
- b. Deliver, transport, transfer, supply, or sell raw plant material, Medicinal Cannabis products, or related supplies to other licensed cannabis businesses in this state;
- c. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction;
- d. Acquire or purchase raw plant material from a cultivator in this state; or
- e. Possess, process, prepare, manufacture, manipulate, blend, or package Medicinal Cannabis.

99. MEDICINAL CANNABIS PRODUCT means any compound, manufacture, salt, derivative, mixture, or preparation of any part of the plant Cannabis sp., its seeds or its resin; or any compound, mixture, or preparation which contains any quantity of these substances when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B. This definition does not include industrial hemp products as defined in KRS 260.850.

100. MEDICINAL CANNABIS SAFETY COMPLIANCE FACILITY means an establishment licensed in compliance with KRS 218B to:

- a. Acquire or possess Medicinal Cannabis obtained from cardholders or cannabis businesses in this state;
- b. Return the Medicinal Cannabis to cardholders or cannabis businesses in this state;
- c. Transport Medicinal Cannabis that was produced by cannabis businesses in this state;

- d. Produce or sell approved educational materials related to the use of Medicinal Cannabis;
- e. Produce, sell, or transport of equipment or materials other than Medicinal Cannabis, including but not limited to lab equipment and packaging materials that are used by cannabis businesses and cardholders, to cardholders or cannabis businesses licensed under this chapter;
- f. Test Medicinal Cannabis produced in this state;
- g. Train cardholders and cannabis business agents;
- h. Receive compensation for actions allowed under this section; and
- i. Engage in any non-cannabis-related business activities that are not otherwise prohibited or restricted by state law.

101. MOBILE HOME: Any vehicle or similar portable structure used or so constructed as to permit its conveyance upon streets and as a dwelling for one or more persons. A recreational or travel trailer less than 30 feet in length shall not be considered a mobile home. A mobile home shall not be used for commercial or industrial purposes, except for temporary construction facilities at a construction site, which use shall terminate at the conclusion of the construction project. Pre-constructed office structures, built to code standards and inspected according to applicable building codes, may be temporarily permitted as a conditional use in all Business and Professional zones, pending construction of permanent buildings. They may be permitted in all Industrial zones. A modular home or "double wide" with two or less preconstructed units of equivalent size also designed for conveyance on the street or on a flat-bed trailer shall be considered a mobile home. All mobile homes shall be secured to a permanent foundation and shall be underpinned.

- a. A transportable structure suitable for year-round single-family occupancy and having water, electrical, and sewage connections similar to those of conventional dwellings. This definition applies only to units constructed prior to June 15, 1976. Compare with manufactured home.

102. MOBILE HOME PARK: A single tract of land on which two or more mobile home lots are occupied or intended for occupancy by mobile homes.

103. MOBILE HOME SUBDIVISION: A subdivision used exclusively for placement of mobile homes for residential use. Lots in a mobile home subdivision shall be available for lease or sale to the general public. Nothing herein shall prohibit the purchaser of an individual lot from placing a mobile home upon the lot purchased from the subdivision developer and renting the subdivision lot and mobile home thereon. The procedure for subdividing land for mobile home subdivisions shall be the same as that for subdividing land for conventional dwellings.

104. MOBILE HOME CAMP, ALSO TRAILER CAMP, AND OVERNIGHT CAMPING AREA:

An area designed exclusively for the accommodation of overnight and other temporary lodging where the traveler or transient usually provides his own accommodations (in a travel trailer, van, camper, etc.).

105. MODULAR HOME: A dwelling unit constructed with more than two major units that have been assembled at a place other than the site and usually arrive at the site by either flat-bed trailer or on wheels.

106. MULTI-BUILDING DEVELOPMENT: Multi-building development is the construction of two or more buildings on a single plot of ground which is under single ownership, and which will not be divided and sold into smaller parcels.

107. MULTI-FAMILY BUILDING: A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

N.

108. NON-CONFORMING USE OR STRUCTURE: Means an activity or a building, sign, structure, or a portion thereof, which lawfully existed before the adoption or amendment of the Zoning Ordinance, but which does not conform to all the regulations contained in the Zoning Ordinance for such use or structure.

109. NON-RETAIL COMMERCIAL: Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non-retail commercial includes wholesaling, warehousing, trucking terminals, and similar commercial enterprises.

110. NON-TOWER WIRELESS COMMUNICATIONS FACILITIES: Wireless Communications Facilities other than tower-based wireless communications that are located on buildings, Utility Poles as defined by the section, and other existing structures.

O.

111. OUTDOOR: Refers to that which is not enclosed within a building.

112. OWNER: Any individual, firm, association, corporation, governmental agency or any other legal entity whose name last appears on the tax rolls as owner of the land proposed to be subdivided and/or developed.

P.

113. PACKAGE SEWAGE TREATMENT PLANTS: Private, developer-installed, sewage treatment plants.

114. PERMANENT FOUNDATION: A system of supports that is:

- a. Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure;

- b. Constructed of concrete; and
 - c. Placed at a depth below grade adequate to prevent frost damage.
- 115. PERSONAL COMMUNICATION SERVICES:** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in 47 U.S. C. sec. 332(c).
- 116. PLAN:** This term refers to a Development Plan, as defined above.
- 117. PLANNED UNIT DEVELOPMENT PROJECTS:** A development of land under unified control which is planned and carried out as a whole, or programmed in a series of development stages and which adheres to a development plan approved by the Planning Commission. The development may include a mixture of land uses, clustering of residential units of varying types, and common recreational/open space and other site features and improvements through flexible regulations which encourage creative design. Referred to as PUD.
- 118. PLANNING COMMISSION:** the Georgetown – Scott County Planning Commission Board, otherwise known as the Georgetown-Scott County Joint Planning Commission, the Scott Joint Planning Commission or the Commission.
- 119. PLANNING COMMISSION STAFF:** The technical staff employed by the Planning Commission to advise and make recommendations under these regulations, among other duties. The Planning Commission staff includes, but is not limited to, the Planning Director, Planner and the Commission Engineer.
- 120. PLAT:** This term refers to a Subdivision Plat, as defined below.
- 121. PLAT, MORTGAGE:** A mortgage plat shall consist of a surveyed boundary of a property showing no division lines for the express purpose of providing a lending institution a record of the property.
- 122. PREMISES:** A lot or other tract of land under one ownership and all the structures on it.
- 123. PRIME FARMLAND:** A map unit identified by the Natural Resources Conservation Service of the United States Department of Agriculture as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses.
- 124. PRINCIPAL STRUCTURE:** The principal building or other structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.
- 125. PRINCIPAL USE:** The predominant use to which the lot or property is devoted and to which all other uses are accessory.
- 126. PRIVATE STREET:** Any street that is privately owned and maintained. Private streets cannot be through streets.

- 127. PROJECT:** The term "project" when used throughout this document shall refer to any and all subdivisions or developments.
- 128. PUBLIC SERVICE BUILDING:** Any building necessary for the operation and maintenance of a utility.

Q.

R.

- 129. RETAIL SALE:** The sale of any product or merchandise to customers for their own personal use; not for resale.
- 130. RESERVOIR PROTECTION AREA:** The area designated in the Growth and Land Use Element of the Comprehensive Plan that drains into the planned reservoir.
- 131. RIGHT-OF-WAY:** Land used for streets, sidewalks, alleys, or other public uses. Right-of-way also refers to the distance between lot property lines across a street from each other which contains not only the street pavement, but also sidewalks, grass area, storm drainage, and underground and above-ground utilities.
- 132. RIGHT-OF-WAY FOR TELECOMMUNICATIONS TOWER:** The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality, or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, bridges, or any other public place, area, or property under the control of the federal government, Commonwealth, municipality, or municipal authority. Private Rights-Of-Way and other government-owned lands not listed above shall not be considered a Right-of-Way. The phrase "in the Right(s)-Of-Way" means in, on, over, along, above and/or under the Right(s)-Of-Way.
- 133. ROAD OR STREET:** A vehicular traffic carrying way which may be maintained by private owners, local, state, or federal government.
- 134. RURAL PLANNED UNIT DEVELOPMENT:** Planned Unit Developments in the rural area, according to the provisions of the Comprehensive Plan. Referred to as Rural PUD.

S.

- 135. SALE OR LEASE:** Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, or transfer, of any interest in a development or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, or written instrument.

- 136. SEPTIC SYSTEM:** On-site sewage treatment facility consisting of a septic tank and leach field or lagoon, and any additional installation required by the Scott County Health Department.
- 137. SHORT-TERM RENTAL:** a dwelling unit that is rented, leased, or otherwise assigned for a tenancy of less than thirty (30) consecutive days' duration, where no meals are served. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast establishments, or boarding and lodging house rooms.
- 138. SIDEWALK:** A way or portion of a way for pedestrian traffic.
- 139. SIGHT DISTANCE:** A straight line of unobstructed view measured along the normal path of the roadway. See the *Subdivision & Development Regulations* for required distances and method of measurement.
- 140. SIGHT TRIANGLE:** A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- 141. SIGNS:** Shall mean and include any outdoor announcement, declaration, device, demonstration, or insignia used for direction, information, identification, or to advertise or promote any business, product, activity, services, or any interests.
- a. **ADVERTISING SIGN:** A (off premise) sign which attracts attention to any business product, activity, or service; provided however, that such sign shall not be related, or make reference to the primary use, business, activity or service conducted on the premises.
 - b. **BUSINESS SIGN:** A (on premise) sign which identifies a building or directs attention to a business, product, activity or service manufactured, sold, offered or stored upon the premises as the primary use(s) where such sign is located.
 - c. **PROJECTING SIGN:** A sign suspended from or supported by a building or similar structure and projecting out there from more than eighteen (18) inches.
 - d. **SIGN STRUCTURES:** The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the display.
 - e. **WALL SIGNS:** A sign which is attached directly to a building wall and which does not extend more than eighteen (18) inches therefrom or higher than the roof line of the building, with the exposed face of the sign in a place parallel to the building wall.

- 142. SIGNIFICANT TREES:** As used in these Regulations, significant trees include those trees of specific species, size, and habitat location that are distinctly characteristic to the Bluegrass Region.
- 143. SINKHOLE:** Any closed depression formed by removal (typically underground) by water of surface soil, rock or other material. The existence of a sinkhole shall be as indicated by the closed depression contour lines on the U.S.G.S. topographic maps, S.C.S. Soil Survey Maps, or other documents approved by the Engineer. Its actual limits may, however, be determined by field measurements with concurrence of the Engineer.
- 144. SINKHOLE DRAINAGE AREA:** Any area that contributes surface water directly to one or more sinkholes; this does not include areas which contribute surface water indirectly to a sinkhole (via streams).
- 145. SITING BOARD REGULATED SES:** An SES that constitutes a “merchant electric siting facility” under KRS 278.700(2), the construction and siting of which is subject to review and approval of the Kentucky State Board on Electric Generation and Transmission Siting. A merchant electric siting facility is an electricity generating facility or facilities that, together with all associated structures and facilities are capable of operating at an aggregate capacity of ten megawatts (10 MW) or more and sell the electricity produced in the wholesale market, at rates and charges not regulated by the Kentucky Public Service Commission.
- 146. SLEEPING ROOM:** A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.
- 147. SMALL CELL TOWER:** Any structure under fifty (50) feet in height with an antenna or transmitter that is constructed for the sole or primary purpose of supporting any Federal Communications Commission – licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole. The term Small Cell Tower includes structures erected to support Antennas and Related Equipment, mini cell towers, distributed antenna system towers, micro cell towers, mini cells, Wi-Fi antennas, or similar technology.
- 148. SMALL WIRELESS FACILITY FOR TELECOMMUNICATION TOWER:** A Wireless Communications Facility that meets each of the following conditions: (i) Each

antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume; and (ii) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

149. SOLAR ENERGY SYSTEMS (SES): A device, including its components and subsystems, that collects solar energy for electricity generation, consumption, or transmission, or for thermal applications. SESs are in turn divided into three types depending on how the system is incorporated into the existing land use:

- a. **INTEGRATED SOLAR ENERGY SYSTEM:** A SES where the solar materials are incorporated into the building materials such that the building and solar system are reasonably indistinguishable, or where the solar materials are used in place of traditional building components, such that the SES is structurally an integral part of the house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building façade, skylight, shingles, canopy, light, or parking meter.
- b. **ROOFTOP SOLAR ENERGY SYSTEM:** A SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
- c. **GROUND MOUNTED SOLAR ENERGY SYSTEM:** A SES that is structurally mounted to the ground and does not qualify as an Integrated SES. Ground Mounted SESs are subcategorized as follows:
 - i. **Small Scale Ground Mounted Energy System (Small Scale SES)** which is a Ground Mounted SES with a Footprint of less than 2,500 square feet.
 - ii. **Intermediate Scale Ground Mounted Energy System (Intermediate Scale SES)** which is a Ground Mounted SES with a Footprint of at least 2,500 square feet but less than ten (10) acres.
 - iii. **Large Scale Ground Mounted Solar Energy System (Large Scale SES)** means a Ground Mounted SES with a Footprint of at least or more ten (10) acres.

150. STAFF: Those assigned to support and/or administer the powers and duties prescribed to the Planning Commission.

151. STEALTH TECHNOLOGY FOR TELECOMMUNICATIONS TOWERS: Design techniques used to blend objects into the surrounding environment and to minimize visual impact. These design techniques may be applied to wireless communications towers, antennas, and other facilities, which blend the

proposed facility into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include but are not limited to facilities constructed to resemble light poles, flag poles or other streetscape amenities. The use of additional features such as flags, decorative streetlamps, and banners or signs may be utilized to blend the proposed facility into the visual backdrop.

- 152. STREET:** A way set aside for vehicular traffic, regardless of size or designation, but excluding private driveways serving only one parcel or land. The following are definitions of classifications of streets; these are based upon the classifications of streets in the Transportation Element of the Comprehensive Plan.
- a. **ALLEYS:** Streets used primarily for vehicular service access to the backs or to the side of properties which otherwise abut on streets.
 - b. **ARTERIAL STREETS:** Streets designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic. See the Transportation Element of the Comprehensive Plan for definitions of principal and minor arterials.
 - c. **COLLECTOR STREETS:** Streets which carry or will carry intermediate volumes of traffic from local streets to arterial streets. See Exhibit 10-1, Article X, for definition of collector and sub-collector streets.
 - d. **CUL-DE-SACS:** A minor street which has only one outlet to other streets; a street which dead-ends.
 - e. **MARGINAL ACCESS STREETS:** Streets parallel to and adjacent to arterial streets and which serve to reduce the number of access points to the arterial streets. Also "Service Drives."
 - f. **LOCAL STREETS:** Streets used primarily for access to abutting properties and which carry or will carry limited volumes of traffic.
 - g. **PRIVATE STREETS/ACCESS EASEMENT:** A privately owned/private maintained access for a commercial, industrial or residential development.
- 153. STRUCTURE:** Any combination of materials fabricated to fulfill a function in a fixed location on the land. **See Building.**
- 154. SUBDIVIDER:** Any individual, firm, association, corporation, governmental agency or any other legal entity commencing proceedings under these regulations, to create a subdivision of land as defined herein for himself or for another.
- 155. SUBDIVISION:** The division of a parcel of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease or building

development, or if construction of a new street or street extension, widening, or improvement is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street, extension, or widening shall not be deemed a subdivision. The term includes re-subdivision, the process of subdivision or to the land subdivided. Any division of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of same land shall be deemed a subdivision within the meaning of this regulation.

156. SUBDIVISION, MAJOR: Any subdivision of land for multi-family residential, commercial, industrial, professional, or institutional uses; or into four (4) or more single-family residential lots; or any subdivision of land, including for agricultural or horticultural use, that requires the construction, improvement, extension, or widening of streets or other public improvements; or that requires new off-site utility easements.

157. SUBDIVISION, MINOR:

- a. (1) The division of a tract of land into three (3) or fewer single-family residential, non-agricultural lots, including the remainder of the original tract. Such lots shall front on an existing public street, except where a single lot is added behind an existing lot that fronts on such a street, and shall involve no new street construction, widening, or extending of an existing street, or any other major public improvements.
- b. (2) Only one (1) minor subdivision plat shall be submitted and approved per parent tract. The parent tract shall be identified as any property in existence at the time of the adoption of this requirement, using the records contained in the Property Valuation Administrators Office, the Scott County Clerk's Office and the Planning Commission Office. Subsequent subdivision of such property shall be classified as a Major Subdivision, regardless of the number of lots, and require the submission of a Preliminary Subdivision Plat in accordance with Article III.
- c. The following are also classified as a minor subdivision:
 - i. A subdivision for the purpose of the transfer of land between adjacent property owners and not involving the creation of any new lots or building sites;
 - ii. A subdivision for the purpose of enlarging the size of any previously subdivided lot or parcel of land; the consolidation of up to five lots of record to create a lesser number of parcels and involving no new public improvements;
 - iii. Five or less condominium units of previously built developments.

- iv. And technical revisions to a recorded final plat of an engineering or drafting nature or similar small discrepancy, but not including the altering of any property lines or public improvement requirements.

- 158. SUBDIVISION PLAT:** A detailed drawing showing the lot and street arrangement or other features or details of the area being subdivided, as required in these Regulations for preliminary and final approval and recording in the *Subdivision & Development Regulations*.
- 159. SUBDIVISION PLAT, FINAL:** The final map or drawing upon which the subdivider's plan of subdivision is presented to the Planning Staff and Commission Chair, Secretary, or designate for approval, and which, if approved, will be submitted to the County Clerk for recording.
- 160. SUBDIVISION PLAT, PRELIMINARY:** The drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration pursuant to the *Subdivision & Development Regulations*.

T.

- 161. TECHNICAL REVIEW COMMITTEE:** A Committee consisting of the Planning Commission Staff, representatives of utility and infrastructure providers, and the Scott County Soil Conservation Service, that meets monthly according to the Planning Commission's Adopted Filing and Review Schedule to discuss and review all major plats and plans submitted for approval. ***Referred to as TRC.***
- 162. TOWNHOUSE:** One-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light and ventilation.
- 163. TRANSMISSION EQUIPMENT FOR TELECOMMUNICATION TOWER:** Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul.

U.

- 164. UN-HOSTED HOME SHARING (UHS):** A type of short-term rental where the entire dwelling unit is rented, leased, or otherwise assigned for a tenancy of less than thirty (30) consecutive days. This does not include hotel or motel rooms, extended stay lodgings, or bed and breakfast establishments.

- 165. UNIFORM APPLICATION FOR TELECOMMUNICATION TOWER:** means an application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.987 et. Seq.
- 166. URBAN SERVICE BOUNDARY:** That area designated as such in the Comprehensive Plan, planned to be the limitation of future urban development and urban services.
- 167. USE:** Use broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.
- 168. UTILITY FOR TELECOMMUNICATION TOWER:** Has the meaning as defined in KRS 278.010(3).
- 169. UTILITY, OVERHEAD, FOR TELECOMMUNICATION TOWER:** Utility infrastructure that is located primarily above ground as determined by Staff. For purposes of these regulations, Overhead Utilities include but are not limited to power lines and communications lines.
- 170. UTILITY POLE FOR TELECOMMUNICATION TOWER:** A structure originally constructed for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables and located within the Right-Of-Way or Utility easements. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole.
- 171. UTILITY, UNDERGROUND, FOR TELECOMMUNICATION TOWER:** Utility infrastructure that is located primarily underground as determined by Staff. For purposes of these regulations, utilities include but are not limited to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas lines, power lines, and communications lines. This definition does not include electric transformers, switch boxes, telephone pedestals, telephone boxes, traffic boxes, and similar devices which are ground mounted.

V.

- 172. VARIANCE:** A departure from the strict conformance with the dimension and area regulations which must first receive the approval of the Board of Adjustment.
- 173. VARIANCE, DIMENSIONAL:** Departure from the terms of the zoning regulations pertaining to height or width of structures and size of yards and open spaces where such departure will not be contrary to the public interest, so long as surrounding property owners are not damaged or the character of the

neighborhood is not changed, and where owing to conditions peculiar to the property because of its size, shape or topography and not as a result of the action taken after the adoption of the original Zoning Ordinance in 1958, the literal enforcement of its zoning regulations would result in unnecessary and undue hardship. Financial disadvantage to the property owner shall not necessarily constitute proof of unnecessary hardship within the purpose of zoning.

W.

- 174. WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include but are not limited to swamps, marshes, bogs, and similar areas.
- 175. WIRELESS COMMUNICATIONS FACILITY:** The set of equipment and network components including antennas, transmitters, receivers, Base Stations, cabling, and Antenna or Related Equipment, used to provide wireless data and telecommunication services.

X.

Y.

- 176. YARD:** The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this Zoning Ordinance. Yards are further defined as follows:
- a. **FRONT YARD:** That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which line shall be designated as the front yard line.
 - b. **REAR YARD:** That portion of the yard extending the full width of the lot measured between the rear lot line and a parallel line tangent to the nearest part of the principle building.
 - c. **SIDE YARD:** Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest part of the principal building.

Z.

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2.2 APPLICATION OF REGULATIONS

All existing and future structures and uses of premises within Scott County and incorporated areas shall conform to all applicable provisions of the Zoning Ordinance. Each zoning district is established to permit only those uses listed as permitted, except as provided under the non-conforming or conditional use provisions, and is intended for the protection of those uses. No other uses are permitted.

2.2.1 CONDITIONAL USE REGULATIONS

Conditional uses may be permitted in districts as designated under the zoning district regulations and only when specifically approved by the Board of Adjustment. Planned development projects and subdivisions, when permitted as conditional uses, shall be subject to the respective regulations governing their approval. All other conditional uses shall be subject to the following regulations:

1. **ALL DISTRICTS:** The following uses are conditional uses in all zoning districts:
 - a. Non-local public utility and private transmission lines and pipes.
 - b. Radio, T.V., and telephone transmission structures.
 - c. Large utility structures and public service buildings.
 - d. Expansion of railroads and appurtenances.
 - e. Government buildings and uses.
 - f. Churches, libraries, educational and recreational facilities.
2. **SPECIFIED DISTRICTS:** Other conditional uses may be approved only in those zoning districts where they are designated as conditional uses under the zoning district regulations.
3. **PROCEDURE:**
 - a. In applying for a conditional use permit, the applicant shall submit a plan to the Enforcement Officer and follow all procedures set forth in Paragraph 5.24, procedure for building permit application. The Enforcement Officer shall refer the application to the Board of Adjustment. The Planning Commission shall establish a schedule of fees to be charged for conditional use permits. The applicant shall meet with the Board of Adjustment which shall attach reasonable special conditions to an approval of a conditional use to ensure that there will be no departure from the provisions and intent of this Zoning Ordinance.

- b. The Board of Adjustment may approve the application and may issue written authorization to the Enforcement Officer to insure a building permit in full conformance with Section 5.2. The conditional use, if approved, shall conform to all attached conditions.
- 4. **OTHER REGULATIONS:** The applicant shall pay all required fees prior to the review of the conditional use permit. Payment of a fee shall be required of the applicant before the issuance of the conditional use permit. Other regulations for conditional use permits are as follows:
 - a. The Board may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and in the conditional use permit along with reference to the specific section on the zoning regulations listing the conditional use under consideration. The Board shall have the power to revoke conditional use permits or variances for non-compliance with the conditions thereof.
 - b. Granting of a conditional use permit does not exempt the applicant from complying with all the requirements of this ordinance and other ordinances and regulations of the pertinent legislative body.
 - c. Per KRS 100.237, If a conditional use permit has not been exercised within one (1) year from the date of issuance, a public hearing may be called to revoke said permit.
 - d. The Enforcement Officer shall review all conditional use permits except for those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all the conditions which are listed on the conditional use permit.
 - e. If the landowner is not complying with all conditions listed on the conditional use permit, the Enforcement Officer shall report the fact in writing to the Chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairman of the Board of Adjustment. Upon hearing the report as required by KRS 100.236, if the Board finds that the facts alleged are true and that the landowner has taken no steps to comply with them between the dates of the report and the date of the hearing, the Board shall make a determination on the matter and as part of the determination may

authorize the Enforcement Officer to revoke the conditional use permit and to take the necessary legal action to cause the termination of the activity.

2.3 COORDINATION WITH SUBDIVISION REGULATIONS

In all cases where the ownership of land is divided for the purpose of eventual development of lots of any kind--residential, commercial, or industrial--the provisions of the Subdivision Regulations, heretofore adopted for Scott County and incorporated areas and amendments thereto, shall apply in addition to the provisions of the Zoning Ordinance.

It is desirable that access points to the arterial streets serving all zoning districts shall be located no more frequently than one every eighth to quarter mile. Topography and traffic volumes shall determine the exact locations. Heavy arterial traffic volumes demand greater access spacing. Along any arterial street where subdivided land and its minor streets are sufficiently developed to permit acceptably spaced access points, the Georgetown-Scott County Planning Commission (hereinafter known as the Planning Commission) may approve the platting of temporary access points which shall be eliminated by the developer when minor streets or marginal access streets are extended to the approved permanent access points. Such requirements shall be listed as special conditions on the recorded final plat. Access points shall also meet federal and state standards where applicable.

