

ZONING ORDINANCE

SCOTT COUNTY, KENTUCKY

and the cities of

Georgetown
Sadieville
Stamping Ground

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TABLE OF CONTENTS

ARTICLE I	8
ENACTING CLAUSE, TITLE, PURPOSE	8
1.1 <i>ENACTING CLAUSE</i>	8
1.2 <i>TITLE</i>	8
1.3 <i>PURPOSE</i>	8
 ARTICLE II	 9
2.1 <i>DEFINITIONS</i>	9
2.2 <i>APPLICATION OF REGULATIONS</i>	28
2.3 <i>GENERAL DEVELOPMENT REGULATIONS</i>	28
2.31 <i>COORDINATION WITH SUBDIVISION REGULATIONS</i>	28
2.32-I <i>PLANNED DEVELOPMENT PROJECT REGULATIONS</i>	29
2.32-II <i>CONDOMINIUM REGULATIONS</i>	30
2.33 <i>CONDITIONAL USE REGULATIONS</i>	31
2.4 <i>GENERAL REGULATIONS FOR STRUCTURES AND USES</i>	33
2.41 <i>NON-CONFORMING STRUCTURES</i>	33
2.42 <i>NON-CONFORMING USES</i>	34
2.43 <i>LOT OF RECORD MAY VARY FROM REGULATIONS</i>	34
2.44 <i>APPROVED WATER SUPPLY AND SEWAGE DISPOSAL FOR BUILDING</i>	34
2.45 <i>REGULATION OF PRINCIPAL BUILDING</i>	35
2.46 <i>REGULATION OF ACCESS TO ARTERIAL HIGHWAYS</i>	35
2.5 <i>SPECIFIC USE REGULATIONS</i>	35
2.51 <i>QUALIFIED MANUFACTURED HOUSING, MANUFACTURED HOUSING AND MOBILE HOMES</i>	35
2.52 <i>JUNKYARDS</i>	43
2.54 <i>ASSISTED LIVING FACILITIES</i>	44
2.55 <i>TELECOMMUNICATION TOWERS</i>	46
2.56 <i>KENNELS</i>	57
2.57 <i>ADULT ORIENTED USES</i>	58
2.58 <i>GROUP HOMES</i>	62
2.59 <i>TEMPORARY USES</i>	63
2.6 <i>GENERAL REGULATIONS FOR LOTS AND YARDS</i>	65
2.61 <i>OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS</i>	65

2.62	FRONT YARD REGULATIONS FOR CORNER AND DOUBLE FRONT LOTS	65
2.63	APPLICATION OF YARDS TO ONE BUILDING ONLY	65
2.64	USE OF YARDS FOR ACCESSORY BUILDINGS	65
2.65	SCREEN REQUIREMENTS	66
2.7	<i>GENERAL REGULATIONS FOR VEHICLES</i>	66
2.71	OFF-STREET PARKING SPACE REGULATIONS FOR AUTOMOBILES	66
2.72	OFF-STREET LOADING AND UNLOADING SPACE REGULATIONS FOR TRUCKS.....	68
2.73	ADDITIONAL PARKING, LOADING AND UNLOADING REGULATIONS	68
2.8	<i>EXCEPTIONS</i>	69
2.81	USE EXCEPTIONS.....	69
2.82	HEIGHT EXCEPTIONS	69
2.83	FRONT YARD EXCEPTIONS.....	70
2.84	EXCEPTIONS FOR EXISTING LOTS OF RECORD.....	70
2.9	<i>DEVELOPMENT PLANS</i>	70
2.91	INTENT	70
2.92	CONTENTS OF DEVELOPMENT PLAN	70
2.93	DEVELOPMENT PLANS ARE REQUIRED FOR ALL ZONE CHANGES AND FOR MOBILE HOME PARKS.....	71
2.94	DEVELOPMENT PLANS REQUIRED AT COMMISSION DISCRETION.....	72
2.95	DEVELOPMENT PLANS REQUIRED FOR MULTIPLE PRINCIPAL STRUCTURES.....	73
ARTICLE III		74
ESTABLISHMENT OF ZONING DISTRICT		74
3.1	<i>ESTABLISH AND DESIGNATE</i>	74
3.2	<i>INTERPRETATION OF ZONING DISTRICT BOUNDARIES</i>	74
ARTICLE IV		76
ZONING DISTRICT REGULATIONS		76
4.1	<i>AGRICULTURAL DISTRICTS A-1, A-1S, AND A-1R</i>	76
4.11	PERMITTED USES.....	76
4.12	CONDITIONAL USES.....	78