2.4 REGULATIONS FOR STRUCTURES AND USES

2.4.1 NON-CONFORMING STRUCTURES

Non-conforming structures remain subject to the following regulations:

1. ALTERATIONS:

- a. A non-conforming structure shall not be enlarged, replaced, or altered except in conformance with the Zoning Ordinance. Any structure may be restored to a safe condition if declared unsafe by the Enforcement Officer or other official with jurisdiction, except as provided in B.
2. Any structure containing a non-conforming use which has been damaged to the extent of 55% or more of its then actual value, exclusive of foundations, shall not be repaired or reconstructed except in conformance with this Ordinance; and in the event that the Building Inspector's estimate of value or damage is not acceptable to the applicant, the extent of damage and actual value shall be determined by a Board of three arbitrators; one to be named by the County Judge, one by the applicant and one by the first two named.

3. CONSTRUCTION APPROVED PRIOR TO ADOPTION OR AMENDMENT OF THE ZONING ORDINANCE:

- a. Proposed structures for which building permits have been issued prior to their designation as non-conforming by the adoption or amendment of this Zoning Ordinance may be completed and used as originally intended provided that they are completed and in use one year after the date on which the building permit was issued, except that signs over public property are not affected by this provision.

2.4.2 NON-CONFORMING USES

Non-conforming uses shall be subject to the following regulations:

1. EXTENSIONS:

- a. A non-conforming use shall not be moved to occupy any portion of the premises, either land or a structure which was not originally occupied by the non-conforming use.

2. DISCONTINUED:

- a. A non-conforming use shall not be re-established after it has been discontinued for twelve months. Vacating of premises or buildings of non-operative status for such period shall be evidence of a discontinued use.

2.4.3 REGULATIONS FOR OFFICIAL LOTS OF RECORD

When a lot which is an official lot of record at the time of adoption of this resolution does not comply with the area yard, or other requirements of this resolution, an application may be submitted to the Board of Adjustment for a variance from the terms of this resolution in accordance with the procedure outlined in Section 5.4, Board of Adjustment. Such lot may be used as a building site, provided that in the opinion of the Board of Adjustment, the yard and other requirements of the district are complied with as closely as possible.

2.4.4 APPROVED WATER SUPPLY AND SEWAGE DISPOSAL FOR BUILDING

1. All subdivision, buildings and mobile homes shall be provided adequate water supply and sewage disposal as herein provided as approved by the County Health Department and appropriate water district. Proposed developments involving ten (10) lots or more, where overall density is less than five (5) acres per unit shall be connected to approved community sewage facilities.
2. When septic tanks are used, or proposed to be used, no more than five (5) dwelling units (or equivalent) will be permitted to drain into the same general area, or ultimately, into a sinkhole.

3. The Planning Commission shall investigate, or shall have investigated, topographic contours, soils, type and extent of effluent, and if necessary, geologic conditions in determining what constitutes the same general area.
4. Sinkholes shall remain undisturbed and silt-free in any development. Septic tanks eventually draining into a sinkhole shall not be located closer than 500 feet from the lower surface elevation of such sinkhole.
5. Evidence of Health Department approval of proposed or completed water and sewer facilities shall accompany all applications for building permits and certificates of occupancy.

2.4.5 REGULATION OF PRINCIPAL BUILDING

Unless a plat has been approved for a planned development project, only one principal building and permitted accessory structure may be erected on any lot of record or any conforming lot. Temporary structures are permitted during construction only.

2.4.6 REGULATION OF ACCESS TO ARTERIAL HIGHWAYS

1. Access points to all arterial streets shall be located no more frequently than one every eighth mile.
2. Wherever there is a change in uses, e.g., residential to commercial, a buffer area shall be placed between them
3. Parking and other public areas used at night shall be lighted and private areas and/or residential areas shall be protected from such lighting and any other lighting from public areas. Public streets shall also require protection from excessive glare of lighted areas.

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2.5 SPECIFIC USE REGULATIONS

2.5.1 QUALIFIED MANUFACTURED HOUSING, MANUFACTURED HOUSING AND MOBILE HOMES

1. For the purpose of these regulations, four basic types of mobile homes development have been defined. They are: (1) mobile homes parks; (2) mobile home subdivisions; (3) mobile home camps (or trailer parks); and (4) a mobile home on a single lot and solid foundation. All such uses shall conform to all applicable provisions of KRS 219, as amended, all provisions of this ordinance, and all attached special conditions.
 - a. **MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS:**
 - i. May be permitted as a conditional use only in R-2 and R-3 districts. Mobile home camping areas may be permitted by conditional use in B-2 districts or as accessory uses in recreational areas. All mobile home parks shall be subject to the standards of development established in the Subdivision Regulations.
 - ii. A plat/plan shall be submitted to the Enforcement Officer who shall review such plan to see that the following information at a minimum is shown:
 1. Name and address of applicant and/or owner.
 2. Name, location and size of Mobile Home Park.
 3. Approximate dimensions and locations of lots (also numbered), roads and pavement, easements, parks, community buildings, existing buildings to remain, and existing buildings within 200 feet of exterior property lines.
 4. Contour lines at an interval of 10 feet along with existing natural features.
 5. General location of all utilities and method of sewage disposal.
 6. Public or community areas.
 7. Large scale plan of at least one typical mobile home lot showing mobile home location, automobile parking space, minimum yard requirements, etc.
 8. Location of planting for landscaping or buffer purposes when necessary.
 9. Identification of abutting property owners.

10. Proposed street right-of-way and pavement type and widths along with curb gutter and sidewalk proposals.

11. Certificates from the County Health Officer.

- b. When the Enforcement Officer has determined the application for mobile home parks or trailer camps complete, including payment of fees, the application is sent to the Board of Adjustment who shall proceed to consider the application in the same manner as set forth in Paragraph 2.33 and in KRS 100.217 through 100.263.
- c. In the case of Mobile Home Subdivision the applicant is expected to meet all of the requirements for preliminary plat approval in his initial application to the Board.
- d. Upon preliminary approval of the mobile home subdivision by the Board the application together with any conditions the Board might attach, the application is forwarded to the Planning Commission for Preliminary and Final Plat consideration. Both bodies must approve the application and act on all variances requested before any site preparation may begin.
- e. Mobile homes are permitted in Agricultural Districts and in Conservation Districts on the minimum lot size established for the district unless provisions of Article II, Section 2.1 (2) are applicable.
- f. **DEVELOPMENT STANDARDS FOR MOBILE HOMES:**
 - i. The following standards and requirements are minimum standards for the development of mobile home facilities and may be increased at the option of the developer but may be decreased only by approved variances by the Board (and Planning Commission as in the case of subdivisions).
 - 1. There are no minimum nor maximum numbers of mobile homes that may be permitted in an approved development, other than density requirements, special conditions that may be imposed by the Board (or Commission when subdividing), or self-imposed limitations that the developer presents. Development shall be in strict accordance with the plans approved by the Board or Commission, including any and all staged development.

2. **Mobile Home Parks and Mobile Home Subdivisions:**

- a. All requirements of the Zoning District in which such use is proposed and KRS shall apply.¹
3. Mobile Home Camps (or camping areas for trailers) are permitted as a conditional use only in B-2 districts or as conditional accessory uses in major recreational areas. *In County only, conditional use in the B-3 zone or as accessory uses in recreational areas.* Due to the temporary or seasonal nature of this use, special development regulations are necessary. In addition to fulfilling the requirements of KRS 219 as a minimum, the following requirements are to be followed:
 - a. The same application, unless changes were granted, that is submitted to the Board of Adjustment, shall be submitted to the Department of Health for their consideration.
 - b. The minimum lot for each trailer is 3,000 square feet.
 - c. Adequate open space and recreation areas shall be provided in accessible locations.
 - d. Accessory commercial uses are permitted, but no closer than 100 feet from the nearest trailer or camping lot.
 - e. The layout and lot arrangement shall provide maximum privacy. This may be achieved through landscaping, natural features, radial or alternative lot arrangements, etc.
 - f. The surface of the parking area shall be improved, either paved or (8") compacted gravel or as approved by the Board.
 - g. All roads shall be improved as approved by the Board.

¹ Note: This is in keeping with the philosophy that mobile homes should be regulated in the same manner as houses. Therefore, where permitted, mobile home parks, mobile home subdivisions and mobile homes on a single lot are subjected to the same regulations, subdivision and zoning, as single-family houses.

h. All lots and streets shall be properly drained.

g. **ISSUANCE OF BUILDING PERMIT:**

- i. The Planning Commission or the Board of Adjustment, if delegated by the Planning Commission, may attach reasonable special conditions to its approval of a mobile home development and may direct the Enforcement Officer to issue a building permit. The Enforcement Officer shall not issue a building permit until he has received written authorization from the Planning Commission or Board of Adjustment, and the applicant shall not start construction until he has also obtained a valid construction permit from the State Department of Health as required by KRS 219.

h. **ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

- i. The Enforcement Officer shall issue a certificate of occupancy only after he has determined that the mobile home development has been prepared according to all applicable regulations and special conditions. The applicant must also obtain a valid permit to operate from the State Department of Health as required by KRS 219.

i. **NON-CONFORMING MOBILE HOMES AND MOBILE HOME PARKS:**

- i. All mobile homes within the county which are non-conforming may continue in their present location as long as the mobile home is occupied by the present occupant. Should the present occupant move elsewhere, the right to maintain a substandard mobile home park shall terminate and the owners shall be required to move the mobile home.

j. **MOBILE HOMES IN AGRICULTURAL AND CONSERVATION DISTRICTS:**

- i. The following regulations shall be applicable in A-1 and C-1 districts. Mobile homes may be permitted in Agricultural districts and in conservation districts on the lot sizes specified for farm dwellings.

2. QUALIFIED MANUFACTURED HOUSING PROPOSAL PROCESS

a. **STEP ONE: CHOOSING A SITE FOR A QUALIFIED MANUFACTURED HOME AND/OR MANUFACTURED HOME ².**

- i. A qualified manufactured house may be placed on residential lots consisting of urban infill, urban development or development with urban densities (lot sizes up to 1.0 acre or for densities greater than 1 dwelling unit per acre). Manufactured housing may be placed on agricultural lots providing 1 dwelling unit per 5 acres.

b. **STEP TWO: SITE SELECTION AND DESIGN.**

- i. Once you have selected your site, you should review this document to fully understand the application process and how the compatibility standards relate to your property. These standards as well as the application process will be explained in the following sections of the document.

c. **STEP THREE: REVIEW.**

- i. Formal review of proposals will be in conformance with the process and procedures contained within the *Subdivision & Development Regulations* and outlined in the *Zoning Ordinance*.

d. **STEP FOUR: PERMITS AND APPLICATION.**

- i. The applicant will be required to obtain a building permit from the Building Inspection Department. In addition, an application and supplemental materials will be required. The application will include materials such as photographs of surrounding property, site plan, and facade elevation.

e. **DESIGN AND APPLICATION SUBMITTAL AND REVIEW PROCESS**

i. ***INTENT:***

- 1. The purpose of compatibility standards for manufactured housing is to permit local governments to adopt and enforce, as a part of its' zoning regulations, compatibility standards governing the placement of qualified manufactured homes in residential zones, within the local government's jurisdiction.

² Refer to definitions (Section 2.1) to clarify between a Qualified Manufactured House and a Manufactured House.

ii. ***GUIDELINES:***

1. The qualified manufactured home shall be reviewed for its compatibility with architectural appearance and similarity with (1) adjacent development or surrounding developments (i.e. either side of the proposed site within the same block face and adjacent to the rear), (2) development within the same zone or general area, or (3) within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured home.

iii. ***ARCHITECTURAL COMPATIBILITY GUIDELINES:***

1. ***Facades and Exterior Material:***

- a. Exterior material shall be material customarily used on site-built dwellings, such as board siding, plywood, or press wood siding, non-glossy vinyl siding, stucco, brick, or non-reflective aluminum.

2. ***Roof Pitch and Material:***

- a. Roofing material shall be of wood, tile or composition shingles, and must have an eave projection of no less than 6 inches. The roof of each proposed unit shall have a pitch at least equal to the average of the two residential buildings in the same block face (residential buildings on either side of the lot, or two nearest residences, if the adjacent structures are not residential).

3. ***Windows:***

- a. Front facing windows must have consistent size, spacing, and proportion to that of the adjacent residences.

4. ***Porches:***

- a. Roofed front porches must be included on each structure if more than 50% of the structures in the same block face or within 200 feet of the structure of the subject site, whichever is less, include them. Porches shall equal the average size and must resemble the same architectural style, roof pitch, foundation and façade material of the existing porches within the existing block face.

5. **Foundation:**

- a. The structure shall be permanently attached to a permanent foundation system and shall be anchored in accordance with the state standards set forth in KRS 227.550 through KRS 227.590.

6. **Size/Height:**

- a. The first-floor elevation of the proposed dwelling shall be no lower than the average floor elevations of the existing adjacent buildings on either side of the infill lot or two nearest residences, if the adjacent structures are non-residential. The building height of the new structure shall be comparable to the building heights within the same block face.

7. **Additions/Alterations:**

- a. Structural additions or alterations shall be subject to the same building code regulations as apply to additions or alterations to a conventionally built house. Any other alteration or conversion of a manufactured house must be performed in accordance with KRS 227.550 et seq., 815 KAR 25:050, Section 2 and 42 USC Chapter 70.

3. **APPLICATION INSTRUCTIONS FOR QUALIFIED MANUFACTURED HOUSING COMPATIBILITY STANDARDS**

a. **INTRODUCTION:**

- i. This set of instructions is for compatibility review approval and is intended to provide brief directions for filing an application. It should not be *construed* as definitive instructions for your application. These instructions are general in nature and the Building Department and/or Planning Commission reserves the right to request additional information on any specific application. In addition, no guarantee of success is implied if these instructions are followed, nor is denial if they are not.

b. **APPLICATION PROCEDURES:**

- i. To be an applicant, you must be an owner, lessee or prospective owner with a purchase contract to place a qualified manufactured home on designated residential areas.

- ii. These standards are set forth in the Zoning Ordinance. If you have questions whether an action you propose is subject to review, you should consult with the Chief Building Inspector or Planning Commission staff, where applicable. When it is determined that you need approval, you should complete and file it with the Building Inspector.

c. **SPECIFIC INSTRUCTIONS FOR COMPLETING APPLICATION FORM**

i. **APPLICANT:**

- 1. Provide the name, address and telephone number of the applicant. The applicant is the owner, lessee, or purchaser under contract for the property. The telephone number should be where the applicant can be reached during normal business hours.

ii. **PROPERTY AFFECTED:**

- 1. Provide address for the property to be reviewed. If the property is a newly created lot, an address will be assigned at the time of the building permit.

iii. **SUBMISSIONS:**

- 1. The specific submission requirements may vary from application to application. Below are the guidelines for the minimum requirements.

a. **Site Plan:**

- i. A site map should be submitted. This map should be drawn to scale and preferably submitted on an 8 1/2" x 11" sheet, but in no case exceed 11" x 17". The plan should show the property lines, building footprint, building setbacks and significant site features such as fences, sidewalks, driveways, accessory buildings, and trees.

b. **Building Elevations:**

- i. All applications involving compatibility standards to the exterior of the building shall provide an elevation drawing. The drawing must be to scale and should not exceed 11" x 17" in size. The drawing should be produced

for every façade that will change, no matter how slight the change.

- ii. The façade elevations should show the proposed changes or designs. Each change or new element should be clearly identified on the elevations. All new materials should be clearly identified.

c. **Photographs:**

- i. All applications must be accompanied with photographs. You may provide black and white or color photographs, at least 3 ½" x 5" in size, or provide digital photography on DSHD diskettes (1.44 mb) or CD-R data disk (650-700 MB).
- ii. Provide photos clearly detailing general views of properties immediately adjacent to the project site. The photos may be taken from public spaces such as the sidewalk and streets. If a camera is not available for use, the applicant may use the Property Valuation cards provided in the P.V.A. office located on the 2nd floor of the Scott County Courthouse.

d. **Specifications:**

- i. Provide specifications for the construction or the materials to be added to the project on a separate sheet if they cannot be included in façade elevation.
- ii. Examples of compatibility based on Architectural Design including Roof Pitch, Building Height, Location of Entry, Porches and Exterior Finishes



Image 1.

The location of entry is facing the street. The compatibility is based on the roof pitch, stucco exterior, porch and entry location.



Image 2.

Compatibility standards are applied to the structure that includes second level, porch, portico and garage.

2.5.2 JUNKYARDS & AGRICULTURAL AUTO SALVAGE YARDS

1. JUNKYARDS

- a. Junkyards are not permitted uses in any district and are a conditional use in Industrial Districts.
- b. Existing junkyards in districts other than Industrial shall conform to Section 2.42 of this Zoning Ordinance prescribing regulations for non-conforming uses.
- c. The Enforcement Officer shall insure that all existing junkyards maintain valid permits to operate issued by the Kentucky Department of Highways as required by the Kentucky Revised Statutes 177.905 through 177.990, and he shall ensure that all screening required by the Department of Highways is maintained.
- d. The Planning Commission may authorize the Enforcement officer to require that all existing junkyards, in addition to the permit to operate, shall maintain valid certificates of occupancy as non-conforming uses according to paragraph 5.31 of the Zoning Ordinance.
- e. A new junkyard shall be permitted as a conditional use in Industrial Districts only in full conformance with special conditions on a development plan and the Kentucky Revised Statutes cited above.

2. AGRICULTURAL AUTO SALVAGE YARDS

- a. Agricultural Automobile Salvage Operations are only permitted in the in the Agricultural Auto Salvage (A-1S) zone. The following requirements are met:
 - i. The proposed storage site must contain no prime farmland or farmland of state-wide importance, as defined by the Soil Conservation Service of the United States Department of Agriculture; and
 - ii. The proposed storage site must have its entrance on a public road and no more than one mile from a primary two-lane road; and
 - iii. The topography of the proposed storage site must be such that the site is not visible from any roadway or neighboring property. Minimal topographical deficiencies may be corrected with plantings, the design of which must be approved by the Commission as part of the development plan approval; and
 - iv. The proposed storage site must be removed from all floodplains and property lines a minimum of five hundred (500) feet; and

- v. The applicant seeking approval for an automobile salvage operation must document all sinkholes located within five hundred (500) feet of the automobile salvage operation and demonstrate that either:
 - 1. the proximity of the sinkholes to the operation poses no threat to underground water quality, e.g., the sinkhole is located in an area which shall not receive drainage from the salvage operation or that the drainage received by the sinkhole shall not degrade underground water quality. The applicant's basis for satisfying this requirement shall be valid scientific evidence related to topography, geology, or hydrology; or
 - 2. proposed engineering of the salvage operation shall prevent any run-off from the operation from entering the sinkholes.
 - 3. The proposed storage site must be designed to include adequate fire lanes between storage areas, i.e., the distance between lanes must not be greater than the fire hose can reach.
 - 4. The proposed storage site, development plan, or automobile salvage operation meets any additional special conditions adopted with the rezoning ordinance that are necessary to protect the environment and the public from potential negative impacts that are particular to the site or proposed use.

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2.5.3 SOLAR ENERGY SYSTEMS

The following regulations are in effect in unincorporated Scott County only.

1. PURPOSE

- a. The purpose of this ordinance is to facilitate the siting, development, construction, installation, and decommissioning of solar energy systems (SESs) in unincorporated Scott County in a predictable manner that promotes and protects the safety, health, and welfare of the community. This ordinance encourages the siting of SESs to bolster local economic development and job creation, diversify the state's energy portfolio, strengthen energy and grid security, and reduce other environmental impacts. The siting of SESs considers, avoids to the extent possible, and mitigates any adverse impacts to wildlife, productive and nationally important agricultural lands, forests, endangered species habitat, and historic, natural, and other sensitive lands. The siting of SESs also establishes standards and requirements to assure that the use and enjoyment of lands located adjacent to an in the proximity of SESs are fully protected.
- b. The requirements of this ordinance are supplemental to any safety, health, or environmental requirements of federal, state, or local laws, and regulations.

2. APPLICABILITY

- a. This ordinance applies to the siting, construction, installation, and decommissioning of any new SES within the jurisdiction Georgetown, Sadieville, Stamping Ground, or Scott County after the effective date of this ordinance.
- b. An SES in operation, or which has begun physical construction prior to adoption of this ordinance, shall be considered to have legal nonconforming status in accordance with KRS 100.253.
- c. The following are not subject to this ordinance:
 - i. Modification to an existing SES that alone or in combination increases the total SES Footprint by no more than 5% of the original Footprint.
 - ii. Routine maintenance and repair, including replacement of solar panels, not increasing the SES Footprint

- iii. Any Exempt SES shall provide the Planning Commission, Board of Adjustment or other authority having jurisdiction, and Fiscal Court with information concerning service facilities which have been located on and relocated on private property in accordance with KRS 100.324(3).
- iv. An SES shall comply with all applicable federal, state, and local laws, regulations, and permitting and other requirements, and applicable building, fire electrical, and plumbing codes.

3. CONDITIONAL USE PERMIT REQUIREMENTS & ALLOWED USES

- a. The table below outlines whether primary and accessory uses for SESs are permitted (P), require a conditional use permit (CUP), or are prohibited (N) in each zoning district. The table is organized by the type of SES and whether the proposed system is a primary or accessory use on the site. Integrated and rooftop SESs cannot be primary uses by definition and are therefore marked as not applicable (N/A).

Zoning District	Integrated SES		Rooftop SES		Ground Mounted SES					
					Small Scale ³		Intermediate Scale		Large Scale	
	Prim.	Acc.	Prim.	Acc.	Prim.	Acc.	Prim.	Acc.	Prim.	Acc.
A-1	N/A	P	N/A	P	P	P	CUP	CUP	CUP	CUP
A-1R	N/A	P	N/A	P	P	P	CUP	CUP	CUP	CUP
A-1S	N/A	P	N/A	P	P	P	CUP	CUP	CUP	CUP
C-1	N/A	P	N/A	P	N	N	N	N	N	N
R-R	N/A	P	N/A	P	P	P	CUP	CUP	CUP	CUP
R-1 (A, B, C)	N/A	P	N/A	P	P	P	CUP	CUP	CUP	CUP
R-2	N/A	P	N/A	P	P	P	CUP	CUP	CUP	CUP
R-3	N/A	P	N/A	P	P	P	CUP	CUP	CUP	CUP
B-1	N/A	P	N/A	P	P	P	P	P	CUP	CUP
B-2	N/A	P	N/A	P	P	P	P	P	CUP	CUP
B-3	N/A	P	N/A	P	P	P	P	P	CUP	CUP
B-4	N/A	P	N/A	P	P	P	P	P	CUP	CUP
B-5	N/A	P	N/A	P	P	P	P	P	CUP	CUP
BP-1	N/A	P	N/A	P	P	P	P	P	CUP	CUP

³ These count as accessory only if their Footprint is less than 50% of the footprint of the primary structure.

Zoning District	Integrated SES		Rooftop SES		Ground Mounted SES					
					Small Scale ³		Intermediate Scale		Large Scale	
I-1	N/A	P	N/A	P	P	P	P	P	CUP	CUP
I-2	N/A	P	N/A	P	P	P	P	P	CUP	CUP
ESLI	N/A	P	N/A	P	P	P	P	P	CUP	CUP
P-1	N/A	P	N/A	P	P	P	P	P	CUP	CUP
H	N/A	CUP	N/A	CUP	N	CUP	N	N	N	N

4. REQUIREMENTS APPLICABLE TO INTEGRATED AND ROOFTOP SESs

- a. **SOLAR ACCESS.** Consistent with KRS 381.200(2), a property owner may obtain a solar easement from another property owner for the purpose of ensuring adequate exposure to sunlight for an Integrated or Rooftop SES. Such easement shall be recorded.
- b. **TREE REMOVAL.** The removal of trees or natural vegetation for an Integrated or Rooftop SES shall be limited to the extent practicable and shall comply with all the requirements of the Georgetown – Scott County Zoning Ordinance regarding tree removal if applicable.
- c. **HEIGHT RESTRICTIONS.** A rooftop SES shall conform to any height restrictions for roof-mounted mechanical devices or equipment for the applicable zoning district and shall not exceed more than five (5) feet above the maximum permitted height for the structure to which it is attached. . A rooftop SES shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave, provided that where it is mounted on a sloped roof, the SES shall not vertically exceed the highest point of the roof to which it is attached by more than five (5) feet.
- d. **LIGHTING.** Integrated and Rooftop SESs shall not be illuminated and shall be designed and installed to prevent off-site glare.
- e. **HISTORIC PRESERVATION.** Where an integrated or rooftop SES is proposed to be installed on a property located within an historic district or which is listed on or eligible for listing on the National Register of Historic Places, the proposed installation shall be coordinated with any review required by the Zoning Ordinance for exterior renovations or additions to such structures.

5. REQUIREMENTS APPLICABLE TO GROUND MOUNTED SESs

- a. **SOLAR ACCESS.** Consistent with KRS 381.200(2), a property owner may obtain a solar easement from another property owner for the purpose of ensuring adequate exposure to sunlight for an Integrated or Rooftop SES. Such easement shall be recorded.
- b. **TREE REMOVAL.** The removal of trees or natural vegetation for an Integrated or Rooftop SES shall be limited to the extent practicable and shall comply with all the requirements of the Georgetown – Scott County Zoning Ordinance regarding tree removal if applicable.
- c. **LIGHTING.** Lighting of Ground Mounted SES shall be limited to the minimum necessary for safe operation, and shall be directed downward, incorporate full cut-off features, and incorporate motion sensors where feasible. Lighting shall be designed to avoid light trespass.
- d. **HEIGHT REQUIREMENTS FOR GROUND MOUNTED SES.** A Ground Mounted SES shall not exceed twenty (20) feet in height as measured from the highest natural grade below each solar panel without approval by the Board of Adjustment or other authority having jurisdiction. upon a finding that the SES would use less land, or provide other environmental, economic, or other benefits if the height limitation is increased. The height restriction excludes utility poles, storage batteries, and antennas constructed for the project.
- e. **SITING RESTRICTIONS FOR GROUND MOUNTED SES**
 - i. An Intermediate or Large-Scale Ground Mounted SES, measured from the closer of the outer edge of the nearest panel or perimeter fencing, shall be located at least one hundred (100) feet from the property line of any property zoned for residential or agricultural use, at least thirty (30) feet from the property line of any property zoned for commercial, business, industrial, office, or institutional use, and at least one hundred (100) feet from the centerline of any public road.
 - ii. An Intermediate or Large Scale Ground Mounted SES, measured from the closer of the outer edge of the nearest panel or perimeter fencing, shall be located no closer than one hundred (100) feet from a residence located on a property other than that on which the Ground Mounted SES is to be installed.
 - iii. Setbacks are not required where the property line is shared by two or more participating landowners.

- iv. Setback requirements may be expanded by a Board of Adjustment or other authority having jurisdiction, as a condition of approval of a Conditional Use Permit, where deemed necessary to assure effective screening. The Board of Adjustment shall state the findings justifying the expanded setbacks.
- f. **SCREENING.** Ground Mounted SESs shall be effectively screened from properties zoned for residential use other than that on which the SES is to be constructed.
 - i. Ground Mounted SESs approved as a conditional use shall have or install a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides an effective visual and lighting screen between the SES and properties zoned for residential use, unless waived by the Board of Adjustment or other authority having jurisdiction. If such a waiver is requested, it shall be the Applicant's responsibility to prove to the Board of Adjustment or other authority having jurisdiction that the SES will be effectively screened from residentially zoned properties. Existing buffers along an SES perimeter shall be preserved when reasonably practicable.
- g. **PROTECTION OF FARMLAND AND REVEGETATION OF DISTURBED AREAS**
 - i. Compaction of soil associated with the location of roads and installation staging areas for Intermediate and Large-Scale Ground Mounted SES on land zoned for agricultural use shall be minimized to the extent possible. Compaction of soil associated with the location of roads and installation staging areas for all Ground Mounted SES on land zoned for agricultural use that are classified either as prime farmland or farmland of statewide importance shall be avoided to the extent possible, and the soils shall be de-compacted as part of the decommissioning process.
 - ii. Upon completion of construction and installation of the Ground Mounted SES, all temporary roads constructed by the applicant shall be removed, and all disturbed areas shall be graded, de-compacted, and reseeded with native vegetation in order to establish an effective ground cover and to minimize erosion and sedimentation.
 - iii. Topsoil shall not be removed. Grasses shall be maintained or established. Herbicides and ground sterilant and gravel shall not be used as a method of vegetative control, except around fences.

Grasses, weeds, and wildflowers inside and outside the security fence shall comply with all applicable requirements of the adopted property maintenance code. The Board of Adjustment may waive this requirement if the developer can show this requirement will create an undue burden and an acceptable ground maintenance plan is submitted with the conditional use permit application.

- h. **SIGNAGE.** A Ground Mounted SES may include such signage as is required by law to provide safety information, and other signage as may be allowed under this Ordinance.
- i. **DECOMMISSIONING.** Other than as specifically approved by the Board of Adjustment or other authority having jurisdiction upon application and notice, decommissioning shall begin no later than twelve (12) months after a Ground Mounted SES has ceased to generate electricity or thermal energy:
 - i. If the Ground Mounted SES was a permitted use without a conditional use permit, all structures and facilities associated with the SES shall be removed within six (6) months of the beginning of decommissioning. All materials shall be recycled or otherwise reused to the extent reasonably practicable and the disturbed areas shall be reclaimed, revegetated, and restored consistent with the zoning classification of the property.
 - ii. If the Ground Mounted SES was allowed under a conditional use permit, the SES shall be decommissioned according to the decommissioning plan approved in the Conditional Use Permit.

6. **CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS**

- a. Applications for an SES requiring a conditional use permit shall include the following information:
 - i. Name, address, telephone number, and email address of the applicant, the project owner, and the project operator.
 - ii. The address of the property on which the SES will be located and the property owner's name, address, telephone number, and email address if available.
 - iii. Documentation, such as a deed, lease, or other agreement with the landowner, demonstrating the applicant's right to use and control the property.
 - iv. A topographic map that depicts vegetative cover, watersheds, floodplains, and other geographic information about the property and surrounding area.

- v. A conceptual description of the project, including the maximum number of modules, mounting type (fixed-tilt or tracking), system height, system capacity, total land area covered by the system, and information about all associated structures or facilities such as transformers, substations, feeder lines, and batter storage.
- vi. A conceptual site plan, including property lines, zoning classification of the property and all adjacent properties, existing buildings and proposed structures, the proposed location of the solar equipment, transmission lines, any associated structures and facilities, and substations. The conceptual site plan shall also identify existing and proposed temporary or permanent roads, drives, and parking, fencing or other methods to ensure public safety, and a visual buffer plan demonstrating how proposed visual buffers will effectively screen the proposed SES from adjacent properties zoned for residential use.
- vii. A map from the Natural Resources Conservation Service identifying prime farmland and farmland of statewide importance (if in a district zoned agricultural), documentation from the U.S. Fish and Wildlife Service regarding the presence of any identified critical habitat for rare or endangered federal or state species. The application shall also contain a Federal Emergency Management Agency map delineating floodplains, shall include evidence of any water quality or stormwater permit needed for the project, and shall contain a letter from the State Historic Preservation Office regarding known archaeological or cultural resources listed or eligible for listing on the National Register.
- viii. Information demonstrating that approval of the SES will not result in any disproportionate individual or cumulative environmental burden on low-income communities or communities of color.
- ix. A decommissioning plan prepared by a registered professional engineer, and updated every three (3) years, containing the following:
 - 1. The anticipated life of the project and defined conditions upon which decommissioning will be initiated;
 - 2. The estimated decommissioning cost, including removal of the SES and related foundations, pads, underground collector lines and road, and the salvage value of any equipment in current dollars and the calculations supporting the decommissioning estimate. The estimated

salvage value of the material using current, publicly available material indices and/or firm quotes from a decommissioning or recycling company experienced in the decommissioning of SES, shall be provided, and the Board of Adjustment or other authority having jurisdiction shall consider the salvage value identified in 9.b in computing the amount, if any, of financial assurance required under subsection 9.e;

3. The manner in which the project will be decommissioned, including provision and a timetable for the removal of all structures and foundations, and for the revegetation and restoration of the property to its original condition or a condition compatible with the zoning or the parcel(s);
 4. The party responsible for decommissioning;
 5. Security, sufficient to cover the net costs identified in 9.b and to assure that decommissioning of the site can be achieved by a third party in the event that a permittee defaults in that obligation, shall be provided in accordance with Section 600 of the *Subdivision & Development Regulations*.
 6. A copy of any lease containing specific agreements regarding decommissioning with the landowner;
 - x. Proof of adequate casualty and liability insurance covering installation and operation of the SES;
 - xi. A description of the measures that will be taken to minimize erosion and sedimentation, and to promptly stabilize and revegetate disturbed areas with native vegetation.
 - xii. Where the applicant for a Conditional Use Permit is also seeking a construction certification pursuant to KRS 278.700 – 278.716, the applicant may submit a copy of a complete state siting board application and site assessment report meeting the requirements of KRS 278.706 and 278.7008 in lieu of the above requirements above.
- b. A conditional use permit issued by a Board of Adjustment or other authority having jurisdiction shall include, at a minimum, all requirements of Section 7 of this Ordinance, and any additional conditions deemed by the Board pursuant to KRS 100.237 to allow the proper integration of the proposed SES into the zone and location in which it is proposed.

7. PUBLIC NOTICE AND PUBLIC COMMENT

- a. Public notice of an application for a conditional use permit for a Ground Mounted SES shall conform to the public notice requirements applicable to conditional use permit applications. The public notice and hearing requirements of this Chapter shall be in addition to and independent of any local hearing conducted pursuant to KRS 278.712.

2.5.4 ASSISTED LIVING FACILITIES

1. GENERAL STANDARDS:

- a. No Certificate of Occupancy shall be issued prior to certification of compliance with the (Voluntary) Certification of Assisted Living Residences standards (905 KAR 5:080, KRS 209.200, KRS Chapter 13B). This requirement can be met by written notice from the Cabinet for Families and Children or a statement of intended compliance signed by the owner, engineer/architect, and management group addressing each of the requirements of the Voluntary Certification Program.
 - i. No Certificate of Occupancy shall be issued prior to the issuance of required permits and certificates by federal, state, and local agencies and all required conditions of approval by the Board of Adjustments and the Planning Commission.

2. LOCATIONAL STANDARDS:

- a. Development shall be located on an arterial street, collector street, or sub-collector street.
 - i. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area.
 - ii. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design, and building placement. The street network shall be capable of accommodating the traffic generated by the proposed use.

3. SITE STANDARDS:

a. MINIMUM LOT SIZE:

- i. To be based on the zoning district within which the development is located and based on the building ground coverage of such district. The maximum allowable density for such developments shall be calculated by the following formula:

1. For residential units between 400–800 square feet without standard kitchen areas, the density within each district may be increased by 1.5 (for R-2 = 18 units per net acre; R-3 = 24 units per net acre).
 2. For residential units greater than 800 square feet in size, the density within each district may be increased by 1.25 (R-2 = 15 units per net acre; R-3 = 20 units per net acre).
 3. For those units with standard kitchen areas, the density for each district shall apply.
 4. In the P-1 and P-1B districts, the density shall be the same as the R-3 standards.
 5. Requests for an increase in the number of units per building may be approved by the Board of Adjustments as part of the Conditional Use Approval.
- b. These facilities should be designed so as to cluster the residential units and associated buildings based on the net density and provide sufficient open space and amenities areas.
 - c. The maximum height of such facilities three stories or 40 feet.
 - d. Three (3) parking spaces shall be provided for every five (5) residential units. Ten percent of the total parking spaces shall be designated as handicap accessible.
 - e. Each unit shall contain at least 400 square feet of gross floor area.
- 4. AREA REGULATIONS:**
- a. All buildings shall be set back from the street right-of-way and from all property lines as required by the zoning district within which the development is located except: Where adjacent to a residential or agricultural zoning district, the minimum setback shall be 50 feet. Where adjacent to a state highway, the minimum setback shall be 50 feet.
- 5. ADMINISTRATIVE PROCEDURES FOR ASSISTED LIVING FACILITIES:**
- a. An application for Conditional Use approval shall be filed with the Board of Adjustments office for their regular scheduled meeting, unless otherwise noted. An application for Development Plan approval for an assisted living facility shall be filed with the Planning Commission.
 - b. Each application shall be accompanied by the required development plans drawn to scale, as outlined in the *Subdivision & Development Regulations*. Such site plan shall be reviewed by the Planning Commission

and the Technical Review Committee, and the comments reported to the Planning Commission.

- c. The following information shall be included in addition to the requirements for development plans, but not limited to:
 - i. The location and legal description, including the appropriate tax map and parcel identification, of the proposed assisted living facility.
 - ii. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the development, including building elevations and floor plan.
 - iii. A table attached on the plan or as an addendum, identifying the number of residential units, by bedroom size and the gross square foot area of each unit size.
 - iv. A description of common and specialized services to be provide to the residents.
 - v. A landscaping plan, including all required screening and buffering.
 - vi. The location, height, focal direction, and lighting levels (intensity), in foot candles, of all external lighting structures.
- d. A preliminary project development, construction and occupancy schedule shall also be provided. The schedule shall demonstrate the applicant's readiness, ability to provide facilities and services.
- e. Development Plan approval shall be contingent upon issuance of all required permits and approvals from federal, state, and local authorities. All architectural and engineering data, including but not limited to drainage and erosion control plans shall also be provided.

6. ASSISTED LIVING UNIT TYPOLOGIES

- a. These areas that contain Assisted Living Facilities may also contain attached or separate Nursing Home (Rest Home) Facilities, Elderly Apartment Building(s), duplexes for the elderly or single-family residences for the elderly. All housing types must be shown at time of submittal of an application for conditional use permit or development plan of an Assisted Living Facility.

2.5.5 TELECOMMUNICATION TOWERS

1. PURPOSE:

- a. The purposes of these regulations are:
 - i. To provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community;
 - ii. To provide for such facilities in coordination with the recommendations of the comprehensive plan; and
 - iii. To allow for such facilities with the intention of furthering the public health, safety, and general welfare.

2. PRE-APPLICATION CONFERENCE:

- a. Applicants are encouraged to notify the Planning Commission to discuss proposals, allow for early coordination and to identify those items which are in conformance/nonconformance with the adopted *Comprehensive Plan*, *Zoning Ordinance*, and the provisions of these regulations.

3. GENERAL:

- a. Cellular antenna towers for cellular telecommunications services or personal communications services are allowed in any zone after review by the Planning Commission in accordance with the following procedures to ascertain agreement with the adopted *Comprehensive Plan* and the regulations contained within the *Zoning Ordinance*.

4. APPLICABILITY:

- a. Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular telecommunications services or personal communications services shall submit a completed uniform application to the planning commission. The Planning Commission shall not regulate the placement of antennas or related equipment on an existing structure (co-location).

5. APPLICATION REQUIREMENTS:

- a. Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:
 - i. The full name and address of the applicant.
 - ii. The applicant's articles of incorporation, if applicable.
 - iii. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations.
 - iv. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
 - v. Clear directions from the City of Georgetown (i.e., the county seat) to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.
 - vi. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the Scott County Clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.
 - vii. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
 - viii. A (site) development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.
 - ix. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.

- x. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.
- xi. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.
- xii. A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:
 - 1. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.
 - 2. Given the telephone number and address of the local planning commission; and
 - 3. Informed of his or her right to participate in the planning commission's proceedings on the application.
- xiii. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.
- xiv. A statement that the chief executive officer of the appropriate and affected local government and the legislative body (City of Georgetown, Scott County Fiscal Court, Town of Stamping Ground, Town of Sadieville) have been notified, in writing, of the proposed construction.
- xv. A copy of the notice sent to the chief executive officer of the appropriate and affected local government and the legislative body (see #14).
- xvi. A statement that:
 - 1. a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted in a visible location on the proposed site; and

2. a written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site.
- xvii. A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.
 - xviii. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use and zoning for the specific property involved.
 - xix. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure (i.e., co-locate), including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.
 - xx. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.
 - xxi. A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
 1. all of the planning unit's jurisdiction; and
 2. a one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.

6. CONFIDENTIALITY OF APPLICATION:

- a. All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The planning commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030. The confidentiality of the applications and any updates of the application can be waived by the written authorization of the applicant.

7. APPLICATION FEE:

- a. An applicant for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall pay an application fee in the amount of \$2,500 upon submission of a uniform application.⁴ This fee includes review of the Planning Commission based upon the required development plan, review of the Planning Commission for grading and construction plans as defined by the *Subdivision & Development Regulations*, review and permitting by the Building Department, and review and permitting by the Electrical Inspector's Office. Applications for co-location of antenna(e) on an existing structure shall pay an application fee in the amount of \$250. This fee includes review of the Planning Commission for grading and construction plans (if needed) as defined by the *Subdivision & Development Regulations*, review and permitting by the Building Department, and review and permitting by the Electrical Inspector's Office.

8. PROCESSING OF APPLICATION:

- a. Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:
 - i. At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such

4. Note that \$2,500 is the maximum aggregate amount for an application fee and any applicable building permit fees per HB 270, Section 4.

hearing shall be published at least once, in a newspaper of general circulation in Scott County, provided that one (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.

- ii. Notice of the proposal shall be posted on the site at least fourteen (14) days in advance of the hearing. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission. Notice of the proposal shall also be posted on the public road nearest the site. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site " and including the addresses and telephone numbers of the applicant and the Planning Commission.
- iii. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by certified mail, return receipt requested, to the owner of every parcel of property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. Said notice shall include a map of the location of the proposed construction, the telephone number and address of the planning commission and shall inform the addressee of his or her right to participate in the planning commission's proceedings on the application. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- iv. Upon holding such hearing, the planning commission shall, within sixty (60) days commencing from the date that the application is received by the Planning Commission, or within a date specified in a written agreement between the Planning Commission and the

applicant, make its final decision to approve or disapprove the uniform application.

- v. If the Planning Commission fails to issue a final decision within sixty (60) days, and if there is no written agreement between the Planning Commission and the utility to a specific date for the Planning Commission to issue a decision, it shall be presumed that the Planning Commission has approved the utility's uniform application.

9. DESIGN STANDARDS:

- a. The applicant shall provide information demonstrating compliance with the following requirements.
 - i. Where the Planning Commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning Commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.
 - ii. Monopole cellular antenna towers shall be permitted in any zone. Lattice and guyed cellular antenna towers shall be permitted in any zone except for residential zones. Monopole cellular antenna towers in residential zones shall be limited to 100 feet in height, unless otherwise approved by the Planning Commission as approved as a variance request and as part of the required development plan.
 - iii. Lattice and guyed cellular antenna towers constructed in an agricultural zone shall be located a minimum distance of not less than 250 feet from all existing residential structures.
 - iv. Setbacks for all structures constructed in connection with cellular antenna towers, except fences and/or guy wires, shall be a minimum distance from the property line or lease line equal to the setback of the respective district plus one-half (1/2) the height of the tower. All structures constructed in connection with stealth towers shall comply with the applicable setback requirements

established for other structures within the applicable zoning district. Stealth towers that are to be located as part of a utility service facility (e.g. power pole or telephone pole) shall comply with setback requirements applicable to such utility service facilities, if any. No tower may be located closer than fifty (50) feet to any property line.

- v. A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade at ground level to the highest point of the tower. The Planning Commission may allow antennas greater than two hundred (200) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in Subsection K.
- vi. The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standards and other applicable state standards.
- vii. Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.
- viii. The site shall be unstaffed or unmanned. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points as shown on the approved development plan subject to the entrance requirements outlined in the *Subdivision & Development Regulations* or of KYTC-District 7 (where applicable).
- ix. Woven wire or chain link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open) shall be used to enclose the site. Such fences shall not be more than eight (8) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited. Such fence may be located within the front, side, or rear yard.
- x. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of ten (10) feet on center. The Director of Development Services may increase the distance between plantings based on

the type (species) of evergreen tree and its growth characteristics. The screening shall be placed in an area between the property line, or lease line, and a ten (10) foot setback. A break in the hedge, not to exceed fifteen (15) feet in width, shall be allowed for access of maintenance personnel and vehicles.

- xi. Surfacing of all driveways and off-street parking areas shall comply with the requirements of the applicable *Subdivision & Development Regulations* and be at least constructed of gravel or other durable surface. The Planning Commission may require alternative surface materials based on grade, construction and potential for erosion.
- xii. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.
- xiii. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
- xiv. All option and site lease agreements shall not prohibit the possibility of co-location.

10. CRITERIA

- a. Approval or disapproval of the proposal shall be based upon an evaluation of the proposal's agreement with the Comprehensive Plan, Zoning Ordinance and applicable *Subdivision & Development Regulations*.
- b. The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The Planning Commission may provide the location of existing cellular antenna towers on which the Commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning Commission requires the applicant to attempt co-location, the applicant shall provide the Planning Commission with a statement indicating that the applicant has:
 - i. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or

- ii. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:
 - 1. Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and
 - 2. Lists the reasons why the co-location was unsuccessful in each instance.
- c. The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
- d. The Planning Commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that the proposed facility complies with the regulations of the Federal Communications Commission concerning radio frequency emissions.

11. AMENDMENTS:

- a. Any amendments to plans, except for minor adjustments as determined by the Planning Commission, or its duly authorized representative, and in accordance with the procedures outlined in the *Subdivision & Development Regulations*, shall be made in accordance with the procedure required by Subsection F, subject to the same limitations and requirements as those under which such plans were originally approved.

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2.5.6 SMALL WIRELESS FACILITIES & SMALL CELL TOWERS

1. PURPOSE:

- a. These regulations balance the need for new Small Wireless Facilities and Small Cell Towers with the impacts new Small Cell Towers have on adjacent land uses; provide for the safest and most efficient integration of cellular antenna facilities for Cellular Telecommunications Services or Personal Communications Services within the community; provide for these facilities in coordination with the recommendations of the City of Georgetown Comprehensive Plan; and, to further the public health, safety, and general welfare of the City of Georgetown.

2. TITLE:

- a. These regulations shall be known as the Regulations for Small Wireless Facilities and Small Cell Towers in the City of Georgetown and may be referred to as "these regulations."

3. AUTHORIZATION:

- a. These regulations are adopted pursuant to authority granted to planning commissions in the Commonwealth of Kentucky, by Kentucky Revised Statutes (KRS) 100.985 – 100.987.

4. CITATIONS OF KENTUCKY REVISED STATUTES:

- a. Whenever a provision of these regulations cites a provision of the Kentucky Revised Statutes (KRS) and that provision is later amended or superseded, these regulations shall be deemed amended to refer to the amended provision, or to the provision that most closely corresponds to the superseded provision.

5. APPLICABILITY:

- a. These regulations apply to every Utility or company that is engaged in the business of providing the required infrastructure to a Utility that proposes to construct a Small Wireless Facility or Small Cell Tower for Cellular Telecommunications Services or Personal Communications Services. These regulations also apply to towers that do not meet the requirements of minor adjustments, in accordance with these regulations.

6. RELATIONSHIP TO APPLICABLE CODES:

- a. These regulations are not intended to supersede in any way the requirements of the local zoning ordinance or the requirements of the Kentucky Building Code.

7. STATEMENT OF SEVERABILITY:

- a. It is the intention that the articles, sections, subsections, sentences, clauses, and phrases of these regulations are severable.
- b. If any article, section, subsection, sentence, clause, or phrase is declared unconstitutional, or otherwise invalid by a court of competent jurisdiction in a valid judgement or decree, that unconstitutionality or invalidity shall not affect the remaining articles, sections, subsections, sentences, clauses, and phrases. These regulations would have been adopted without the incorporation into these regulations of the unconstitutional article, section, subsection, sentence, clause, or phrase.

8. STATUS AS MINIMUM STANDARDS:

- a. In their interpretation and application, these regulations shall be viewed as minimum standards or requirements, adopted for promotion of the public health, safety, and general welfare. Whenever these regulations conflict with a requirement of any other lawfully adopted rule, regulation, ordinance, order, or resolution, the most restrictive or that imposing the higher standards shall govern.

9. COMPLIANCE REQUIRED:

- a. Except as hereinafter specified, no Small Wireless Facility, Small Cell Tower or Non-Tower Wireless Communication Facility shall hereafter be placed or constructed except in conformity with these regulations.

10. BURDEN OF PROOF:

- a. The burden demonstrating that an Application subject to these regulations complies with applicable review and approval standards is placed upon the Applicant. The burden is not placed upon the Staff, the Planning Commission, or other parties to show that the standards have been met by the Applicant or person responsible for the development.

11. PRE-APPLICATION CONFERENCE

- a. A pre-application conference is optional and is not required. A pre-application conference does not trigger any of the FCC's shot clock requirements for placement of Small Wireless Facilities or Small Cell Towers. Applicants may contact Staff and request a pre-application conference. Upon receipt of this request, Staff will set up the meeting which shall include Staff, the Applicant, and any applicable Utility providers, the local jurisdiction, and the owner of the Right-Of-Way or property on which the Small Wireless Facility or Small Cell Tower is proposed to be installed. A pre-application conference allows for early coordination by identifying existing structures that might be suitable for

collocation and identifying any other items which are in conformance/non-conformance with the Comprehensive Plan, local zoning ordinance, and/or the provisions of these regulations. A pre-application conference provides an opportunity for an initial discussion regarding proposed structure locations, design and the Application submittal, approval process and coordination with utilizes for possible use of pre-existing structures. Applicants desiring to have a pre-application conference should supply the Applicant's preferred locations, structure design style and structure height one week prior to the pre-application conference or upon request for a pre-application conference.

12. APPLICATION SUBMITTAL

- a. Prior to making an Application for a Small Wireless Facility, a Small Cell Tower, or a Non-Tower Wireless Communications Facility in the Rights-Of-Way, an Applicant must first obtain a franchise from the City, unless Applicant already possesses a franchise from the City or the Commonwealth. All proposed Small Wireless Facilities, Small Cell Towers, or Non-Tower Wireless Communications Facilities shall be subject to administrative review and approval by Staff or the Planning Commission. The factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of these regulations and the Comprehensive Plan. One Application for multiple proposed Small Wireless Facilities is encouraged whenever possible.

13. REQUESTED APPLICATION INFORMATION

- a. All information contained in the Application and any updates, except for any map or other information that specifically identifies the proposed location of the facilities then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise , except when ordered to release the information by a court of competent jurisdiction.
- b. Applicants for the construction of Small Wireless Facilities and/or Small Cell Towers for Cellular Telecommunications Services or Personal Communications Services may choose to provide either the Uniform Application per KRS 100.9865 or in lieu of the Uniform Application, a Small Wireless Facilities Application may be made. A Small Wireless Facilities and/or Small Cell Tower Application shall be considered complete upon submission of all the following items and information:

c. **FEES:**

- i. \$1,000 shall be submitted for each new Small Cell Tower in the Application which supports any Small Wireless Facilities; and
 - ii. \$500 shall be submitted for up to five (5) new Non-Tower Wireless Communications Facilities and/or Small Wireless Facilities, plus an additional \$100 for each additional Non-Tower Wireless Communications Facility and/or Small Wireless Facility included in the application.
- d. Applications are limited to ten (10) new Small Cell Towers, ten (10) new Non-Tower Wireless Communications Facilities or ten (10) new Small Wireless Facilities on existing towers per Application. Multiple Small Cell Towers may only be included on a single Application if they are located within the same city or unincorporated area of the County.
- e. A written description and map showing the coverage area of the provider's existing facilities in the general and site-specific areas that are the subject of the Application.
- f. A statement by an authorized representative that the Applicant or provider holds all applicable licenses or other approvals required by the Federal Communications Commission, the Kentucky Public Service Commission, and any other agency of state or federal government with authority to regulate telecommunications facilities that are required in order for the Applicant to construct the proposed facility.
- g. A statement by an authorized representative that the Applicant is in compliance with all conditions required for the Applicant's applicable licenses and approvals.
- h. A full description of the number and dimensions of all new Small Cell Towers proposed to be installed, if applicable.
- i. A site development plan, signed and sealed by a professional engineer registered in Kentucky, showing the proposed location of the proposed new Small Cell Tower(s) and existing structures within five hundred (500) feet of the proposed new Small Cell Tower(s). For Applications in which multiple new Small Cell Towers are proposed, an overall site development plan showing all proposed locations within a single city or unincorporated area must be provided.
- j. A vertical profile drawing of the proposed new Small Cell Tower(s) included in the Application, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the proposed new Small

Cell Tower(s) and the placement of all antennas and equipment enclosures associated with the proposed new Small Cell Tower(s).

- k. A statement identifying the individual who is the authorized agent and their preferred email and mailing address to receive communications under these regulations.
- l. Photographs of view shed from each proposed new Small Cell Tower(s) location, taken in at least four directions.
- m. Description of whether other Overhead Utilities exist within five hundred (500) feet of the proposed new Small Cell Tower(s) locations.
- n. A completed form indicating compliance with Code Enforcement, Revenue Commission, and all property taxes, if applicable.

14. PROCESSING OF APPLICATION

- a. Applications will be reviewed for substance only when they meet all submittal requirements. If Applications are not complete, Staff must notify the Applicant within ten (10) calendar days from the submission of the Application stating the Application is incomplete and identifying the missing materials, which must be submitted in order to complete the Application. No further review of the Application will take place until the Application is complete. If the resubmitted materials are not complete, Staff must notify the Applicant within ten (10) calendar days from the most recent submission of Application materials stating the Application is incomplete and identifying the missing materials, which must be submitted in order to complete the Application. No further review of the Application will take place until the Application is complete.
- b. Planning Commission shall review and take final action on Applications for new Small Cell Towers within ninety (90) calendar days of a completed Application. If an Application is not complete, the Staff shall notify the Applicant in writing within ten (10) days of receipt of the Application. If said notice is sent to Applicant within ten (10) days of receipt of the Application, the time period will not begin until the Application is deemed complete by Staff. Staff shall notify the Applicant once the Application is deemed complete and provide the deadline for the Planning Commission review period. Planning Commission shall either approve, approve with conditions, or deny the Application. If Planning Commission does not make a final decision within the required ninety (90) calendar days, the Application shall be deemed approved as submitted.

- c. Planning Commission Staff shall review and take final action on Applications for new Non-Tower Wireless Communication Facilities within sixty (60) calendar days of a completed Application. If an Application is not complete, the Staff shall notify the Applicant in writing within ten (10) days of receipt of the Application. If said notice is sent to Applicant within ten (10) days of receipt of the Application, the time-period will not begin until the Application is deemed complete and provide the deadline for the Planning Commission review period. Staff shall either approve, approve with conditions, or deny the Application. If Staff does not make a final decision within the required sixty (60) calendar days, the Application shall be deemed to be approved as submitted.
- d. An Applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of Staff in the administration of these regulations may appeal the action to the Planning Commission. Such appeal must be taken within thirty (30) consecutive calendar days of the final action by Staff. The appeal shall be filed with Staff along with an appeal fee of five hundred dollars (\$500). Staff will fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant, the jurisdiction where the proposed Small Wireless Facility is located, and the owner of Right-Of-Way or property (if different from the jurisdiction) at least one (1) calendar week prior to the hearing.
- e. An Applicant claiming to be injured or aggrieved by any final action of the Planning Commission shall appeal from the final action to the Circuit Court of the county in which the property is located. Such an appeal shall be taken within thirty (30) calendar days after such action.

15. WAIVERS TO THESE REGULATIONS:

- a. This Section sets forth a procedure by which the Planning Commission may allow for waivers of these regulations. The purpose is to allow some flexibility in dealing with unique issues that are outlined in Subsection 4 below.
 - i. An Application requesting a waiver, a \$500 fee, and any additional documentation necessary to meet the requirements of this section shall be submitted for review.
 - ii. The Planning Commission shall hold at least one public hearing after giving notice as according to KRS 424 for the purposes of reviewing the requested waiver.
 - iii. After the public hearing, the Planning Commission may approve, approve with conditions, or disapprove the requested waiver.

- iv. The Planning Commission may grant a waiver to these regulations balanced against the public interest, providing the Planning Commission finds that the waiver will not be detrimental to the public interest and that the City or unincorporated jurisdiction where the proposed Small Cell Tower is to be located approves the waiver, and at least one of the following criteria apply:
 - v. That strict compliance with these regulations will create a hardship or unsafe situation in the face of unusual conditions.
 - vi. That granting the waiver creates a situation more in keeping with unique character within the general vicinity.
 - vii. That the requested waiver better meets the objectives of these regulations.
 - viii. That granting the waiver creates a safer situation than strict compliance with these regulations.
 - ix. Failure to grant the waiver would create a violation of federal law by prohibiting or having the effect of prohibiting telecommunications services.
- b. In addition to GSCPC approval, separate applicable building, zoning, and electrical permits, and permission from the City or unincorporated jurisdiction, Right-Of-Way or property owner must be obtained prior to the beginning of construction.

16. SMALL WIRELESS FACILITY AND SMALL CELL TOWER LOCATION AND DESIGN REGULATIONS

- a. A new Small Wireless Facility is subject to design review and approval by the Planning Commission, either by Staff for Small Wireless Facilities on existing structures or after a public hearing, by the Planning Commission Board for new Small Cell Towers. The design criteria required for the new Small Wireless Facility is determined by the type of location or zoning district in which the facility is to be located. The design review and approval process, including any public hearing, shall be compliant with state and federal law.

b. **NON-TOWER WIRELESS COMMUNICATIONS FACILITIES LOCATIONS AND SMALL WIRELESS FACILITIES ON EXISTING UTILITY POLES OR SMALL CELL TOWERS:**

- i. Administrative review by Staff is required for Non-Tower Wireless Communications Facilities and Small Wireless Facilities on existing Utility Poles or Small Cell Towers.
- ii. A Utility planning to erect said Non-Tower Wireless Communications Facilities and Small Wireless Facilities on existing Utility Poles or Small Cell Towers shall file an Application with the Planning Commission its intent to do so, including the name and address of the Utility, name of the owner of the structure, the latitude and longitude of the structure, and a description of the plan to locate the Small Wireless Facility including a statement documenting that the new Small Wireless Facility location does not change the height of the structure beyond the lower of 10 feet, or a 10% increase in height. These non-tower locations must adhere to all other applicable federal, state, and local zoning codes, building codes or permits and the design regulations herein, where applicable.

c. **NEW SMALL WIRELESS FACILITIES AND SMALL CELL LOCATIONS IN ALL ZONING DISTRICTS:**

- i. The regulations in this subsection apply to all new Small Wireless Facilities and Small Cell Towers.
 1. Except when deployed in response to temporary service outages; as a result of emergencies; or at the request of first responders, temporary, mobile or wheeled Cellular Antenna Towers or Small Cell Towers shall not be permitted.
 2. New Small Cell Towers shall not exceed the greater of the maximum building height for the zoning district (or adjacent zoning district if in Right-Of-Way) within which they are located or thirty-five (35) -feet. A height that is in excess of what is permitted within the zoning district may be approved by staff if it integrates Stealth Technology that better meets the objectives of these regulations.
 3. If technologically possible, new Small Cell Towers shall be designed and constructed to accommodate a minimum of two (2) service providers.
 4. New Small Cell Towers may be located on public or private non-residential land or within a public Right-Of-Way

provided it does not interfere with other utilities, functionality of sidewalks, visibility, or other matters of public safety.

5. New Small Cell Towers shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the Stealth Technology, such as design intended to look like a street light pole.
6. New Small Cell Towers shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one (1) square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the Stealth Technology. Such display shall not exceed the width of the pole, unless required by state or federal regulations or a wider sign is integral to the Stealth Technology such as design which integrates a decorative banner.
7. If a new Small Cell Tower is located in an area with primarily Underground Utilities, or where no adjacent Overhead Utility lines exist, it shall not utilize Overhead Utility lines.
8. In instances where an antenna is proposed to be constructed within a historic or commercial district with established public or private design control measures, regulations in subsection 2.557, C. shall be followed. Efforts shall be made to adhere to any established design control measures or existing furnishing or fixture styles within the district. Where additional local design review processes exist, such as Certificates of Appropriateness or Urban Design Review Boards, such approvals may be required.

d. **NEW SMALL WIRELESS FACILITIES AND SMALL CELL TOWERS LOCATIONS IN RESIDENTIAL ZONES:**

- i. The regulations in this subsection apply to Small Cell Systems and Small Cell Towers to be located within, or immediately adjacent to, residential zoning districts as defined.
 1. Facilities in residential areas are strongly encouraged to be Non-Tower Wireless Communication Facilities, which are eligible for Staff approval from these regulations.
 2. New Small Cell Towers and Small Wireless Facilities shall be camouflaged by Stealth Technology. Examples of appropriate Stealth Technology for residential areas

includes, at a minimum, towers with all cables, wires, Transmission Equipment, electric meters, power equipment, etc. installed inside the Small Cell Tower to the extent technologically feasible. Other types of stealth technology or other methods which will reduce the visual impact may be approved by Staff.

3. All poles and antennas shall be uniform grey or black in color, unless another color is integral to the Stealth Technology as approved by Staff or the Applicant shows that grey and black are not technologically feasible.
4. The use of cooling fans is discouraged. When needed, fans with lower noise profiles must be used.
5. New Small Cell Towers should avoid areas without Overhead Utilities. If a Small Cell Tower is located in an area with primarily Underground Utilities it must adhere to Stealth Technology that incorporates the telecommunications equipment into a streetscape amenity such as a decorative lamp post, streetlight or other approved design. In areas with Overhead Utilities, cylindrical antennas or antennas housed within cylindrical cannisters or shrouds are required.
6. In residential areas, a Small Cell Tower shall not be located closer than the height of the proposed tower to an existing or proposed residential structure, or no closer than thirty (30) feet, whichever is greater.
7. Efforts should be made to locate new Small Cell Towers in the yard location where other Overhead Utilities are located, in the even that Co-location has been demonstrated to be infeasible.
8. New Small Cell Towers within residential areas should be located to avoid obstructing the view of building facades by placing the tower at a corner, intersection or along a lot line.
9. When technologically feasible new Small Cell Tower shall not be located within five hundred (500) feet of an existing Small Cell Tower. Multiple carriers are permitted and encouraged to locate on one Small Cell Tower, where technologically feasible.

10. Reasonable efforts shall be made to locate new Small Cell Towers in the order of hierarchy below, based on the following functional roadway classification from the most to least preferred:

- a. Interstate
- b. Arterial
- c. Collector
- d. Local

e. **NEW SMALL WIRELESS SYSTEM AND SMALL CELL TOWER LOCATIONS IN NON-RESIDENTIAL ZONES:**

- i. The regulations in this subsection apply to towers to be located within non-residential zoning districts.
 - 1. In instances where a facility is proposed to be constructed in the Right-Of-Way within one hundred (100) feet of a residential zone or use, even if the antenna's physical location is within a non-residential zone, regulations in subsection 2.557, C., shall be followed.
 - 2. Antennas in commercial, institutional, or park areas are encouraged to be installed as Non-Tower Wireless Communication Facilities, which are eligible for Staff approval per Article II, Section 2.556,C.
 - 3. Reasonable effort shall be given to locate new equipment based upon the following hierarchy of zones and land uses from the most to least preferred:
 - a. Co-locate on an existing structure whenever possible, which is exempt from these regulations.
 - b. Institutional
 - c. Industrial
 - d. Commercial
 - e. Public Parks
 - f. Agricultural
 - 4. Equipment enclosures, including electric meters, should be nearly the same width as the pole or as small as possible.
 - 5. Shrouds, risers, and conduits shall be used to reduce the appearance of external cabling.

6. All poles, antennas, brackets, cabling, risers, shrouds, and conduits shall be uniform grey or black in color, or other color as approved by Staff.
7. Cylindrical antennas or antennas housed within cylindrical cannisters or shrouds shall be required, unless another antenna style is integral to the Stealth Technology as approved by Staff.
8. There shall be no more than a four (4) inch off-set between the pole and pole-mounted equipment enclosures.

17. EVALUATION CRITERIA

- a. Evaluation of the proposal shall be based upon the following criteria and shall be subject to administrative approval by Staff or approval by the Planning Commission after a public hearing, as applicable:
- b. The extent to which the proposal is consistent with the purposes of these regulations.
- c. The extent to which the proposal minimizes the impact on adjacent land uses, especially in terms of visual impact.
- d. The extent to which the proposed facility is camouflaged (i.e., the use of Stealth Technology).
- e. The extent to which the proposed facility conforms to the character of the surrounding area (i.e., buildings, street lighting, signs).

18. AMENDMENTS TO APPROVED PLANS

- a. Any amendments to Plans for Small Wireless Facilities and Small Cell Towers, except for the minor adjustments outlined below, shall be made in accordance with the procedure required by Section 2.556, subject to the same limitations and requirements as those under which such plans were originally approved.
- b. The following activities shall be considered minor adjustments from the original approval of an Application for towers located in the Right-Of-Way. Changes are measured cumulatively from the original approval of the Small Cell Tower or Small Wireless Facility.
- c. Tower height increases by less than ten (10) percent.
- d. Change in the tower width of less than ten (10) percent.

2.5.7 KENNELS

1. Kennels shall be designed according to the following guidelines:
 - a. All buildings and areas used in whole or in part for a commercial kennel, including animal runs, shall be a minimum 100' from all property lines.
 - b. All animal runs, exercise yards or any outside area used for the kennel shall be located on the property so as to minimize any off-site impacts including, but not limited to noise.
 - c. All animal runs, exercise yards or any outside area used for the kennel shall be fenced to ensure that no animals leave the site. In addition, any outside areas used in conjunction with the kennel must be screened by a row of evergreen trees no more than 30' on-center.
 - d. Any area where dogs are kept overnight shall be soundproofed to minimize any off-site impacts.
 - e. All signage shall be reviewed and approved by the Board of Adjustments as part of the conditional use request.
 - f. Applicants for conditional use approval shall state the maximum number of animals to be kept on site.

2.5.8 ADULT ORIENTED USES

1. **PURPOSE OF THIS ORDINANCE:**
 - a. The purpose of this section is to establish appropriate requirements under which adult oriented uses may locate within the City of Georgetown and Scott County. It has been demonstrated statistically through verifiable studies in numerous communities that adult oriented uses have harmful secondary effects on the communities in which they locate, particularly when near residential or other areas in which residential, educational, religious and/or recreational uses are permitted.
2. **FINDINGS UPON WHICH THIS ORDINANCE IS BASED:**
 - a. The harmful secondary effects which adult oriented uses have on communities in which they locate include inappropriate exposure of children and teenagers to graphic sexual images, increased incidence in crime, diminished property values, discouragement of other types of commercial activities, discouragement of residential, educational, religious and recreational uses, hereafter referred to as protected uses. The cumulative effect of the location of adult oriented uses, especially in concentration, is a change in the perceived community character and the diminishment of the quality of life or business for the other uses in the

neighborhood in which the adult oriented uses are located. Regulation of adult oriented uses is necessary to reduce the secondary harmful effects of these uses, including, but not limited to, the decline of community health and safety and the blighting of surrounding neighborhoods and uses. Regulation of adult oriented uses is also necessary for the integrity of residential areas, schools, churches or other places of worship, libraries, child care centers, parks and playgrounds, all of which are areas in which minors congregate, a segment of the community particularly at risk when in proximity to adult oriented uses.

3. EXCLUSIONS FROM OPERATION OF THIS ORDINANCE:

- a. Excluded from this Ordinance are activities which are not for the purpose of sexual stimulation or gratification, including, but not limited to, the following: Licensed Massage Therapist, as defined in this Ordinance; other persons engaged in massage, e.g. sports massage administered by a team trainer; and artistic studios, photographic or otherwise, utilizing the nude body as a model.

4. PERMITTED DISTRICTS:

- a. Adult oriented uses are permitted in B-2, Highway Commercial, and I-1, Light Industry, subject to the general provisions of the *Zoning Ordinance* and *Subdivision & Development Regulations*.

5. LOCATIONAL STANDARDS:

a. **DISTANCE FROM RESIDENTIAL USE:**

- i. No lot occupied or to be occupied by an adult oriented use shall be located closer than a one thousand (1,000) feet radius of any residential zoning district.

b. **DISTANCE FROM EDUCATIONAL, RELIGIOUS AND CHILD RELATED USE:**

- i. No lot occupied or to be occupied by an adult oriented use shall be located closer than a one thousand (1,000) feet radius of any school, public or private, college, university, church or other place of worship, library, type I day care facility, or any public park or playground.

c. **DISTANCE FROM AGRICULTURAL RESIDENTIAL USE:**

- i. No lot occupied or to be occupied by an adult oriented use shall be located closer than a one thousand (1,000) feet radius of any agricultural zoning district developed or designated for residential purposes, including cluster residential subdivisions or three (3) or

more residential tracts as shown on an approved and recorded subdivision plat.

d. **DISTANCE FROM OTHER ADULT ORIENTED USE:**

- i. No lot occupied or to be occupied by an adult oriented use shall be located closer than a two thousand (2,000) feet radius of any other adult oriented use as defined above.

e. **METHOD OF MEASURE OF DISTANCES:**

- i. The distances required by this section shall be measured from the closest property line occupied or to be occupied by an adult oriented use to the closest property line occupied by a protected use, zone district in which an adult oriented use is not permitted, or another adult oriented use.

6. LANDSCAPE REQUIREMENTS:

- a. All newly constructed or renovated structures that are used for, or proposed for use as, adult oriented uses shall meet the landscaping requirements set out in the Georgetown/Scott County Landscape and Land Use Buffers Ordinance, including the property perimeter requirements.

7. EFFECT OF ESTABLISHMENT OF PROTECTED USE:

- a. The establishment of any protected use, zone district in which an adult oriented use is not permitted, or another adult oriented use, subsequent to the lawful commencement of an adult oriented use shall not render the adult oriented use non-conforming.

8. AMORTIZATION OF EXISTING ADULT ORIENTED USES:

- a. An existing adult oriented use established prior to the passage of this ordinance shall be deemed a non-conforming use for a period of two years or for the remaining term of the adult oriented use's lease which is in force at the time of the effective date of this Ordinance, whichever occurs first. For the purpose of this provision, the term of the adult oriented use's lease shall not include extensions. At the expiration of the period established in this subsection, the existing adult oriented use established prior to the passage of this ordinance shall comply with the requirements of this Ordinance.

9. EXTENSION OF TIME FOR THE AMORTIZATION OF EXISTING ADULT ORIENTED USES:

- a. Applications for an extension of the time for compliance established by Section 2.57.9, above, may be granted for good cause shown and must be received by the Office of the Building Inspector, with copy to the Planning Commission Office, not less than 90 days prior to the termination date. The application shall be heard by the Board of Adjustments.

10. MISCELLANEOUS ADULT DANCING PERFORMANCE STANDARDS:

- a. No person shall display or expose specified anatomical areas.
- b. No person, except an employee, agent, servant or independent contractor in any adult dancing establishment, or similar type use described herein, shall simulate any form of specified sexual activity except while positioned in or occupying an entertainment area defined as: "a platform or other similar structure raised not less than eighteen (18) inches above the immediately surrounding main floor area, encompassing an area of at least one hundred (100) square feet and positioned not less than six (6) feet from any patron or spectator."
- c. No person maintaining, managing, owning or operating an adult dancing establishment, or similar type use described herein, shall suffer, allow, or permit the construction, maintenance, or use of areas partitioned or screened from public view that are to be occupied, alone or together by any person or persons on the premises of such establishments for performances, private or otherwise, involving the display or exhibition of specified anatomical areas or specified sexual activities or permit any employee, agent, servant or independent contractor to violate any provision of this ordinance.
- d. No person on the premises of an adult dancing establishment, or similar type use described herein, shall be permitted to use or be present in areas partitioned or screened from public view that are designed to be occupied, together or alone, by any person or persons on the premises of such establishment for the display of or exhibition of specified anatomical areas or specified sexual activities.

11. LOCATIONAL RESTRICTION OF DISPLAY OR EXPOSURE OF SPECIFIED ANATOMICAL AREAS OR SIMULATION OF SPECIFIED SEXUAL ACTIVITIES:

- a. No zone classification permits the display or exposure of specified anatomical areas or simulation of specified sexual activities in any establishment approved for the sale or consumption of alcohol.

- b. No person shall display or expose specified anatomical areas or simulate specified sexual activities, except while on the premises of an approved adult oriented use.

12. OPERATING HOURS:

- a. No adult oriented use shall be open for business between the hours of 1:00 a.m. and 6:00 p.m.

13. PROHIBITION OF PHYSICAL CONTACT:

- a. While on the premises of an adult oriented use, no employee, agent, servant or independent contractor shall be permitted to have any physical contact with any other adult entertainment employee, other employee, patron or spectator while the employee, agent, servant or independent contractor is entertaining, dancing or otherwise involved in the display of or exhibition of specified anatomical areas or specified sexual activities.

14. NO ACT IS AUTHORIZED IF NOT OTHERWISE PERMITTED BY LAW:

- a. Nothing in this ordinance pertaining to adult dancing establishments, or similar type use, shall be construed to permit or authorize any act or activities that are prohibited by State law. These sections are meant to be in addition to any acts or activities that are so prohibited.

(Remainder of page left intentionally blank.)

2.5.9 SHORT TERM RENTALS

1. All short-term rentals shall be registered with the Georgetown – Scott County Revenue Commission.
2. The following use table shall establish the zones in which short-term rentals are permitted, conditional uses, or prohibited. Short-term rentals are prohibited in any zoning districts not listed in the table below.

Zoning District ⁵	Renting Individual Sleeping Rooms (3 or less)	Renting Individual Sleeping Rooms (4 or more)	Un-Hosted Home Sharing
A-1	Not Permitted	Not Permitted	Permitted
A-5	Not Permitted	Not Permitted	Permitted
R-1A	Not Permitted	Not Permitted	Permitted
R-1B	Permitted	Conditional Use	Permitted
R-1C	Permitted	Conditional Use	Permitted
R-2	Permitted	Conditional Use	Permitted
R-3	Permitted	Conditional Use	Permitted
B-3	Permitted	Permitted	Permitted

2.5.10 TEMPORARY USES

1. **DEFINITION:**
 - a. Any use that is temporary in nature and not regulated under any other section of this Ordinance shall require a conditional use permit from the Board of Adjustment.
 - b. For the purpose of this section, a temporary use is defined to include uses of ninety (90) days, or less, duration and satisfy one or more of the following:
 - i. Uses accessory to a major event, such as the World Equestrian Games, and which serve the needs of that event at an off-site location;
 - ii. Uses, which include outdoor storage uncharacteristic of the general area;

⁵ For law-fully non-conforming residential structures, short-term rentals are permitted to the same degree as long-term rentals would be permitted based on the non-conforming status of the building.

- iii. Uses, which are reasonably anticipated to alter established traffic patterns in the general area;
- iv. Uses, which are reasonably anticipated to create significant public health need, such as the creation of substantial on-site sewage uncharacteristic of the general area;
- v. Uses, which require, or serve the personal needs of a substantial number of workers, or service providers, who do not work, or whose services are otherwise uncharacteristic of the general area;
- vi. Uses, which otherwise significantly alter the character of the general area; or
- vii. Uses, which require substantial construction of facilities, e.g., parking, housing, public health uncharacteristic of the general area;
- viii. Uses, which are reasonably anticipated to create significant storm water runoff or silt uncharacteristic of the general area;

2. PROCEDURE:

- a. Temporary Uses, as defined above, are conditional uses in every zone, except Downtown Commercial, B-3, and Residential zones.
 - i. The Board of Adjustment having jurisdiction shall consider temporary uses, as defined above, according to applicable law as all other conditional uses. The Board's action, including its findings of fact and conclusions, after hearing on the suitability of a conditional use permit for the operation of a temporary use defined above, shall "demonstrate that it has considered the effect of the proposed temporary use on the public health, safety and welfare in the zone affected, in adjoining zones and on the overall zoning scheme."
 - ii. Each of the characteristics above reasonably anticipated to result from the proposed temporary use shall be specifically addressed by the Board. If the temporary use is approved, that approval shall include specific conditions reasonably anticipated to mitigate the effects each characteristic, e.g., if runoff is reasonably anticipated in conjunction with disturbed land, the Board may impose the condition that silt fencing be installed to bar the escape of silt to adjoining properties.
 - iii. Excepted from this section are temporary uses otherwise reasonably related to uses characteristic of the general area, e.g., temporary housing, storage, or sanitation facilities for agricultural

workers brought to an area for a particular season are exempted from this regulation. The determination of whether a particular activity is an exempt temporary use as defined by this provision is within the discretion of Planning Commission Staff. A determination by Staff that a particular use is, or is not exempt, does not preclude the filing of an application before the Board of Adjustment by any interested party seeking a ruling under this section.

- iv. Uses that otherwise fall under this Section, but which are anticipated to continue longer than ninety (90) days are governed by the applicable sections of this Ordinance regulating permitted use.

2.5.11 MEDICINAL CANNABIS REGULATIONS

1. PURPOSE.

- a. The purpose of this section is:
 - i. To acknowledge the passage and enactment of Kentucky Revised Statutes (KRS) Chapter 218B and associated regulations for Medicinal Cannabis by Kentucky General Assembly and the Cabinet for Health and Family Services (CHFS).
 - ii. Develop local standards for the placement and development of Medicinal Cannabis land uses.
 - iii. Minimize potential adverse impacts to residents by developing land use regulations regarding the location and development standards for Medicinal Cannabis businesses.
 - iv. Provide a consistent and predictable path for the development of Medicinal Cannabis land uses and encourage their placement in areas where adverse impacts of odors, noise, lighting and/or other nuisances can be minimized with surrounding properties.
 - v. Establish siting standards for Medicinal Cannabis Businesses to maximize, bolster, and diversify local economic development and job creation, as well as the healthcare and treatment options in our community.
 - vi. Preserve the essential character of the general vicinity adjacent to any Medicinal Cannabis Business.
 - vii. Act as a supplement to all relevant safety, health, or environmental requirements of applicable federal, state, and/or local laws and regulations.

2. APPLICABILITY.

- a. This article applies to the siting, development, and construction of any new Medicinal Cannabis Businesses after the effective date of this ordinance.
- b. This article shall apply to those Medicinal Cannabis Businesses that are licensed in compliance with KRS Chapter 218B, Kentucky Administrative Regulations (KAR) Title 915 Chapter 1, and applicable local ordinances.
- c. Nothing in this article shall be construed to supersede state law prohibiting the acquisition, possession, manufacture, sale, or use of cannabis in any manner not authorized by KRS Chapter 218B.

3. GENERAL DEVELOPMENT STANDARDS.

- a. Medicinal Cannabis Businesses must be a minimum of 1,000 feet from all schools, childcare facilities, public parks, and public recreational facilities.
- b. Medicinal Cannabis Businesses are prohibited in all residential zones.
- c. Medicinal Cannabis Businesses are prohibited within 100 feet of a residential zone, or a residential use in A-1 zones.
- d. All Medicinal Cannabis Businesses shall comply with the standards set forth by KRS Chapter 218B and KAR Title 915.
- e. Medicinal Cannabis consumption is not permitted on any of the premises where Medicinal Cannabis business activities and/or operations occur.
- f. No Medicinal Cannabis business operators shall operate until it is licensed in accordance with KRS Chapter 218B and KAR Title 915 and, where applicable, Scott County and the Cities of Georgetown, Sadieville, and Stamping Ground prior to commencing operations.
- g. Medicinal Cannabis that is rendered unusable shall be discarded into a dumpster with commercial grade locks or other approved, locked container for removal from the facility by a waste removal company selected by the Medicinal Cannabis business, except that ashes resulting from the controlled incineration of Medicinal Cannabis may be placed in an unlocked dumpster.
- h. Outdoor storage of materials, equipment, or supplies associated with a Medicinal Cannabis business and/or facility shall not be permitted.
- i. All activities, excluding disposal, destruction, or transport of Medicinal Cannabis, shall take place within a building or secure structure shall meet all applicable state and local building codes. Such activities are not permitted in a mobile or temporary building/structure, nor motor vehicle or any vessel designed for traverse on motorways.

- j. In the event that any regulation conflicts with state law (KRS) or state regulations (KAR), the more restrictive provision shall apply.

4. ADVERTISING & SIGNAGE

- a. All plans for signage shall be submitted to the Board of Adjustment for consideration as part of the Conditional Use Permit.
- b. No signs referring to the use of Medicinal Cannabis and/or Medicinal Cannabis product directly or indirectly visible from the outside shall be permitted, except as any reference may be contained in the name of the business establishment.
- c. Exterior signage may, at most, include text that displays the: (1) business or trade name, (2) location and contact information; and (3) business type. Exterior signage shall comply with the regulations promulgated in KAR Title 915 and shall not include a logo, symbol, branded colors or any images, including but not limited to depicting Medicinal Cannabis or Medicinal Cannabis products, nor the imagery or action, or any byproducts of consumption therein.

5. USE REVIEW TABLE.

"P" = Permitted, "CUP" = Conditional Use Permit, "N" = Not Permitted

Zoning District	Dispensary	Cultivator Tiers I, II, III (1)	Cultivator Tier IV	Processor (2)	Producer (2)	Safety Compliance Facility (2)
A-1	N	CUP	N	N	N	N
B-1	N	N	N	N	N	N
B-2	CUP	N	N	N	N	N
B-3	N	N	N	N	N	N
B-4	CUP	N	N	N	N	N
B-5	CUP	N	N	N	N	CUP
BP-1	N	CUP	N	CUP	CUP	CUP
I-1	N	CUP	N	CUP	CUP	N
I-2	N	N	N	N	N	N
(1)	The minimum lot size for a Medicinal Cannabis cultivator is as follows: ten (10) acres for tier I, forty (40) acres for tier II, and/or one hundred (100) acres for tier III. All Medicinal Cannabis cultivator facilities must be set back one hundred (100) feet from all property lines.					
(2)	The minimum lot size for Medicinal Cannabis processors, producers, and safety compliance facilities shall be five (5) acres.					

6. SPECIFIC DEVELOPMENT STANDARDS.

a. **CULTIVATORS:**

- i. Dimensional considerations as noted in the table above.
- ii. A development plan shall be submitted and approved by the Planning Commission prior to start of business operations and pursuant to the adopted *Zoning Ordinance* and *Subdivision & Development Regulations*.
- iii. All use shall occur in an enclosed, locked facility. Enclosed, locked facility means an indoor growing space such as room, greenhouse, building, or other indoor enclosed area that is maintained and operated by a cultivator or producer and is equipped with locks and other security devices that permit access only by authorized agents of the cultivator or producer, as required by KRS or KAR.
- iv. If the parcel abuts, residential, office, industrial, and/or commercial use, a ventilation/air filter system is required that prevents odor from being detectible at the boundaries of the parcel where it abuts such residential, office, industrial, and/or commercial use.
- v. The cultivation of Medicinal Cannabis is not permitted as part of any agricultural use allowed by the *Zoning Ordinance* unless otherwise exempted from local regulation by state law.

b. **PRODUCERS:**

- i. A development plan shall be submitted and approved by the Planning Commission prior to start of business operations and pursuant to the adopted *Zoning Ordinance* and *Subdivision & Development Regulations*. As part of said application, the producer shall provide the following when applying for a Preliminary Development Plan:
- ii. A written plan for keeping strictly separated all cultivation activities from the processing activities; and
- iii. A site map or blueprint showing which portions of its facility are designated for cultivation activities and which portions are designated for processing activities.
- iv. All use shall occur in an enclosed, locked facility. Enclosed, locked facility means an indoor growing space such as room, greenhouse, building, or other indoor enclosed area that is maintained and operated by a cultivator or producer and is equipped with locks

and other security devices that permit access only by authorized agents of the cultivator or producer, as required by KRS or KAR.

c. **SAFETY COMPLIANCE FACILITY:**

- i. A development plan shall be submitted and approved by the Planning Commission prior to start of business operations and pursuant to the adopted *Zoning Ordinance* and *Subdivision & Development Regulations*.

d. **DISPENSARY:**

- i. A dispensary shall not co-locate in a shared space or have any financial arrangement with a Medicinal Cannabis practitioner.
- ii. A dispensary shall not be located at the same site and location used for growing, cultivating, or processing Medicinal Cannabis, in the same office space as a Medicinal Cannabis practitioner or other physician, or in the same location as a hemp business.
- iii. A dispensary shall not package Medicinal Cannabis and Medicinal Cannabis products for sale to cardholders.
- iv. A dispensary shall only sell Medicinal Cannabis within a building or secure structure located on the specific site licensed by the cabinet and identified on its license issued by the cabinet in accordance with all applicable state and local building codes and specifications.
- v. A dispensary shall only dispense Medicinal Cannabis to a cardholder in an indoor, enclosed, secure facility between the hours of 8 a.m. and 8 p.m.
- vi. A dispensary may dispense Medicinal Cannabis to cardholders using a drive-thru window or curbside pickup service upon consideration, review, and approval of the appropriate regulatory agencies. All plans for drive-thru window or curbside pickup service shall be submitted to the Board of Adjustment for consideration as part of the Conditional Use Permit.

7. **SEVERABILITY.**

- a. If any section, subsection, or other portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion thereof shall be deemed a separate provision of this article, and such holding shall not affect the validity of the remaining portions of this chapter.

2.5.12 BED & BREAKFASTS

1. Bed and Breakfasts are conditional uses in the R-1B, R-1C, R-2, and R-3 zoning districts within city limits. Bed and Breakfast shall be allowed as a conditional use in all unincorporated areas regardless of zone classification. The procedure outlined for Conditional Use Permit review shall apply.
2. **LOCATION STANDARDS:**
 - a. In the R-1B and R-1C zones, Bed and Breakfasts shall be limited to those limited to those properties with direct access either West Main Street, from Broadway to extending to Kentucky Avenue and S. Broadway, from Main Street extending to Hiawatha Trail.
3. **BOARD OF ADJUSTMENT CONSIDERATIONS:**
 - a. Approval of a conditional use permit for a Bed and Breakfast shall not be given where the proposed use would require the modification of the building exterior in a manner inconsistent with the single-family character of the house and the character of the surrounding neighborhood.
4. **PARKING:**
 - a. In the R-2, R-3 and H-1 zones one parking space shall be provided for each bedroom unit offered for use by the public plus one space for each employee.
 - b. This standard may be reduced for existing buildings by the Board of Adjustment upon and finding that on-street parking is not likely to adversely impact the neighborhood and that the character of the neighborhood prohibits the acquisition of land for off-street parking.
 - c. New construction shall meet off-street parking requirements. This standard shall be in addition to requirements for any residential use of the property.
 - d. Bed & Breakfasts in the Bed allowed in R-2, R-3, and Historic zones shall be reviewed for adverse visual impact on neighboring residential properties resulting from the required off-street parking. Upon a finding that adverse visual impact will occur, the Board of Adjustment shall require screening to mitigate the adverse visual impact.

2.5.13 (RESERVED)

2.5.14 (RESERVED)

2.5.15 PLANNED DEVELOPMENT PROJECTS

1. PURPOSE:

- a. Implement elements of the adopted Georgetown-Scott County Comprehensive Plan, Small Area Studies and Plans, and other community plans
- b. Provide flexibility in creating planned communities, incorporating a range of uses such as residential, commercial, office, or recreation
- c. Promote the clustering of dwellings and uses on a development site while simultaneously preserving shared, accessible open space
- d. Protect environmentally sensitive areas

2. PROCESS

- a. All Planned Unit Developments shall be approved through a public hearing process conducted by the Planning Commission in line with the Subdivision & Development Regulations.

3. INTENSITY & DIMENSIONAL STANDARDS

- a. Standards are established for each PUD based upon the approved narrative and concept plan. All subsequent master plans, development plans, and subdivision plats shall adhere to the standards established at time of PUD unless an amendment to the PUD is approved. It is understood that Planned Unit Developments, meeting all other requirements of this section, may have specific dimensional standards modified as a part of the Planned Unit Development approval process.

b. CUSTOMARY MODIFICATIONS REQUESTED IN PUD PROPOSALS

Dimensional Standard	Modification
Minimum Lot Area	25% reduction
Minimum Front Yard Setback	n/a
Minimum Side Yard Setback	7.5 feet single family/duplex 25 feet multi-family
Minimum Rear Yard Setback	n/a
Minimum Lot Width	25% reduction
Maximum Building Height	50 feet or 3 stories (R-2 and R-3 only)
Maximum Building Coverage on Lot	25% increase

4. REGULATIONS

a. **PERMITTED USES**

- i. All allowed or conditional uses upon approval by the Board of adjustment, in the zone for which the planned unit development (PUD) application is made

b. **OPEN SPACE AND/OR RECREATION AREA REQUIRED**

- i. Open space shall be allocated, designed, and maintained as an integral part of all PUDs. Open space shall, at a minimum, be at least 20 percent of the total gross acreage of the proposed PUD.
- ii. At least 60 percent of the open space shall be considered usable open space, and those spaces must satisfy the following minimum requirements:
 1. Not to include floodplain, sinkholes, or any item considered an "Environmentally Sensitive Area" as described in the *Subdivision & Development Regulations*.

c. **LOCATION AND DIMENSIONAL STANDARDS**

- i. Usable open space shall be integrated into the proposed development. No residential unit shall be more than 300 yards or 900 feet, from an area classified as usable open space.
- ii. A pedestrian sidewalk network with connection to all usable open spaces and residential units shall be provided throughout the PUD.
- iii. Up to 25% of the usable open space may be located along the perimeter of the total PUD site area.
- iv. Usable open space areas shall be at least 10,000 SF in area.
- v. The minimum width of any dimension of a usable open space shall be 25 feet.
- vi. At least 25% of the total linear boundary of the perimeter of each usable open space shall have frontage onto an approved street or public right-of-way.
- vii. For every 5,000 SF of a usable open space, one pedestrian access point or easement to an approved street or public right-of-way shall be provided. The access point shall connect to the proposed pedestrian sidewalk network in the neighborhood with material consistent with the material used for the pedestrian network.

viii. **ENHANCED PEDESTRIAN TRAIL NETWORK**

1. For the purpose of this regulation, an enhanced pedestrian network are the sidewalks and pedestrian connections required of residential, commercial, office, recreational, or a mix thereof which have been exceeded for the purposes of open space connectivity. The following standards are the minimum requirements of an enhanced pedestrian trail network:
2. Minimum 10-foot-wide pedestrian trail easement. No easements shall be located within the pedestrian trail network easement.
3. Minimum 6-foot-wide pedestrian trail, materials per the *Subdivision & Development Regulations*
4. Pedestrian amenities shall be located every 300 feet. Said amenities shall be connected to the 6-foot-wide trail route but shall not be located in the walkway. Pedestrian amenities shall include benches, transit stops, and other amenities.
5. An enhanced pedestrian trail network shall connect usable open spaces.
6. No greater than 50% of the required usable open space may be credited to an enhanced pedestrian trail network.

d. **PHASED PUD PROJECTS**

- i. In instances of a phased PUD project, the usable open space shall be distributed equally across each phase or every 5 acres of land developed or subdivided. In no circumstances shall a usable space requirement be deferred more than 1 phase.

ii. ***MIXED DWELLING TYPE OR USE***

1. For PUD projects incorporating multi-family residential, all credited usable open space shall be accessible and usable for all residential types.
2. For PUD projects incorporating residential and non-residentially zoned areas, usable open space may be located in non-residential areas with the following standards.
3. The usable open space shall adhere to all standards set forth as part of this section.

4. The usable open space shall be connected to the pedestrian sidewalk network constructed to residential sidewalk standards.

iii. CONNECTIONS TO EXISTING NEIGHBORHOOD OR PUBLIC OPEN SPACES

1. Usable open spaces shall consist of a variety of amenities, such as open fields for sports, walking trails and paths, nature areas, or play equipment.
2. All concept plans, master plans, development plans, and subdivision plats, (including amendments) shall indicate which uses or activities the usable open space is dedicated to.
3. A diverse array of usable open spaces shall be provided in the PUD project and no one amenity type shall be utilized for more than 50% of all usable open spaces.
4. Amenities shall be designated and installed in areas defined by said plans and plats prior to their dedication to an HOA, group, or governmental entity.

e. LANDSCAPING REQUIREMENTS:

- i. PUDs must meet relevant landscaping and buffer requirements consistent with the adopted development regulations excepting that all PUDs must have a minimum canopy coverage of 30%.

5. PROCEDURE

- a. A concept plan and preliminary and final development plan or preliminary and final subdivision plat, whichever is applicable shall be required for every planned-development project.
- b. When a planned development project is proposed, the procedure for concept plan and subdivision plat as set forth in the Georgetown-Scott County Subdivision Regulations shall be followed in its entirety. This procedure shall be followed for all planned development projects regardless of if the subject property is under divided ownership or if the subject property is to be subdivided as part of the process.
- c. If approved by the Planning Commission, a record plat illustrating the concept plan with all conditions and notes submitted for the planned development project shall be recorded with the Scott County Clerk's office.

- d. All PUD applications shall pay all appropriate fees as set forth by the Planning Commission.
- e. Building permits and certificates of occupancy shall be required for each building according to Sections 5.2 and 5.3 of this Zoning Ordinance.

2.5.16 (RESERVED)

2.5.17 (RESERVED)

(Remainder of page left intentionally blank.)

2.6 REGULATIONS FOR LOTS AND YARDS

Subdivision development shall comply with these standards for development, and these standards are minimum requirements

2.6.1 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS

Corner lots in all districts, except the B-3 Central Business District shall be free from all obstruction to traffic visibility between points 70 feet, measured along the street center line from the intersection of the center line. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

2.6.2 FRONT YARD REGULATIONS FOR CORNER AND DOUBLE FRONT LOTS

Corner lots and double frontage lots shall, on both of the adjacent streets, meet the front yard regulations of the districts in which they are located.

2.6.3 APPLICATION OF YARDS TO ONE BUILDING ONLY

No part of a yard required for any building shall be included as fulfilling the yard requirements for an adjacent building.

2.6.4 USE OF YARDS FOR ACCESSORY BUILDINGS

1. No accessory buildings are permitted in front yards. They are permitted in rear or side yards according to the dimension and area regulations.
2. No building shall be erected in the rear of a main building on the same lot to be used for residential purposes, unless approved by the Planning Commission after the submission of an approved development plan.

2.6.5 SCREENING REQUIREMENTS

The Planning Commission shall require a developer or an application for a zoning change, subdivision, conversion, or a building permit to provide screening or a buffer zone whenever two different zones adjoin where his actions may be the cause of the land use conflict.

2.7 REGULATIONS FOR VEHICLES

2.7.1 OFF-STREET PARKING SPACE REGULATIONS FOR AUTOMOBILES

1. EXISTING PARKING SPACE:

- a. Existing off-street parking provided for any building or use at the time of adoption of the Zoning Ordinance shall not thereafter be reduced unless it exceeds the requirements of this ordinance. Any existing building or use not provided with off-street parking space shall be provided with off-street parking space in conformance with this ordinance at the time of any structural alteration of the building or expansion of the use.

2. REQUIRED OFF-STREET PARKING SPACE:

- a. When any building is built or any use of premises is initiated they shall be provided with sufficient off-street parking space on the premises so that they will generate no automobile parking on any street as a result of their normal activity. If the off-street parking is generated more often than six times during a six-month period, this shall be considered as resulting from normal activity and additional off-street parking shall be provided. The Board of Adjustment shall interpret the amount of parking space required for any building or use, assisted by the following standards, whenever the Enforcement Officer is unable to apply the following standards literally or when he determines a parking space deficiency according to the standards above

3. OFF-STREET PARKING STANDARDS:

- a. The standards for off-street parking requirements are located in the *Subdivision & Development Regulations*.
 - i. **ADDITIONAL PARKING STANDARDS:**
 1. The Board of Adjustment may raise the standards listed above when necessary to conform with paragraph B, above, and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.
 - ii. **PARKING SPACE AREA:**
 1. For computing the number of parking spaces in a given area, 400 square feet gross area shall be allowed for each automobile (includes driveways and aisles) and 180 square feet shall be the minimum allowable area for each

automobile parking space. For commercial parking areas and shopping centers, a minimum ratio of 2.2 square feet of parking area for each square foot of gross leasable area shall be provided.

- iii. Because of the concentrated nature of the Georgetown Central Business District, these standards shall not apply unless economically and physically possible. The Board of Adjustment shall decide each case individually.
- iv. Additional off-street parking standards for specific uses are defined in the *Georgetown-Scott County Subdivision & Development Regulations*.

2.7.2 OFF-STREET LOADING AND UNLOADING SPACE REGULATIONS FOR TRUCKS

All buildings and uses except those in the Central Business District which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. The Board of Adjustment shall interpret the amount of loading and unloading space required for any building or use whenever the Enforcement Officer is unable to apply this standard literally and applies to the Board for an original interpretation.

2.7.3 ADDITIONAL PARKING, LOADING AND UNLOADING REGULATIONS

1. ARRANGEMENT OF OFF-STREET PARKING SPACE:

- a. Off-street parking space required for any building or use may be located within walking distance of four hundred feet from the premises it serves but detached therefrom or may be consolidated into a large parking area serving other buildings and uses, either of which arrangements must be approved by the Board of Adjustment. The Enforcement Officer shall apply to the Board for an original interpretation when building permits are requested in such cases. The Board may not authorize the total amount of parking space required for all buildings and uses to be diminished except as follows: if a consolidated parking area serves buildings or uses which do not generate automobile parking at the same times, e.g., churches and stores, total parking space may be diminished to the maximum required by those buildings and uses which do generate parking of automobiles at the same time.

2. PROOF OF AVAILABILITY:

- a. The Board of Adjustment shall require a plat, deed and any other proof necessary to show that required parking space, is located off the premises it serves, is controlled by and available to the applicant for a building permit.

3. SURFACING OF PARKING, LOADING AND UNLOADING SPACES:

- a. Parking, loading and unloading spaces and the access thereto shall be surfaced in a manner adequate to eliminate dust and mud, and to eliminate damaging run-off onto abutting or nearby properties.

2.8 EXCEPTIONS

2.8.1 USE EXCEPTIONS

Several types of structures and uses are permitted in all districts even though they are not listed as permitted uses under the zoning district regulations. Others require building permits but not certificates of occupancy. These structures and uses are listed as follows:

1. NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED:

- a. Local public utility distributing and collecting structures such as pipes and transmission lines, transformers, meters, etc. Large utility structures such as substations are permitted only as conditional uses.
- b. Public streets and all official appurtenances necessary for traffic direction and safety. All street and traffic control signs shall conform to the code established and adopted by the Kentucky Department of Highways.
- c. Private drives, private parking areas, and the parking of vehicles incident to the principal use on the same premises.
- d. Horticulture and landscaping of any premises, fences and other normal accessory uses.
- e. Construction or alteration of agricultural structures other than dwelling units in A-1 or C-1 Districts.

2.8.2 HEIGHT EXCEPTIONS

1. Height regulations apply to buildings occupied regularly by persons or their activities. They do not apply to structures or portions of buildings such as radio towers, ornamental spires, water towers, silos, and flagpoles which are not occupied regularly by persons except for maintenance unless otherwise stipulated in the Zoning Ordinance. The Board of Adjustment shall interpret whether or not height regulations apply upon application by the Enforcement

Officer in doubtful cases. Federal Aviation Agency height regulations in the vicinity of the airport shall take precedence over all other height regulations.

2.8.3 FRONT YARD EXCEPTIONS

1. In any district where the average depth of existing front yards of the nearest existing buildings (within 150 feet in the same block) is greater than that prescribed in this ordinance, the depth of the front yard shall not be less than the average depth of said existing front yard. If there is only one such building within 150 feet, the depth shall not be less than the average depth of such building and the minimum prescribed in this ordinance for the district in which the lot is located.

2.8.4 EXCEPTIONS FOR EXISTING LOTS OF RECORD

1. Refer to the section above regarding lots of record.

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2.9 DEVELOPMENT PLANS

2.9.1 INTENT

This Article outlines the content and procedure for submission, review, and approval of all development plans required in this Zoning Ordinance unless another procedure or different contents are specified elsewhere in this Zoning Ordinance.

2.9.2 CONTENTS OF DEVELOPMENT PLAN

Regulations regarding the contents of a development plan are outlined in the *Subdivision & Development Regulations*.

2.9.3 DEVELOPMENT PLANS ARE REQUIRED FOR ALL ZONE CHANGES AND FOR MOBILE HOME PARKS

All applications for zoning map amendments and mobile home parks shall require the submission and approval of preliminary and final development plans. These plans must be submitted and reviewed as provided for each respective zone. The Commission shall require area development plans to ensure compatibility with existing and future growth.

2.9.4 DEVELOPMENT PLANS REQUIRING REVIEW BY THE PLANNING COMMISSION BOARD

The Planning Commission Board shall require the submission and approval of a preliminary development plan, a final development plan, or both for the subject property in accordance with KRS 100. Development plans shall follow the procedures set forth in the *Subdivision & Development Regulations*.

2.9.5 DEVELOPMENT PLANS REQUIRED FOR MULTIPLE PRINCIPAL STRUCTURES

Development plans are required for all applications requesting to permit more than one principal structure and its accessory structures on a lot or parcel of land.

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ARTICLE III

ESTABLISHMENT OF ZONING DISTRICT

3.1 ESTABLISH AND DESIGNATE

All of Scott County and its cities are divided into zoning districts as shown on the Zoning Map, and these zoning districts are designated as follows:

Agricultural Districts	
A-1	Agricultural
A-1R	Agricultural Recreational
A-1S	Agricultural Auto Salvage
Conservation District	
C-1	Conservation
Residential Districts	
R-R	Rural Residential
R-1A	Single-Family Residential
R-1B	Single-Family Residential
R-1C	Single-Family Residential
R-2	Medium-Density Residential
R-3	High-Density Residential
Commercial Districts	
B-1	Neighborhood Commercial
B-2	Highway Commercial
B-3	Central Business District
B-4	Community Commercial
B-5	General Commercial Park
BP-1	Business, Research & Technology Park
Industrial Districts	
I-1	Light Industrial
I-1 ESLI	Environmentally Sensitive Light Industrial
I-2	Heavy Industrial
Professional Office District	
P-1	Professional & Community Services
Overlay District	
H	Historic Overlay

3.2 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

The following rules shall be used to interpret the exact location of the zoning district boundaries shown on the Zoning Map:

1. Where a zoning district boundary follows a street or railroad and center line of the street or railroad right-of-way is the boundary of the district.
2. Where a zoning district boundary approximately follows a lot or property line, that line is the boundary of the district.
3. Where a zoning district boundary follows a stream or the shore of a body of water, that stream or shore line is the boundary of the district.
4. Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.
5. In any case where the exact location of a boundary is not clear the Board of Adjustment shall use these rules to determine the exact location upon application by the Enforcement Officer for an original interpretation.

ARTICLE IV

ZONING DISTRICT REGULATIONS

4.1 AGRICULTURAL DISTRICTS

The following regulations shall apply in agricultural districts as indicated in order to conserve agricultural lands for continued farm use and to minimize urban-type development in rural areas until urban-type services and utilities can be efficiently provided.

4.1.1 AGRICULTURAL (A-1)

1. PERMITTED USES

- a. Agricultural uses including farm dwellings and storage of farm products.
- b. Accessory buildings.
- c. In all A-1 zones, residential (non-agricultural) single-family detached dwellings.

2. CONDITIONAL USES

- a. The following are conditional uses in the Agricultural zone and are subject to all specific use regulations above.
 - i. Cemeteries.
 - ii. Public and private parks and recreational areas.
 - iii. Commercial feed lot operations.
 - iv. Slaughterhouses.
 - v. Airports.
 - vi. Churches, libraries, schools, hospitals, institutions, and clubs.
 - vii. Home occupations that exceed the limitations in the definition of such.
 - viii. *(RESERVED)*
 - ix. Bed and Breakfasts.
 - x. Animal hospitals and clinics.
 - xi. Kennels.
 - xii. Secondary single-family residence on same tract for related family members or for hired farm workers.
 - xiii. Type II Licensed Daycares

- xiv. Secondary single-family residence on same tract for related family members or for hired farm workers.
- xv. Commercial Landscape Operations.
- xvi. Distilled Spirits Storage.

3. PROHIBITED USES

- a. Multi-family residential structures
- b. Cluster development lots
- c. Major residential subdivisions of tracts between five and less than ten acres.

4. DIMENSION & AREA REGULATIONS

- a. No lot, hereafter created, shall consist of less than five (5) contiguous acres. No dwelling hereafter erected in the A-1 District shall be on a lot less than five (5) acres, unless otherwise approved by the Board of Adjustment. Tracts of less than 5 acres created for exclusive use by governmental agencies or utility service facilities and which are shown on recordable plats bearing this legend, "Tracts created by this Plat are for the exclusive use of a governmental agency or utility service facility and shall not be used as a building lot for any other purpose." shall be exempt from the operations of this paragraph.
- b. All buildings shall set back at least 50 feet from all property lines; except those buildings fronting on U.S. Routes where the minimum front yard setback is 100 feet from the right-of-way except, however U.S. 25 from Delaplain north and U.S. 62 from Oxford east where the minimum setback is 50 feet.
- c. Farm dwellings occupied by farm owners, tenants and family members, shall not exceed a maximum density of one per five (5) acres.
- d. In agricultural districts, the minimum lot width is 250 feet at building line.
- e. Private streets may be permitted providing:
 - 1. Provisions for perpetual maintenance are established to the satisfaction of the Planning Commission and governing body.
 - 2. At least minimum standards are used in road construction prescribed by county or city.
 - 3. If access is to no more than three (3) units and there is no possibility of street continuation, the Planning Commission may permit a one lane facility with minimum construction providing:

4. Provisions for maintenance are acceptable.
5. Construction is in accordance with the proposed use and length, but in all cases is designed by and constructed under the supervision of a registered professional engineer.
6. Entrance standards are in keeping with visibility and safety requirements.
7. Tracts and/or parcels are so designed that houses will not be facing the rear of another structure within 300 feet.

4.1.2 AGRICULTURAL AUTO SALVAGE (A-1S)

1. PERMITTED USES

- a. All permitted uses of the A-1 zone.
- b. Automobile Salvage Operations, as defined in Section 2.1 and 2.5 above.

2. CONDITIONAL USES

- a. All conditional uses of the A-1 zone.

3. DIMENSION & AREA REGULATIONS

- a. All properties shall adhere to the requirements for the Agricultural (A-1) zone. In addition, all properties shall also satisfy the specific use regulations requirements, above.

4.1.3 AGRICULTURAL RECREATIONAL (A-1R)

1. PERMITTED USES

- a. All permitted uses of the A-1 zone.
- b. Agricultural recreational, as defined in Section 2.1 and 2.5 above.

2. CONDITIONAL USES

- a. All conditional uses of the A-1 zone.

3. DIMENSION & AREA REGULATIONS

- a. All properties shall adhere to the requirements for the Agricultural (A-1) zone. In addition, all properties shall also satisfy the specific use regulations requirements, above.

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4.2 CONSERVATION DISTRICTS (C-1)

The intent of the zone is to promote and protect significant natural features, wooded areas, water courses, existing and potential lake sites, other conservation and recreational resources, wildlife habitats, present and future water supplies, and to minimize erosion of soil, siltation and pollution of streams and lakes. The conservation district also serves to preserve structures, parcels, and districts which have been identified by local, state, and/or national groups as being historically, architecturally, or culturally significant.

1. PERMITTED USES

- a. Agriculture and agricultural buildings according to the provisions of A-1 Districts.
- b. Forest preserves.
- c. Lakes.

2. CONDITIONAL USES

- a. All utility structures, governmental buildings and uses.
- b. Public and private camps and campgrounds.
- c. Residential or seasonal dwellings provided that all Health requirements are met and the lot size is not less than one acre in size.
- d. Home occupations.
- e. Clubs and institutions.

3. DIMENSION & AREA REGULATIONS

- a. The minimum lot size is five (5) acres except for singular seasonal dwellings which may be permitted by the Board to be no less than one acre.
- b. No building may be erected within 50 feet of the right-of-way line of any public street, road, or highway.
- c. Any building to be located in possible flood lands shall be so placed as to offer minimum obstruction to flow of waters and shall be firmly anchored to prevent the building from being moved or destroyed by the flow of water.

4. NECESSARY APPROVAL OF PRE-CONSTRUCTION ACTIVITY IN CONSERVATION DISTRICTS

- a. Pre-construction activity in anticipation of development, other than part of an agricultural use, including the filling or removal of earth, rock, trees or other material in conservation zones or designated flood plains, shall not be permitted without approval of the Planning Commission.

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4.3 RESIDENTIAL DISTRICTS

4.3.1 RURAL RESIDENTIAL DISTRICT (R-R)

The intent of the zone is to provide for very low-density residential use and protect and preserve low density rural areas in their present or desired character. It is intended that the district be located where rural residential uses can be maintained without impairment from industrial, commercial, or higher density residential development. It is also intended that it will reduce impacts between intensive commercial agricultural activities and rural residential lots. It is further intended that no major rural residential subdivision of tracts between five acres and less than ten acres shall occur in a rural area of the county until the land is rezoned to the R-R zoning category.

1. PERMITTED USES

- a. Single-family residential dwellings on five (5) acre to less than ten (10) acre tracts or Cluster Developments.
- b. The keeping of forage consuming/grazing animals, at a rate of no more than that which will be supported by the underlying land based on soil type and topography. The animal unit capacity of the subdivision shall be determined on a lot by lot basis at the time of platting, based on consultation with the county extension agent and the USDA soil survey and shall appear on the Final Plat.
- c. Production of agricultural or horticultural crops, as defined by Section 2.1, with the exception of certain intensive agricultural uses as defined below
- d. Rural cluster subdivisions, as defined in the Subdivision & Development Regulations.

2. CONDITIONAL USES

- a. Home occupations that exceed the definition of such
- b. Type II Licensed Day Cares
- c. Bed and Breakfasts
- d. Cemeteries
- e. Public and Private parks
- f. Churches, libraries, schools, hospitals, institutions, and clubs
- g. Commercial Recreational Uses

3. PROHIBITED USES

- a. Commercial recreational operations
- b. Kennels
- c. Intensive Commercial agricultural operations, including, but not limited to, feed lots, slaughterhouses or processing facilities or plants, hog farms, agricultural product reduction facilities
- d. Outdoor storage of equipment or materials associated with a home occupation business.

4. DIMENSION & AREA REGULATIONS

- a. The lot size for all parcels in the Rural Residential District shall be five (5) acres to less than ten (10) acres, except for lots in Cluster Developments. In all cases the maximum permitted density shall be one dwelling unit per five (5) acres.
- b. All Primary Structures in the Rural Residential District shall be set back from all property lines a minimum of fifty (50) feet, except for lots in Cluster Developments
- c. All Secondary Structures in the Rural Residential District shall be set back from all property lines a minimum of twenty-five (25) feet. In no case shall a Secondary Structure be allowed in front of the front building line of a Primary Structure.
- d. The minimum setback for Secondary Structures from land zoned A-1 shall be 50 feet.
- e. The minimum lot width for residential non-cluster lots shall be two hundred fifty (250) feet at the front building line of the Primary Structure.

5. ADDITIONAL REQUIREMENTS

a. FENCING

- i. Each major (A-5) subdivision development shall be fenced along the perimeter of all lots that abut Agriculturally (A-1) zoned land.
- ii. Fencing shall be installed prior to final plat approval, and shall consist of #9 diamond mesh wire or equivalent with 16' fencing plank on top, and post spacing 8' on center. A note is required on the final plat regarding this requirement. A note is also required that prospective owners of any property are subject to any requirements of the Kentucky Fence Law (KRS 256.10 et. seq.). The required fence shall not be bonded.

b. **LANDSCAPE BUFFER**

- i. A landscape buffer shall be provided along the perimeter of all major (A-5) subdivision lots abutting Agriculturally (A-1) zoned land in conformance with the requirements of the Landscape and Land Buffers Ordinance. Required trees shall be native species.
- ii. Cluster subdivision lots shall provide landscape buffers in conformance with the Cluster Ordinance landscaping requirements.

4.3.2 SINGLE-FAMILY RESIDENTIAL (R-1A)

The intent of this zone is to provide for low density, single family detached residences and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population.

1. PERMITTED USES

- a. Single-family dwellings.
- b. Planned development projects for residential use only. The procedure under Section 2.5.15 shall be followed.

2. CONDITIONAL USES

- a. Four or more sleeping rooms in a structure.
- b. Churches and other places of worship; public libraries; schools offering general educational courses; public parks and non-commercial public recreational facilities; municipal county, state, or federal use; public utilities (in conformance with Chapters 100.324); funeral homes; cemeteries; hospitals for human care, philanthropic institutions; clubs (except a club the chief activity of which is customarily carried on as a business). The Board of Adjustment may attach conditions to its approval which it feels are necessary requirements in order to carry out the intent of this ordinance to preserve and protect the character of the district in which the proposed use would locate.
- c. The uses conditionally permitted in sub-paragraph above, may apply to the Board of Adjustment for conditional permission to construct an accessory parking area, subject to the following:
 - i. The use of the parking area must be restricted to the applicant only; and
 - ii. The parking area is a necessary and reasonable development.

- iii. The adjacent residential properties are protected from water run-off, visual incompatibility and any other impacts which the particular request may impose on the neighborhood.
- iv. All landscape provisions are met.
- v. The proposed lot is not to be used for commercial purposes, i.e., no business shall use the lot nor fees received for parking.
- vi. Uses conditionally permitted in one zone may seek the above provided permission for a parking area in an adjacent zone upon satisfactory showing of the above criteria and the further showing that the need for the parking area in an adjacent residential area is the result of no reasonably available site in the zone in which the original conditional use is located.

3. ACCESSORY USES

- a. Garages or other buildings not used as a dwelling or business and accessory to the principal use.
- b. Private swimming pools.
- c. Home occupations. The Boards of Adjustment shall rule non-home occupations according to the definition in Section 2.1 upon application by the Enforcement Officer when the classification is in doubt.

4. DIMENSION & AREA REGULATIONS

- a. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all residential districts.

4.3.3 SINGLE-FAMILY RESIDENTIAL (R-1B)

The intent of this zone is to provide for low density, single family detached residences and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population.

1. PERMITTED USES

- a. All those stated in the Single-Family Residential R-1A, above.

2. CONDITIONAL USES

- a. All those stated in the Single-Family Residential R-1A, above.
- b. Home occupations.
- c. Funeral Homes.

- d. Professional offices.
- e. Type II licensed day care facilities.
- f. Bed and Breakfasts, referencing Section 2.5.12 above.

3. ACCESSORY USES

- a. All those stated in the Single-Family Residential R-1A, above.
- b. Renting of sleeping rooms not to exceed a maximum of three (3) rooms.

4. DIMENSION & AREA REGULATIONS

- a. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all residential districts.

4.3.4 SINGLE-FAMILY RESIDENTIAL (R-1C)

The intent of this zone is to provide for low density, single family detached residences and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population.

1. PERMITTED USES

- a. All those stated in the Single-Family Residential R-1A, above.

2. CONDITIONAL USES

- a. All those stated in the Single-Family Residential R-1A, above.
- b. Home occupations.
- c. Funeral Homes.
- d. Professional offices.
- e. Type II licensed day care facilities.
- f. Bed and Breakfasts, referencing Section 2.5.12 above.

3. ACCESSORY USES

- a. All those stated in the Single-Family Residential R-1B, above.

4. DIMENSION & AREA REGULATIONS

- a. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all residential districts.

4.3.5 MEDIUM DENSITY RESIDENTIAL (R-2)

The intent of this zone is to provide for medium density single and multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. The medium residential uses should be located along collector and arterial streets. Where lower density development occurs in this zone, it should be located along local streets.

1. PERMITTED USES

- a. Single family dwellings.
- b. Duplexes and multiple family dwellings with a maximum of six dwelling units per building and 12 units per gross acre.
- c. Planned development projects for residential use with or without neighborhood commercial uses as defined. The procedure under Section 2.5.15 shall be followed.

2. CONDITIONAL USES

- a. All those stated in the Single-Family Residential R-1A, above.
- b. Neighborhood commercial facilities as part of a planned development project. The procedure under Section 2.32-I shall be followed.
- c. Mobile home parks and mobile home subdivisions.
- d. Licensed Type II Day care facilities.
- e. Home Occupations, as defined in section 2.1, above.
- f. Professional Office consisting of a low traffic office providing services, rather than sales or production which would require deliveries, inventories and vehicles, other than automobiles. To satisfy the requirement of low traffic, an office must have limited staff, including the professional(s) and a limited number of clients during the course of an average work day. The Board of Adjustment may require any reasonable documentation demonstrating the absence of moderate to heavy traffic.
- g. Bed and Breakfast as defined in Section 2.1 above.
- h. Assisted Living Facilities.

3. ACCESSORY USES

- a. All those stated in the Single-Family Residential R-1B, above.

4. DIMENSION & AREA REGULATIONS

- a. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all residential districts.

4.3.6 HIGH DENSITY RESIDENTIAL (R-3)

The intent of this zone is to provide for high density single and multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. The high density residential uses should be located along collector and arterial streets. Adequate multi-modal connections should be available to all residents. Where lower density development occurs in this zone, it should be located along local streets.

1. PERMITTED USES

- a. All residential uses meeting lot dimension standards, excluding Mobile Home Parks & Mobile Home Subdivisions (see 4.3.6.2 below), with maximum density of 16 units per gross acre.
- b. Planned unit development projects for residential use with or without neighborhood commercial uses as defined. The procedure under Section 2.5.15 shall be followed.

2. CONDITIONAL USES

- a. All those stated in the Single-Family Residential R-1A, above.
- b. Mobile home parks and mobile home subdivisions.
- c. Licensed Type II Day care facilities.
- d. Home Occupations, as defined in section 2.1, above.
- e. Professional Office consisting of a low traffic office providing services, rather than sales or production which would require deliveries, inventories and vehicles, other than automobiles. To satisfy the requirement of low traffic, an office must have limited staff, including the professional(s) and a limited number of clients during the course of an average work day. The Board of Adjustment may require any reasonable documentation demonstrating the absence of moderate to heavy traffic.
- f. Bed and Breakfast as defined in Section 2.1 above.
- g. Assisted Living Facilities

3. ACCESSORY USES

- a. All those stated in the Single-Family Residential R-1B, above.

4. DIMENSION & AREA REGULATIONS

- a. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all residential districts.

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4.4 COMMERCIAL DISTRICTS

The following regulations shall apply in commercial districts as indicated:

4.4.1 B-1 NEIGHBORHOOD COMMERCIAL

The intent of the B-1 Neighborhood Commercial Zone is to provide pedestrian oriented centers for small-scale retail and services in residential neighborhoods, planned and controlled to the extent that any such center will perform a vital service to the neighborhood in which it is located without significantly impacting the area or disrupting the neighborhood's residential character. Commercial uses within this zone shall be limited to less than eight thousand (8,000) square feet in size and operate no more than eighteen (18) hours a day.

1. PERMITTED USES

- a. Retail sales for neighborhood consumption.
- b. Consumer services for neighborhood consumption.
- c. Professional, business and governmental offices and laboratories.
- d. Planned development projects for the above uses with or without residential use. Residential density not to exceed 4.4 dwelling units per gross acre. The procedure under Section 2.32 shall be followed.
- e. Licensed Type I day care facilities.

2. CONDITIONAL USES

- a. Public facilities such as libraries, churches, parks, recreational facilities, hospitals, institutions, etc.
- b. Manufactured building systems, as defined in Section 2.1. The following standards apply:
 - i. May only be utilized while permanent structures are under design and development.
 - ii. The need for advanced occupancy must be demonstrated to receive the conditional permit.
 - iii. The conditional use permit shall state a time limit for the use of these buildings.

3. ACCESSORY USES

- a. Garage or other buildings
- b. Signs as regulated herein.

4. DIMENSION & AREA REGULATIONS

- a. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all commercial districts.

5. ADDITIONAL REGULATIONS FOR BUSINESS DISTRICTS

- a. There shall be no outdoor storage of merchandise and no outdoor processing in any commercial district unless authorized as a conditional use. All above ground structures accessory to any outdoor use shall be located at least twenty-five feet from residential lot lines. Screening shall be required, as called for in the *Landscape & Land Use Buffers Ordinance*.
- b. All uses in commercial districts shall exhibit performance standards equal to or better than those which define light industry.

4.4.2 B-2 HIGHWAY COMMERCIAL

The intent of this zone is to provide for retail and commercial uses, which are necessary to the economic vitality of the community but may be inappropriate in the more neighborhood-oriented zones. Development in this zone should front on an arterial or major collector roadway and should serve the needs of the broader community. Consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs. Developments should avoid nuisance impacts of light, air, and sound that may be caused on adjacent neighborhoods. Where necessary, developments should include service roads to reduce the impact on highway movement, while also providing appropriate frontage to meet the needs of businesses. A building or premises shall be used only for the following purposes:

1. PERMITTED USES

- a. Motels
- b. Restaurants and cafes.
- c. Retail stores, especially those which require large storage or display space.
- d. Motor vehicle service stations and other auto-related establishments.
- e. Adult oriented uses
- f. Non-retail commercial
- g. Licensed Type I day care facilities.
- h. Planned development project for commercial use only. The procedure under Section 2.32 shall be followed.

2. CONDITIONAL USES

- a. Manufactured building systems, as defined in Section 2.1. The following standards apply:
 - i. May only be utilized while permanent structures are under design and development.
 - ii. The need for advanced occupancy must be demonstrated to receive the conditional permit.
 - iii. The conditional use permit shall state a time limit for the use of these buildings.
- b. Outdoor storage and processing.
- c. Warehouses.
- d. Signs identifying the commercial activity on the same premises, billboards, etc. Only one sign on the premises may be detached from the principal building. Such free-standing sign shall be at least five feet from side lot lines. No portion of any sign shall extend beyond any lot line. Flashing or changing lights which might be confused with traffic control lights are not permitted.
- e. Planned development project for commercial use only. The procedure under Section 2.32 shall be followed.
- f. Trailer camps
- g. Commercial Landscape Operation, as defined in Section 2.1 above.

3. ACCESSORY USES

- a. Garage or other buildings
- b. Signs as regulated herein.

4. DIMENSION & AREA REGULATIONS

- a. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all commercial districts.

5. ADDITIONAL REGULATIONS FOR BUSINESS DISTRICTS

- a. There shall be no outdoor storage of merchandise and no outdoor processing in any commercial district unless authorized as a conditional use. All above ground structures accessory to any outdoor use shall be located at least twenty-five feet from residential lot lines. Screening shall be required. as called for in the *Landscape & Land Use Buffers Ordinance*.

- b. All uses in commercial districts shall exhibit performance standards equal to or better than those which define light industry.

4.4.3 B-3 CENTRAL BUSINESS DISTRICT

The intent and purpose of this district is to provide commercial activities in a concentrated area with an emphasis on large scale and specialty establishments. This will enable the public to participate in many types of commercial activities at one time without depending upon motor transportation for mobility.

1. PERMITTED USES

- a. These include all specialty stores, department stores, places of amusement and entertainment. But those businesses which may be detrimental to the purpose of the Central Business District, i.e., any commercial activity which would cater primarily to the motoring public should be discouraged. Some examples are service stations, motels, drive-in restaurants, drive-in theaters, automobile dealerships and used car lots.
- b. Planned development projects for Commercial and High Density Residential Use Only: The procedure under Section 2.32 shall be followed.
- c. Outdoor advertising signs (off-premises), subject to the following standards below
 - i. Only signs which are flush with a building or which are generally intended to improve the street should be encouraged. Free-standing billboards are not permitted.

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4.4.4 B-4 COMMUNITY COMMERCIAL

The intent of this zone is to provide for commercial operations such as the sale of convenience goods like food, drugs, hardware, and personal services, as well as professional services, banking, and recreation. These districts are intended to serve an extended neighborhood within the City. Community Commercial districts are not intended to attract consumers on a county- or region-wide level.

Community Commercial districts should promote community attractiveness by integrating with surrounding residential areas through pedestrian connections, landscaping, and screening.

1. PERMITTED USES

- a. Grocery stores
- b. General merchandise stores
- c. Clothing stores
- d. Neighborhood gas station (a maximum of three per zoned area)
- e. Banks
- f. Professional offices
- g. Personal services
- h. Restaurants including drive-thru facilities
- i. Planned development project for commercial use with or without residential use above the first floor. Residential density not to exceed 12 dwelling units per gross acre. The procedure under Section 2.32 shall be followed.

2. CONDITIONAL USES

- a. Animal hospital or clinic provided all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.
- b. Outdoor sales and display of products incidental to principal use of the property.
- c. Temporary/seasonal uses.
- d. Commercial Landscape Operations. (Added 09/09/2022, Scott County Ord. 22-11, In effect in County only).
- e. In-patient medical facilities and offices.

- f. Manufactured building systems, as defined in Section 2.1. The following standards apply:
 - i. May only be utilized while permanent structures are under design and development.
 - ii. The need for advanced occupancy must be demonstrated to receive the conditional permit.
 - iii. The conditional use permit shall state a time limit for the use of these buildings.

3. ACCESSORY USES

- a. Garage or other buildings
- b. Signs as regulated herein.

4. PROHIBITED USES

- a. Uses that propose or require single structure facilities of greater than 100,000 square feet.
- b. Uses that require large outdoor surface area for the display of products such as car lots, farm or construction implement lots, mobile home sales, auto or truck repair or salvage lots, etc.
- c. Uses that require a large service area to be practicable such as motels, hotels, theme attractions, specialty centers/malls, large discount stores, etc.
- d. All uses other than as permitted herein are prohibited.

5. MINIMUM DESIGN STANDARDS FOR THE B-4 ZONE, INCLUDING A PLANNED SHOPPING CENTER

- a. Parking shall be provided on a basis of one space for every 250 feet of floor area.
- b. On-street parking is permitted if roadway is designed to 36-foot section.
- c. Parking shall may not occupy lot frontage on those lots less than one (1) acre; parking must be accommodated on the side or rear of the building.
- d. No free-standing signs shall be allowed except for gas stations and signs at the entrance to the area stating occupants of the zone.
- e. Outdoor sales and display is allowed if shown on an approved development plan.
- f. Street trees shall be required at a standard of one tree per every 40 linear feet of the individual property. Placement and maintenance shall be the responsibility of the landowner.

6. DIMENSION & AREA REGULATIONS

- a. Maximum height permitted - 75'.
- b. Minimum lot size shall be 7,500 square feet.
- c. All buildings shall be setback at least 50' from the perimeter of the zone. All buildings fronting on public streets within the interior of the zone shall have a maximum setback of 35 feet from the right-of-way. Side and rear yard setbacks, for those lots on the interior of the zone, shall be zero (0) feet.
- d. The ground area occupied by all the buildings shall not exceed, in the aggregate, thirty-five (35) percent of the total area of the zone.
- e. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all commercial districts.

7. ADDITIONAL REGULATIONS FOR BUSINESS DISTRICTS

- a. There shall be no outdoor storage of merchandise and no outdoor processing in any commercial district unless authorized as a conditional use. All above ground structures accessory to any outdoor use shall be located at least twenty-five feet from residential lot lines. Screening shall be required. as called for in the *Landscape & Land Use Buffers Ordinance*.
- b. All uses in commercial districts shall exhibit performance standards equal to or better than those which define light industry.

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4.4.5 B-5, GENERAL COMMERCIAL PARK

The intent of the zone is to allow flexibility in the development of compatible mixed use areas of limited light industrial, professional offices, and limited commercial, in a business park or campus-like design. The zone should be utilized in areas that have access to a major street system that can support county- and regionwide commercial operators. In these circumstances, commercial park development should be carefully designed to cluster commercial activities in an engageable way without strip commercial development along major thoroughfares and non-commercial areas. Furthermore, commercial development in the zone should be orderly and systematic development design providing rational placement of activities, parking, circulation, landscaping, pedestrian circulation, loading, and access. General Commercial Park districts are designed to allow flexibility in the development of compatible mixed use areas of limited light industrial, professional offices, and limited commercial, in a business park or campus-like design.

1. PERMITTED USES

- a. Any use permitted in the B-4 Community Commercial district.
- b. Professional and business offices, including but not limited to, lawyers, architects, engineers, real estate agencies, finance, manufacturers' representatives, insurance, computer design and technical services, and government offices.
- c. Hotels and motels.
- d. Retail stores, especially those which require large storage or display space.
- e. Wholesaling and warehousing.
- f. Limited light industrial, that can comply with the performance standards as set forth in this section and noted above. These include, but not limited to:
 - i. Bottling or package works
 - ii. Electrical appliances and equipment assembly
 - iii. Electronic equipment assembly and manufacturing
 - iv. Instrument and meter manufacturing
 - v. Sporting goods manufacturing
 - vi. Manufacturing, compounding, processing, packaging and treatment of bakery goods, candy, and food products.
 - vii. Research, experimental, or testing laboratories.

2. CONDITIONAL USES

- a. Outdoor sales and display, and/or storage of products.
- b. Animal hospital or clinic, provided that, where adjacent to a residential or agricultural district, all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.
- c. Signs, as regulated by this section.
- d. Commercial Landscape Operations. (In effect in County only).
- e. Manufactured building systems, as defined in Section 2.1. The following standards apply:
 - i. May only be utilized while permanent structures are under design and development.
 - ii. The need for advanced occupancy must be demonstrated to receive the conditional permit.
 - iii. The conditional use permit shall state a time limit for the use of these buildings.

3. ACCESSORY USES

- a. Garage or other buildings
- b. Signs as regulated herein.

4. PROHIBITED USES

- a. All residential uses, except as provided under "Permitted Uses";
- b. Public or private schools;
- c. Junk or scrap yards;
- d. Heavy industrial uses;
- e. All uses and structures not of a nature specifically permitted herein.

5. **MINIMUM PERFORMANCE STANDARDS**

a. **PARKING**

- i. Off-street parking, as regulated by Article II, Section 2.7 of the Zoning Ordinance and the Subdivision & Development Regulations.
- ii. On-street parking shall not be permitted.

b. **VEHICULAR ACCESS LOCATIONS**

- i. Vehicular access locations shall be provided so that vehicles entering or existing the commercial development shall do so only at such locations as reviewed and approved by the Planning Commission and the City Engineer.
- ii. Vehicular access locations shall be a minimum of 25 feet wide and a maximum of 40 feet wide. In the event that KYTC requires additional widths, those standards shall apply.
- iii. Vehicular access locations shall be limited to one (1) access per 150 feet of street frontage or as determined by the Planning Commission and City Engineer. Access locations to a state route shall be determined by KYTC.

c. **LOADING**

- i. Loading areas shall be located in the side or rear yards.

d. **CIRCULATION**

- i. The use of frontage or service roads shall be encouraged to service individual development(s) within the commercial park.
- ii. Internal driveways and access(es) shall be encouraged to promote internal circulation of vehicles and goods.

e. **LANDSCAPING & SCREENING**

- i. Landscaping and Screening Requirements shall be in accordance with the Landscape Ordinance contained within the Zoning Ordinance except that:
 - 1. Where adjacent to residential districts, in addition to the "Property Perimeter Requirements", the minimum buffer area shall be increased to 25 feet and contain a double row of evergreen or deciduous trees planted 15' on center.

2. Additional landscaping shall may be required by the Planning Commission, surpassing the minimums required by the landscape and land uses buffer ordinance. to more effectively buffer adjacent land use, as deemed appropriate.

f. **SIGNAGE**

- i. Signage shall be in accordance with the regulations contained in the applicable Sign Ordinance, except that:
 1. In commercial parks that are greater than 20 acres, a monument sign may be permitted at the entrance to the commercial park identifying the business(es), not to exceed 300 square feet.
 2. The maximum height of such signs shall not exceed 30 feet.
 3. Monument signs located at the entrance to the commercial park shall be setback from the right-of-way line a minimum of 25 feet and shall be used for identification purposes only.

6. **DIMENSION & AREA REGULATIONS**

a. **FRONT YARD:**

- i. All buildings shall be setback from the street right-of-way line a minimum of 25 feet.
- ii. Where fronting on a state route, the minimum front yard setback shall be 50 feet.

b. **SIDE YARD:**

- i. All buildings shall be setback from the side lot lines a minimum of 10 feet.

c. **REAR YARD:**

- i. All buildings shall be setback from the rear lot line a minimum of 30 feet where serviced from the rear, in all other cases, a minimum of 20 feet is required.

d. **PERIPHERY BOUNDARY:**

- i. All buildings where located adjacent to the periphery boundary shall be setback 50 feet; where adjacent to a residential or agricultural district, all buildings shall be setback 100 feet.

- e. The maximum amount of land that can be covered by structures is 50 percent.

- f. Maximum height permitted shall be five (5) stories or sixty feet.
- g. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all commercial districts.

7. **ADDITIONAL REGULATIONS FOR BUSINESS DISTRICTS**

- a. There shall be no outdoor storage of merchandise and no outdoor processing in any commercial district unless authorized as a conditional use. All above ground structures accessory to any outdoor use shall be located at least twenty-five feet from residential lot lines. Screening shall be required. as called for in the *Landscape & Land Use Buffers Ordinance*.
- b. All uses in commercial districts shall exhibit performance standards equal to or better than those which define light industry.

4.4.6 BP-1 BUSINESS, RESEARCH & TECHNOLOGY PARK

The intent of this district is to accommodate a wide range of uses including professional, business, governmental and medical offices, corporate headquarters, and uses that rely on advanced scientific and engineering capabilities. This district is also designed to accommodate related limited light or environmentally sensitive manufacturing and production that benefit from locations in or adjacent to the North Georgetown Employment Center and Royal Spring Aquifer Recharge Area.

The BP-1 district is intended to provide sites in a campus or park type setting with an emphasis on internal connections and access, emphasis on natural characteristics and open space preservation, and buffering of adjacent, less intensive land use. This district is also intended to encourage originality and flexibility in development, and to ensure that development is properly related to its site and to the surrounding developments. Land use within this district is intended to provide for research facilities, pilot plants, prototype production facilities and manufacturing operations requiring a high degree of continual or recurrent application of scientific input and activity as an integral part of the manufacturing process.

1. PERMITTED USES, ACCESSORY USES, & PROHIBITED USES

Type of Land Use	Permitted	Accessory	Prohibited	Example
Adult Oriented Business			X	
Animal Hospitals			X	
Assembly (automotive)			X (I-1R) (5)	VUTEQ
Assembly (elec. appliances)			X (I-1R) (5)	
Automobile sales, service, repair			X	Ernie's, S&S

Type of Land Use	Permitted	Accessory	Prohibited	Example
Automobile sales (auctions) and storage			X	KASP,
Bakery			X	Kern's,
Billboards			X	actual signs
Broadcasting facilities (radio, television)	X (1)			Adelphia, WRVG (GC radio)
Cell towers			X	
Chemical (manufacturing)			X	Air Products
Chemical storage			X (I-1R) (5)	Ulrich Chemical
Coal/Coke plants			X	
Commercial feed lot/sales			X	
Concrete Plant			X	
Conference centers	X			Georgetown College – East Campus
Convenience Stores (w/Gas Stations)			X	
Contractor's Office (electrical, building, pest control)			X	
Contractor Sales (wholesale)			X	Ferguson Materials
Corporate/regional headquarters	X			TMMNA
Data processing	X			
Distribution			X	Phoenix Trans., Lexington Cartage
Distribution - Agriculture (tobacco warehouse)			X	
Energy plants	X (4) (5)			Based on type of energy and process
Financial Centers	X			Banks, Mortgage Company (regional center, not branch office)
Freight Terminals			X	Murphy Surf-Air, Roadway

Type of Land Use	Permitted	Accessory	Prohibited	Example
Heavy Industry			X	TMMK, Louisville Forge, Tsusho (?)
Hospitals	X			GCH
Indoor Recreational Facilities		X		Pavilion, indoor soccer, laser tag,
Interpretive Centers		X		KY History Museum, TMMK Visitors Center
Junk or scrap yards			X	
Laboratories	X			
Laundry/Dry Cleaning		X		
Manufacturing:				
bakery goods			X	
Appliances			X (I-1R) (5)	
automotive related (sunroof, fuel cells, seating)			X (I-1R) (5)	
billboards/signs			X (I-1R) (5)	manufacturing not location
Bottling			X (I-1R) (5)	
Candy			X (I-1R) (5)	
Ceramics			X (I-1R) (5)	
China			X (I-1R) (5)	
Cosmetics			X (I-1R) (5)	
crate and storage bin assembly			X (I-1R) (5)	
drafting instruments			X (I-1R) (5)	
electrical parts (automotive, etc.)			X (I-1R) (5)	
food products			X (I-1R) (5)	
Furniture			X (I-1R) (5)	
meat/meat packaging			X (I-1R) (5)	
medical & dental instruments			X (I-1R) (5)	
Music instruments			X (I-1R) (5)	
Paper and paper products			X	
pharmaceuticals			X (I-1R) (5)	
plastics (incl. plastic injection molding)			X (I-1R) (5)	
Pottery			X (I-1R) (5)	

Type of Land Use	Permitted	Accessory	Prohibited	Example
radios, television			X (I-1R) (5)	
rubber and metal stamping			X (I-1R) (5)	
rubber products			X (I-1R) (5)	
scientific instruments			X (I-1R) (5)	
Shoes			X (I-1R) (5)	
tanning, dyeing, etc.			X	
Toiletries			X (I-1R) (5)	
Toys			X (I-1R) (5)	
Welding			X (I-1R) (5)	
Medical offices	X			Urgent Care Center, dentist, chiropractor
Motels, hotels			X	
Oil change facilities			X	Valvoline
Outdoor storage of materials			X	Louisville Forge, D & R Manufacturing
Outdoor theaters and commercial parks			X	Paintball, Drive-In Movie
Parcel delivery station		X		UPS, FedEx
Parks, public and private	X			
Pilot plants (testing)	X			
Production facilities (high degree of scientific input, tech)	X			
Professional offices - engineers	X			
Professional offices - real estate, attorneys	X			job placement services
Professional office - personal services	X			barber/beauty shops, massage therapy
Prototype production facilities	X (5)			
Quarry			X	
Recycling Facilities			X	
Research Activities	X			
Research Facilities	X			
Reservations (call-centers)	X			Delta Airlines, Sears Home Central

Type of Land Use	Permitted	Accessory	Prohibited	Example
Residential uses			X (3)	
Restaurants		X	X	Applebee's, Cracker Barrel
Retail (general commercial)			X	Blockbuster, Kroger, Advance Auto Parts
Retail (pharmacy, book store, hardware)			X	
Retail (other sales)			X	mobile homes, boats, storage buildings, flea market
Retail (snack bars, ATM, clinics)		X (2)		
Self-storage (mini-warehouses)			X	
Slaughter house			X	
Training facilities	X			Georgetown College - East Campus
Truck terminals, repair, sales			X	Eastside Trucking, Phoenix Transportation
Type I day care facilities	X			
Warehousing		X (2)		Eagle, Oliver Warehouse (Michael's Crafts) Triport
NOTES				
(1) = Conditional Use				
(2) = as part of a permitted use; not stand-alone				
(3) = except for an on-site manager				
(4) = outdoor storage of materials prohibited; vehicles must be screened				
(5) = Higher standard I-1 use requiring BP-1 Design Standards for site improvements				
Uses in BOLD indicate "Use on Review" by the Development Authority				

2. **CONDITIONAL USES**

- a. Manufactured building systems, as defined in Section 2.1. The following standards apply:
 - i. May only be utilized while permanent structures are under design and development.
 - ii. The need for advanced occupancy must be demonstrated to receive the conditional permit.
 - iii. The conditional use permit shall state a time limit for the use of these buildings.

3. **PERFORMANCE STANDARDS**

a. **MINIMUM SIZE OF ZONE:**

- i. In order to achieve the intent of the district and to permit the coordinated arrangement of buildings and facilities, open space and internal road connections, the minimum BP-1 area shall be no less than 25 acres.

b. **MAXIMUM BUILDING HEIGHT:**

- i. The maximum height of buildings shall be three (3) stories or 40 feet.

c. **MAXIMUM BUILDING GROUND COVERAGE:**

- i. The maximum amount of land that can be covered by buildings for any lot within this district is 40 percent.

d. **AREA REQUIREMENTS:**

i. ***FRONT YARD SETBACK***

- 1. All buildings and structures shall be set back from the street right-of-way line a minimum of 50 feet.
- 2. Where fronting on a state right-of-way, the minimum building setback shall be 50 feet, except where noted otherwise within the *Zoning Ordinance*.

ii. ***SIDE YARD SETBACK***

- 1. All buildings and structures shall be set back from the side lot lines a minimum of 20 feet.

iii. **REAR YARD SETBACK**

1. All buildings and structures shall be set back from the rear lot line a minimum of 30 feet; when buildings are serviced from the rear, the minimum rear yard setback shall be 50 feet.

iv. **PERIPHERAL BOUNDARY**

1. All buildings and structures shall be set back a minimum of 50 feet from the periphery boundary. Where adjacent to residential or agriculturally zoned property, all buildings shall be set back a minimum of 100 feet.

v. **ADDITIONAL CONSIDERATIONS**

1. The depth of any setback may be reduced by one-half where located adjacent to a railroad track or spur.
2. Gate or security stations may be excluded from the setback requirements upon approval by the Planning Commission.
3. No accessory buildings or structures shall be permitted within the required front yard except as noted herein.

e. **LOADING AREAS:**

- i. No loading areas shall be permitted in the front yard. In addition, any loading areas shall be located, constructed and/or landscaped so as not to be visible from any public or private road right-of-way.

f. **UTILITIES:**

- i. All utility transmission lines serving individual uses shall be placed underground. All utility transformers shall be located in the rear yard.

g. **LANDSCAPING AND SCREENING:**

- i. Landscaping and screening requirements shall be in accordance with the Landscape Ordinance contained within the Zoning Ordinance, except:
 1. Where adjacent to residential and agriculturally zoned property, a 50-foot open space preservation easement shall be required. In addition, the property perimeter requirements within this easement shall be increased to 25 feet and contain a double row of evergreen and deciduous trees planted 20 feet on-center. The ratio of evergreen and deciduous trees shall not exceed 2:1.

2. All vehicle use areas located adjacent to property lines shall be landscaped and screened in accordance with Section 6.13.1C-D and 6.13.2A-D of the Landscape Ordinance.
3. Developments along arterials or collectors shall incorporate buffering meeting the standards of the Landscape and Land Use Buffers Ordinance along the right-of-way.

h. **OPEN SPACE AND NATURAL AREA PRESERVES:**

- i. This district shall include open space and natural preserve areas providing for environmental, scenic or recreational benefits. Any area designated for open space and natural area preservation by the recorded plat or approved development plan shall not be altered except with the approval of the Planning Commission.
 1. All development within this district shall maintain and preserve the existing tree lines and creek corridors. Existing ponds or significant water areas shall be incorporated into the overall design of the development.
 2. Existing creek corridors and natural drainage areas shall be utilized as part of the Georgetown-Scott County Greenways and Trails System. These areas are identified by the adopted Comprehensive Plan and accepted Elkhorn Creek Trails Committee map.
 3. Where adjacent to the Urban Services Boundary, all developments shall provide a minimum 100-foot greenspace easement in which no structures or vehicle use areas, excluding roads or driveways, shall be located. In the event of a conflict between this section and the required landscaping and screening, the more restrictive setback of the two shall apply; all required landscape and screening requirements still apply.
 4. Internal greenway and trail connections to the primary trail system are encouraged. Developments providing such connection may receive up to a 10 percent reduction in the number of required parking spaces.

i. **ACCESS AND PARKING**

- i. Off-street parking, as regulated by the *Subdivision & Development Regulations*.
- ii. On-street parking shall not be permitted.
- iii. Vehicular access locations shall be a minimum of 25 feet wide and a maximum of forty (40) feet wide. For access to a state highway, KYTC requirements shall apply. In addition, a KYTC entrance permit will be required prior to either final subdivision plat approval or final development plan approval.
- iv. The use of frontage or service roads shall be encouraged to serve individual lots within the park. No direct access to existing roads shall be permitted except at approved locations as determined by KYTC and the Planning Commission; internal access is required.
- v. Internal sidewalks shall be encouraged to promote pedestrian access to open space, natural area preserves and/or the greenways and trails.
- vi. Vehicular access locations shall be limited to one (1) access per 150 feet of street frontage or as determined by the Planning Commission Director, Planning Commission Engineer and the City Engineer.
- vii. ***ADDITIONAL PARKING STANDARDS:***

- 1. Required parking for any use not listed in the *Zoning Ordinance* or *Subdivision & Development Regulations* shall be determined by the Planning Director and approved through the development plan process. A parking study shall be required for approval of lesser parking standards.
- 2. If the required parking area cannot be provided on the same lot as the principal use, it shall be located on a lot within 400 feet of an entrance used by customers or within 1,000 feet of an entrance used by employees. This (these) lot(s) shall be shown on the development plan for the principal use. In the event the off-premise parking areas are removed or eliminated, or reduced below the required parking standards, the principal use (beneficiary) shall provide either the equivalent number of required number of parking spaces on premise, approved off-premise lot or the principal use shall be discontinued until these conditions

are met. A violation of this provision shall constitute an unauthorized and illegal occupancy of the principal use.

3. All vehicle use areas shall be paved or concrete, no gravel or similar type surface is permitted.
4. If a principal use, building or development having an insufficient number of parking spaces is increased by 50 percent or less (building area), additional parking spaces shall be provided only for that addition. For increases greater than 50 percent, sufficient parking spaces shall be required to bring the total development into compliance. The Planning Commission shall require the applicant to bring the total development into compliance if it is determined that numerous building additions have been proposed in order to bypass this requirement.
5. On sites with multiple tenants, the required parking shall be calculated based on the total number of spaces required for each use.

j. **ENVIRONMENTAL STANDARDS**

i. ***LIGHTING STANDARDS:***

1. Any exterior illumination shall be directed away from adjoining properties. For properties adjacent to a residential or agriculturally zoned property, all lighting shall be directed away from and shall not create any impacts on these properties.
2. The maximum height of any lighting structures shall be 25 feet.
3. Lighting structures are to be a dark or neutral color.
4. All parking, road and security lights shall be cut-off luminaries.

ii. ***STORMWATER RUNOFF & DRAINAGE:***

1. All stormwater discharge shall be designed to minimize impacts on the existing properties and shall also be designed to enhance water quality. Additional water quality measures shall be required for those properties that discharge directly into the Royal Spring Aquifer Recharge Area, or Lane's Run Creek and its tributaries.
2. Natural drainage corridors shall be preserved.

3. Stormwater management shall be in accordance with the adopted "Stormwater Best Management Practices for Water Quantity and Water Quality Control".
4. All developments within the BP-1 district shall be designed to minimize any potential impacts on the environment including, but not limited to, noise, stormwater discharge, solid wastes, air, and erosion.
5. All developments within the BP-1 district shall be connected to sanitary sewers.

k. **BUILDING DESIGN**

- i. To achieve the desired campus-type and open space setting within the BP-1 district, building size and design are regulated. The design of each building should be complimentary to each other and create an architecturally integrated complex that provides for a transition between surrounding development and the environment. In order to achieve this goal, buildings shall be designed in accordance with the following goals:
 1. The maximum height of buildings shall be three (3) stories or 40 feet.
 2. All building elevations fronting on a public or private street, or where visible from an existing right-of-way, shall be faced in a compatible and consistent manner.
 3. Building roofs are to be uncluttered; cooling towers, HVAC and ventilation fans, mechanical units, etc., shall be either screened using a pitched roof façade or constructed adjacent to the building and properly screened from view by either landscaping or the use of similar building materials.
 4. Long, unbroken building facades shall be discouraged and shall not exceed 100 feet or 25 percent of the building length, whichever is greater.

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4.5 INDUSTRIAL DISTRICTS

4.5.1 LIGHT INDUSTRIAL DISTRICT (I-1)

The intent of this zone is to provide appropriately located manufacturing, industrial, and related uses, thus bolstering Scott County's economy through diverse employment opportunities. The uses allowable within this zone involve low-impact manufacturing, industrial, and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. Adequate buffering and separation from lower intensity land uses is necessary.

1. PERMITTED USES

- a. Non-retail commercial
- b. Light Industry: The Board of Adjustment shall distinguish between light and heavy industry according to the definition in Section 2.1 upon application by the Enforcement Officer when the classification is in doubt.
- c. Research laboratories.
- d. Planned development project for industrial use only. The procedure under Section 2.32 shall be followed.
- e. Manufactured building systems used as office buildings.
- f. Adult oriented uses
- g. Commercial Landscape Operation

2. CONDITIONAL USES

- a. Sanitary landfill for refuse disposal in conformance with the standards set forth in the Kentucky Department of Health Manual Se-M-4, Recommendations for the Disposal of Refuse by the Sanitary Landfill Method. Approval of the sanitary landfill by the State Board of Health must be obtained before it may be permitted as a conditional use.
- b. Junkyards as defined in Section 2.52.
- c. Outdoor storage, providing all of the following conditions are met:
 - i. Storage is incidental and accessory to the principal use of the property, and,
 - ii. The storage shall not be visible from any right-of-way or adjacent area of different zoning classification. The Board of Adjustments may impose any reasonable conditions calculated to provide the required screening.

- iii. The screening utilized to prevent visibility of the outdoor storage may consist of earthen mounds, plantings, fencing or walls.
- iv. The storage area boundaries must satisfy the minimum setback requirements of the zone.

3. ACCESSORY USES

- a. Signs identifying the industrial activity on the same premises.
- b. Dwelling unit for caretaker or watchmen employed by the industrial firm.
- c. Accessory buildings.

4. DIMENSION & AREA REGULATIONS

- a. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all commercial districts.

4.5.2 ENVIRONMENTALLY SENSITIVE LIGHT INDUSTRIAL (ESLI)

The intent of this zone is for light industrial users as described above, but those which are in areas where adequate sewage treatment may not be immediately available. Other circumstances where this zone should be utilized are when important natural resources are in close proximity of the site which may require environmentally sensitive industrial development.

1. PERMITTED USES

- a. All uses which satisfy the definition of "Light Industry" which meet one or more of the conditions below.
 - i. Uses in the planned environmentally sensitive industrial areas, the Royal Spring Aquifer recharge area and properties draining directly to Elkhorn Creek within five miles of the Georgetown Municipal water and Sewer Service water intake shall be limited to those which do not present a substantial level of risk for potential contamination of water quality. Industrial uses shall not include the use, generation, or storage of hazardous materials, as defined by state and federal regulation, except upon showing by applicant that the presence of hazardous materials will be minimal and will pose no threat to ground water. This showing shall consist of specific documentation on all proposed uses and character of hazardous materials and proposed systems for detaining any spill of those materials.

- b. Uses within the urban service boundary which lack adequate sewage treatment capacity, shall be permitted with on-side sewage treatment providing that only domestic waste is generated, and the number of employees associated with the use is limited to 10 per open acre. For the purpose of this section, open acre is defined as an acre which is reserved for the location of the on-site domestic sewage system or open space only. Any anticipated significant gray water production shall be accommodated outside the open acres reserved for on-site domestic sewage disposal.
 - i. This minimum number of employees may be varied at the development plan stage of the approval process upon a showing that the proposed site is suitable for a higher number by the Commission. The factors which shall be considered before varying the minimum number of employees permitted per acre in an environmentally sensitive light industry zone are:
 - 1. Health department environmentalist site evaluation for type, location, and capacity of on-site domestic sewage system.
 - 2. Capacity of local transportation system
 - 3. Minimum required setbacks, parking, landscape and building area.
 - ii. The Commission shall not consider a variance of the minimum employee number until applicant has submitted the following:
 - 1. The health department environmentalist site evaluation of the proposed site's minimum requirements for on-site sewage disposal;
 - 2. Site development plan containing all elements required.
 - 3. Non-retail commercial uses which would satisfy the standards set out in paragraph (b) of this section.

2. **CONDITIONAL USES**

- a. Those as defined in the I-1 zoning district.

3. **ACCESSORY USES**

- a. Signs identifying the industrial activity on the same premises.
- b. Dwelling unit for caretaker or watchmen employed by the industrial firm.
- c. Accessory buildings.

4. DIMENSION & AREA REGULATIONS

- a. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all commercial districts.

5. ADDITIONAL REQUIREMENTS

a. CONNECTION TO MUNICIPAL SEWAGE TREATMENT FACILITY REQUIREMENT

- i. All uses within environmentally sensitive light industrial districts shall connect to the municipal sewage treatment system upon its availability.
- ii. For the purposes of this section, available municipal sewage treatment facility is defined as the location of an adequately sized sanitary sewer facility within 150 feet of a property designated environmentally sensitive light industrial.
- iii. Except for uses described in Section 4.55 I. A. (1), connection to a municipal sewage treatment facility shall remove the limitations of this classification.

4.5.3 HEAVY INDUSTRIAL DISTRICT (I-2)

The intent of this zone is to provide appropriately located manufacturing, industrial, and related uses. The zone is intended to bolster Scott County's economy through diverse employment opportunities. The uses allowable within this zone involve potential nuisance factors such as noise, odor, vibration, or light which necessitates adequate buffering and separation from lower intensity land uses.

1. PERMITTED USES

- a. Extraction, storing and processing of minerals or raw materials.
- b. Those uses as permitted in Light Industrial Districts.

2. CONDITIONAL USES

- a. As permitted in Light Industrial Districts.

3. ACCESSORY USES

- a. As permitted in Light Industrial Districts.

4. DIMENSION & AREA REGULATIONS

- a. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all commercial districts.

4.6 PROFESSIONAL & COMMUNITY SERVICES (P-1)

This zoning district is primarily for offices and related uses. This zone is intended for those areas adjacent to residential or commercial districts where a transitional buffer of less intensive activity would minimize land use conflicts. Retail sales are prohibited except where related directly to office functions.

1. PERMITTED USES

- a. Banks and financial institutions including drive-in facilities.
- b. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations.
- c. Research, development and testing laboratories or centers.
- d. Schools, nursery schools, child care centers.
- e. Libraries, museums, galleries.
- f. Medical offices, clinics and laboratories.
- g. Telephone exchanges, radio and television studios, (not to exceed 20' above existing building).
- h. Fine arts studios.
- i. Funeral parlors.
- j. Swimming pools, tennis courts, putting greens, and other similar recreational uses.
- k. Community Centers.
- l. Hospitals, nursing homes, rest homes.
- m. Computer and data processing centers.
- n. Ticket and travel agencies.
- o. Professional office projects.

2. CONDITIONAL USES

- a. Offices of veterinarians and animal hospitals.
- b. Residential developments (apply R-2 standards).
- c. Any use dependent upon septic tanks or privies.
- d. Pawn shops.
- e. Pre-constructed office buildings.
- f. Manufactured building systems.

- g. Assisted Living Facilities

3. ACCESSORY USES

- a. Establishments limited to the filling of prescriptions and sale of pharmaceutical and medical supplies.
- b. Parking areas or structures.
- c. Retail sales or personal services including facilities for food service only for residents, employees, or visitors to any permitted use and having no direct access to the exterior and having no display space or signs visible from the exterior of such building.
- d. One dwelling unit for owners, operators, or employees of a permitted use provided such unit shall be a part of and located above and to the rear of such permitted use.
- e. Sales office for the display of merchandise and acceptance of orders.

4. DIMENSION & AREA REGULATIONS

- a. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimensions and Area Regulations. The applicable regulations shall be observed in all industrial districts.

4.7 HISTORIC DISTRICT

The historic district zone classification is created to protect the historic character of the area so designated. The historic district is a zone classification which, where appropriate, is superimposed over any existing zone classification wherein the provisions of existing zone classification remain applicable and are supplemented by the provisions contained herein.

1. PERMITTED USES

- a. All those permitted by the base zone of the property.

2. CONDITIONAL USES

- a. Bed and Breakfast as defined in Section 2.1 above.

3. ACCESSORY USES

- a. All those permitted by the base zone of the property.

4. ADDITIONAL CONSIDERATIONS & REQUIREMENTS

- a. No buildings or stone fences of historic significance within a historic district shall be demolished, moved or substantially altered without first obtaining a conditional use permit from the Board of Adjustment.

- i. The purpose of the conditional use permit requirement is to provide public review of the decision to demolish, remove or substantially alter an historic resource.
- ii. The Board shall not issue the permit without exhausting all reasonable alternatives to the destruction or removal of the resource.
 - 1. In such instances, the Board may seek advice and recommendations from the Planning Commission, any historical society, any architect, engineer, historian or other qualified person as well as governmental agencies as deemed necessary by the Board.

5. DIMENSION & AREA REGULATIONS

- a. Properties in the historic overlay shall adhere to the base zone regulations regarding the dimensions and area for lots and structures as set forth in the Schedule of Dimensions and Area Regulations.

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4.8 SCHEDULE OF AREA & DIMENSION REGULATIONS

SCHEDULE OF DIMENSION AREA REGULATIONS														
District	A-1 C-1	A-5	R-1A	R-1B	R-1C	R-2	R-3	P-1 P-1B	B-1	B-2	B-3	B-4	B-5	I-1 I-2
	Two (2) stories or 30 feet						Six (6) stories or 75 feet				Six (6) stories or 75 feet			
Min. Lot Area (ft²) when served by sanitary sewer	Max. Height of Bldgs¹										⁵			
	Single Family	5.0 acres	5.0 acres	12,000	10,000	7,500	7,500	7,500	7,500	7,500	N/A			7,500
	Duplex	⁴	N/A	N/A	N/A	8,500	8,500	N/A	N/A	N/A	⁵			N/A
	Three or more dwelling units	⁴	N/A	N/A	N/A	⁸	⁹	N/A	N/A	N/A	⁵			N/A
	Max. Density (units/gross acre)	1/5 acre	1/5 acre	2.9	3.6	4.4	⁸	⁹	N/A	N/A	N/A			N/A
	Min. Lot Area (w/o sanitary sewer)	5.0 acres												
Min. Lot Width at Residential	Max Building Ground Coverage of Lot (%)	20	20	40	40	40	40	40	50	75	50	90		50
	Single Family	250	250	100	80	70	60	60	60	60	60	N/A		60
	Duplex	N/A	N/A	N/A	N/A	N/A	80	75	N/A	N/A	N/A	N/A		N/A
	Three or more dwelling units	N/A	N/A	N/A	N/A	N/A	¹³	¹³	N/A	N/A	N/A	N/A		N/A
Main Structure	Setbacks:													
	Min. Front Yard²⁰	50 ²	50 ²	40	35	30	30	30	25	25	50	N/A		50
	Min. Side Yard⁵	50	50	12	12	10	7.5 ¹¹	7.5 ¹¹	12 ³	0 ³	0 ³	0 ³		12 ¹²
	Min. Rear Yard⁵	50	50	25	25	25	25	25	20 ³	20 ³	0 ³	0 ³		25 ³
Accessory Structure	Min. Front Yard	50	25 ¹⁴	35	35	30	30	30	25	25	50	N/A		50
	Min. Side Yard⁴, ¹⁵	50	25	5	5	5	5	5	5 ³	5 ³	0 ³	0 ³		12 ³
	Min. Rear Yard⁵	50	25	5	5	5	5	5	5 ³	5 ³	0 ³	0 ³		25 ³

SCHEDULE OF DIMENSION AREA REGULATIONS	
1	Height of buildings may be increased up to 50 feet, provided each side yard is increased by the same amount over the required yard minimum that the building height is increased over the otherwise required height maximum.
2	On A-1, A-5, and C-1 tracts fronting on U.S. Routes, the front yard setback is 100 feet, except where located inside corporate limits, on U.S. 25 from Delaplain Road north and on U.S. 62 from Oxford east, where the minimum front yard setback is 50 feet from the R.O.W.
3	On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side yard of twenty-five (25) feet on the side adjacent to the residential district. Streets or public rights-of-ways may be included as part of the side yard requirements of this subsection
4	See regulations for more than one dwelling on a farm (tract).
5	All buildings intended for residential use, in whole or in part, shall comply with the requirements of the R-2 District (this is not limited to the items noted).
6	Additional requirements for accessory structures Article II, Section 2.6
7	See individual performance standards
8	Not to exceed 6 units/building nor 12 units/gross acre
9	Not to exceed 16 units/gross acre
10	Buildings and structures placed on corner lots or double frontage lots shall observe the front yard setback requirements for both streets as specified
11	7.5' for single family and duplexes; 25' for multi-family
12	50' when next to a residential district
13	110 feet for 3 dwelling units, plus 15 feet for each additional unit
14	In no case shall a secondary structure be allowed in front of the front building line of a primary structure
15	The minimum setback for all buildings, structures, pools, etc., when adjoining the A-1 zoning district is 50 feet.

ARTICLE V

ADMINISTRATION

5.1 ENFORCEMENT OFFICER

The Fiscal Court and the cities of Georgetown, Stamping Ground and Sadieville shall designate and appoint an Enforcement Officer or Officers who may be members of the Commission, who shall be charged with and provided with the authority to enforce the ordinances, regulations and orders of the Planning Commission and to issue building permits and certificates of occupancy. The Enforcement Officer in the performance of their duties and functions, may enter upon any land and make examinations and surveys that do not occasion damage or injury to private property.

5.2 BUILDING PERMITS

5.2.1 REQUIRED PRIOR TO CONSTRUCTION OR ALTERATION

1. It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Building Inspector has issued a building permit for such work. The Planning Commission may establish a schedule of reasonable fees to be charged for the issuance of building permits.
2. Permanent electrical, plumbing or fuel connections shall not be installed in a structure to be occupied (including mobile homes) until a valid building permit is issued by the Building Inspector. Any person or corporation violating this provision is subject to penalties provided in Section 5.6 of this ordinance.
3. No building permit shall be issued in any subdivision or development which is not in substantial compliance with all requirements of the subdivision regulations, the final subdivision plat with all construction documents or the final development plan. Lot owners or contractors representing lot owners in subdivisions who acquired title to their lots prior to the determination of the existence of a substantial non-compliance, shall be exempt from this prohibition. No building permit, however, shall be issued to a developer of a subdivision or his or her agent while there exists a substantial non-compliance in that subdivision.
4. At such time as the determination is made of the existence of substantial non-compliance, Notice stating the fact of that determination and the agency and number to call for information concerning the nature of the non-compliance and the steps necessary for its correction shall be posted conspicuously at the entrances to the subject subdivision. The Notice shall also be recorded on the margin of the Final Subdivision Plat and in a Certificate of Land Use Restrictions in the office of the County Clerk.

5. Substantial non-compliance with the requirements of the final subdivision plat or final development plan is defined to include the situation wherein the developer was in compliance at the time the final plat or plan was approved, but through alteration or change to the subdivision or development site, whether by intentional act or through lack of appropriate maintenance, the site, at the time of the building permit request, is no longer as approved on the applicable plat or plan.

5.2.2 EXCEPTIONS

No building permit or certificate of occupancy shall be required in the following cases:

1. Recurring maintenance work regardless of cost.
2. Installation of required improvements according to an approved preliminary subdivision plat or planned development.
3. Those structures and uses exempted by Section 2.8.
4. Construction or alteration of Agricultural structures other than dwellings in A-1 or C-1 districts.

5.2.3 PROCEDURES

1. APPLICATION:

- a. In applying to the Enforcement Officer for a building permit, the applicant shall submit a plan along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use of all structures, yard depths, necessary screening where zones meet and any other information necessary for determining conformance with the Zoning Ordinance. The County Health Officer's certificate approving proposed water and sewage facilities must accompany applications according to paragraph 2.44 of the Zoning Ordinance.

2. PERMANENT FILE:

- a. The Enforcement Officer shall keep a permanent file of all applications with accompanying plans and permits issued.

3. ISSUANCE:

- a. If the proposed construction or alteration conforms with all applicable provisions of the Zoning Ordinance and all other applicable ordinances, regulations, and codes, the Enforcement Officer shall issue a building permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the Enforcement Officer shall refuse to issue a building permit and shall deliver written notice to the

applicant stating the reason for the refusal. The Enforcement Officer shall act upon the applications for building permits within ten days from the date of their submission.

4. DURATION:

- a. A building permit or variance shall become void six months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed before it becomes void.

5.3 CERTIFICATE OF OCCUPANCY

5.3.1 REQUIRED PRIOR TO OCCUPANCY, CHANGE OF USE, AND UNDER OTHER CONDITIONS

Except for agricultural building in A-1 and C-1 Districts, it shall be unlawful to use any newly erected or altered structure, or to change the use of any premises even though no structure was erected or altered until the Enforcement Officer has issued a certificate of occupancy authorizing such use, except as specified in Sections 2.8 and 5.22 of the Zoning Ordinance. The Planning Commission may authorize the Enforcement Officer to require that non-conforming uses or any existing uses shall maintain valid certificates of occupancy identifying them as non-conforming or permitted uses as applicable. No fees will be charged for the issuance of certificates of occupancy.

5.3.2 PROCEDURE

1. APPLICATION:

- a. An application for a certificate of occupancy must be made for all dwellings and buildings to be occupied. Building permits shall have been previously approved. These regulations apply to mobile homes as well as other dwellings and occupied structures including commercial and industrial. Public utilities (water, sewer, electricity) shall not be used by the occupant until the certificate is issued. This provision shall not prohibit the use of necessary public utilities before and during construction. The Building Inspector shall find that sewage treatment is installed in an adequate and safe manner. The Building inspector shall see that the construction is in accordance with the building permit, Health Department regulations, zoning ordinance regulations such as setback, road frontage, lot width, and if necessary, road dedication and road construction. Mobile homes have the same yard requirements as single family houses of conventional construction.

2. PERMANENT FILE:

- a. The Enforcement Officer shall keep a permanent file of all applications and all certificates issued.

3. ISSUANCE:

- a. If the newly erected or altered structure and the new use of premises conform with all applicable provisions of the Zoning Ordinance, and all other applicable ordinance regulations, and codes, the Enforcement Officer shall issue a certificate of occupancy authorizing the use thereof. If the structure or use fails to conform, the Enforcement Officer shall refuse to issue a certificate of occupancy and shall deliver written notice to the applicant stating the reasons for the refusal. The Enforcement Officer shall inspect a new structure on the premises for which a new use is proposed and shall issue or refuse a certificate of occupancy within five working days after the date on which the new use is ready to commence.

4. VALIDITY:

- a. The issuance of a certificate of occupancy by the Enforcement Officer shall not waive any provision of the Zoning Ordinance.

5.4 BOARD OF ADJUSTMENT

5.4.1 APPOINTMENT AND ORGANIZATION

A Board of Adjustment (hereinafter known as the Board) shall be appointed, organized and conducted in conformance with the Kentucky Revised Statutes, Section 100.217. Any incorporated area has the right to appoint its own Board of Adjustment.

5.4.2 POWERS AND DUTIES

The Board shall have the following powers and duties:

1. BYLAWS:

- a. That Board shall adopt bylaws for its own government.

2. ADMINISTRATIVE REVIEW:

- a. The Board shall hear and decide upon appeals from decisions of the Enforcement Officer. The Board shall decide on questions involving literal interpretations of the Zoning Ordinance, shall interpret the exact location of district boundaries according to Section 3.2, shall interpret the amount of off-street parking, loading and unloading areas required according to Section 2.71 through 2.73 and shall make only those other interpretations and decisions specifically delegated to it by the provisions of the Zoning Ordinance and the Kentucky Revised Statutes.

3. CONDITIONAL USES:

- a. The Board shall have the authority to approve or disapprove applications for conditional uses in conformance with Section 2.33 of the Zoning Ordinance.

4. VARIANCES:

- a. The Board may vary the strict application of the dimension and area regulations provided that unique conditions prevent strict conformance and would thus deprive the owner of the reasonable use of his premises. Financial disadvantage to the property owner shall not constitute conclusive proof of unnecessary hardship within the purpose of zoning. The Board shall not grant a variance unless all of the following general conditions are met:
 - i. The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.
 - ii. The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
 - iii. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Zoning regulations.
 - iv. Reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood.

5. SPECIAL VARIANCES:

- a. The Board may grant a variance when the following special condition is present in lieu of the four general conditions listed above:
 - i. If an undeveloped lot of record existing before July 31, 1958, is too small to allow conformance with the dimension and area regulations and if the owner has owned no adjoining land since July 31, 1958, the Board may grant a variance to allow the owner the reasonable use of his premises. When adjoining undersized lots of record are under the same ownership, they shall not be used or sold separately except in conformance with the dimension and area regulations of the Zoning Ordinance.

5.4.3 PROCEDURE

An application to the Board for an original interpretation or decision or an appeal from a decision of the Enforcement Officer shall be made in writing. An appeal must be filed within sixty days after the Enforcement Officer has refused a building permit or certificate of occupancy, or the right to appeal shall be waived. The Enforcement Officer shall transmit to the Board the complete record of the decision appealed. The Board shall hold a hearing at which all pertinent evidence concerned with the interpretation, decision, or appeal shall be examined, and the Board shall make their decision within two weeks after the hearing. The following rules shall govern all decisions made by the Board:

1. LIMITS OF AUTHORITY:

- a. The Board shall act only within the strict limits of its authority as defined in the Zoning Ordinance. The Board has no authority to vary the use regulations or other regulations not specifically delegated. The Board shall not hold hearings on applications or appeals seeking decisions that the Board is not authorized to make.

2. SPECIAL CONDITIONS:

- a. The Board may attach special conditions to any decision it is authorized to make to ensure that the intent of the Zoning Ordinance will be carried out.

3. MAJORITY VOTE REQUIRED:

- a. The concurring vote of a majority of the entire membership of the Board shall be necessary in making any decision. The Chairman shall have the right to vote on any subject or matter before the Board.

4. ADDITIONAL POWERS:

- a. In exercising the above powers, the Board shall have all the powers of the Enforcement Officer in addition to its other powers and duties.

5.5 CLARIFICATION OF ADMINISTRATION JURISDICTION

The following is a recapitulation of the agencies with jurisdiction and the extent of their jurisdictions concerning the administration of the Zoning Ordinance.

1. The Enforcement Officer has initial authority for the literal enforcement of the Zoning Ordinance. He has no discretionary authority to allow any departure from the literal conformance with the Zoning Ordinance.
2. The Board of Adjustment has authority to hear appeals from decisions by the Enforcement Officer and to make literal interpretations of the pertinent provisions to correct any possible misinterpretation by the Enforcement Officer.

The Board also has the authority to make only those initial discretionary interpretations and decisions and allow those departures from literal conformance which are specifically delegated to it. The Board has authority to allow conditional uses.

3. The Circuit Court has jurisdiction to determine all questions and issues properly brought before it on appeal from decisions of the Board of Adjustment or the Planning Commission according to the Kentucky Revised Statutes, Section 100.437.
4. The Planning Commission, in addition to its other primary responsibilities concerning adopting and amendment of the Zoning Ordinance and subdivision plat review and approval, has the authority and responsibility for approval or disapproval of planned development projects. This responsibility like subdivision plat review involves guiding the initial conversion of open or agricultural land to developed land, including the proper arrangement of streets in relation to other existing or planned streets, provision of adequate open space, and the avoidance of congestion, etc. and is consequently equivalent to the Planning Commission's primary responsibility for subdivision plat review and approval.

5.6 VIOLATIONS

5.6.1 REMEDIES

In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Inspector shall order that such violation cease. In cases of possible violation where the Building Inspector cannot determine if there is literal violation, he shall apply to the Board of Adjustment for an interpretation. If necessary, the City or County Attorney or any other appropriate authority or any property owner or occupant who would be damaged by a violation may institute appropriate action in court to eliminate the threat or existence of any violation of the Zoning Ordinance in accordance with the Kentucky Revised Statutes.

5.6.2 PENALTIES

Fines and other penalties may be imposed upon violators according to the provisions of Kentucky Revised Statutes, Section 100.991.

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ARTICLE VI

AMENDMENTS

6.1 ZONING ORDINANCE TEXT & MAP AMENDMENT PROCEDURE

To make any amendment to the Zoning Ordinance, either to the text or to the map, the following procedure shall be followed. If any use or density is not permitted in a zoning district by the provisions of the Zoning Ordinance, it may not be permitted by any agency unless the Zoning Ordinance is amended according to the amendment procedure.

1. REVIEW BY THE PLANNING COMMISSION:

- a. No amendment shall be made without first being reviewed by the Planning Commission. The Planning Commission may refuse to review proposed amendments which have been proposed and rejected within the past year.

2. PUBLIC HEARING:

- a. The Planning Commission shall hold a public hearing to consider a zoning amendment and may establish a separate schedule of reasonable fees to be paid by the applicant for the zoning amendment, (which fees shall cover the cost of adequate advertisement of the hearing by such means as the Planning Commission determines to be necessary. Notice of the hearing must be published in a newspaper having general circulation throughout the city no less than seven and no more than 21 days before the scheduled hearing takes place) consistent with KRS Chapter 424.

3. RECOMMENDATIONS TO THE FISCAL COURT OR CITY COUNCIL:

- a. The Planning Commission shall submit its recommendations to the City Council or Fiscal Court within sixty days after the public hearing. The Planning Commission may revise proposed amendments, in which case such amendments shall be presented again at a public hearing according to Kentucky Revised Statutes. The Planning Commission may also initiate proposed amendments.

4. ACTION BY THE FISCAL COURT OR CITY COUNCIL:

- a. Adoption of the Planning Commission's recommendations may be by a majority of a quorum of the members of the Fiscal Court or City Council. To overrule the Planning Commission's recommendations, a recorded vote of not less than a majority of the entire membership of the Fiscal Court or City Council shall be necessary, after an evidentiary hearing.

5. CURRENCY OF ZONING MAP:

- a. The Planning Commission Chairman shall insure that amended zoning district boundaries are accurately placed on the certified copies of the Zoning Map and shall initial and date all such additions to the map.
- 6. The Planning Commission may change the zoning of a particular parcel of land back to the original classification after a period of one year after the date of change in classification if any of the following findings are made:
 - a. That there has been no substantial progress in the development of the property in question.
 - b. That development plans adopted, or acted upon by the Commission in relation to the property in question cannot be carried out according to Commission findings.
 - c. That the Commission and/or governing body has adopted revised comprehensive plans or development plans wherein the proposed use of the property is other than the use permitted by the zone change, and that substantial progress has not been made toward the development of the property in the one year period.
 - d. That the findings necessary for map amendment in KRS 100.213 are applicable to the reversion.

ARTICLE VII

LEGAL STATUS

7.1 CONFLICT WITH OTHER INSTRUMENTS

In case of conflict between the Zoning Ordinance or any part thereof and the whole or part of any existing or future ordinance or resolution of the City of Georgetown or Scott County or the whole or part of any existing or future private covenants or deeds, the most restrictive in each case shall apply.

7.2 VALIDITY

If any provision of the Zoning Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of the Zoning Ordinance.

7.3 REPEALER

The interim zoning resolution of Scott County and the Zoning Ordinance of Georgetown, Kentucky and the Zoning Map, together with all amendments thereto are hereby repealed and declared to be of no effect.

7.4 EFFECTIVE DATE

This Zoning Ordinance shall take effect and be in force immediately after its adoption by the Fiscal Court of Scott County and each City Council of Georgetown, Stamping Ground and Sadieville.