4.13	DIMENSION AND AREA REGULATIONS	79
4.14	PROHIBITED USES	80
4.15	<i>RURAL RESIDENTIAL DISTRICT A-5</i>	80
4.16	PERMITTED USES.....	81
4.17	CONDITIONAL USES.....	81
4.18	PROHIBITED USES	81
4.19	DIMENSION AND AREA REGULATIONS.....	82
4.2	<i>CONSERVATION DISTRICTS</i>	83
4.21	PERMITTED USES.....	83
4.22	CONDITIONAL USES.....	83
4.23	DIMENSION AND AREA REGULATIONS.....	83
4.24	NECESSARY APPROVAL OF PRE-CONSTRUCTION ACTIVITY IN CONSERVATION DISTRICTS.....	84
4.3	<i>RESIDENTIAL DISTRICTS</i>	84
4.31	PERMITTED USES IN THE R-1A, R-1B, AND R-1C DISTRICTS	84
4.32	CONDITIONAL USES IN R-1B, R-1C DISTRICTS	84
4.33	PERMITTED USES IN R-2 DISTRICTS	85
4.34	PERMITTED USES IN THE R-3 DISTRICTS	85
4.35	CONDITIONAL USES IN THE R-2 AND R-3 DISTRICTS	85
4.36	ACCESSORY STRUCTURES AND USES PERMITTED IN ALL RESIDENTIAL DISTRICTS*	86
4.37	CONDITIONAL USES IN ALL RESIDENTIAL DISTRICTS.....	86
4.38	DIMENSION AND AREA REGULATIONS IN ALL RESIDENTIAL DISTRICTS	87
4.4	<i>COMMERCIAL DISTRICTS</i>	88
4.41	B-1 NEIGHBORHOOD COMMERCIAL	88
4.42	B-2 HIGHWAY COMMERCIAL	88
4.43	B-3 CENTRAL BUSINESS DISTRICT	89
4.44	B-4 COMMUNITY COMMERCIAL	90
4.45	B-5, GENERAL COMMERCIAL PARK	92
4.46	BP-1 BUSINESS, RESEARCH & TECHNOLOGY PARK.....	96
4.47	ACCESSORY STRUCTURES AND USES PERMITTED IN BUSINESS DISTRICTS	106
4.48	DIMENSION AND AREA REGULATIONS.....	107
4.5	<i>LIGHT INDUSTRIAL DISTRICT (I-1)</i>	107
4.51	PERMITTED USES.....	107

4.52	ACCESSORY STRUCTURES AND USES PERMITTED	108
4.53	CONDITIONAL USES.....	108
4.54	DIMENSION AND AREA REGULATIONS.....	108
4.6	<i>HEAVY INDUSTRIAL DISTRICT (I-2)</i>	109
4.61	PERMITTED USES.....	109
4.62	ACCESSORY STRUCTURES AND USES PERMITTED	109
4.63	CONDITIONAL USES.....	109
4.64	DIMENSION AND AREA REGULATIONS.....	109
4.7	<i>HISTORIC DISTRICT</i>	109
4.71	CONDITIONAL USES.....	110
4.8	<i>PROFESSIONAL OFFICE DISTRICT (P-1)</i>	110
4.81	PERMITTED USES.....	110
4.82	ACCESSORY USES.....	111
4.83	CONDITIONAL USES.....	111
4.9	<i>PROFESSIONAL OFFICE DISTRICT (P-1B)</i>	111
4.91	PERMITTED USES.....	111
4.92	CONDITIONAL USES.....	112
ARTICLE V	116
ADMINISTRATION	116
5.1	<i>ENFORCEMENT OFFICER</i>	116
5.2	<i>BUILDING PERMITS</i>	116
5.21	REQUIRED PRIOR TO CONSTRUCTION OR ALTERATION	116
5.22	EXCEPTIONS.....	117
5.23	PROCEDURES.....	117
5.3	<i>CERTIFICATE OF OCCUPANCY</i>	118
5.31	REQUIRED PRIOR TO OCCUPANCY, CHANGE OF USE, AND UNDER OTHER CONDITIONS	118
5.32	PROCEDURE	118
5.4	<i>BOARD OF ADJUSTMENT</i>	119
5.41	APPOINTMENT AND ORGANIZATION	119
5.42	POWERS AND DUTIES	119

5.43 PROCEDURE	121
5.5 CLARIFICATION OF ADMINISTRATION JURISDICTION	121
5.6 VIOLATIONS	122
5.61 REMEDIES	122
5.62 PENALTIES	122
ARTICLE VI.....	123
AMENDMENTS	123
ARTICLE VII.....	125
LEGAL STATUS	125
7.1 CONFLICT WITH OTHER INSTRUMENTS.....	125
7.2 VALIDITY.....	125
7.3 REPEALER.....	125
7.4 EFFECTIVE DATE.....	125
APPENDIX A	
LANDSCAPE ORDINANCE	A-1
APPENDIX B	
FLOODPLAIN MANAGEMENT ORDINANCE	B-22
APPENDIX C	
SIGN ORDINANCE.....	C-1

ZONING ORDINANCE GEORGETOWN-SCOTT COUNTY, KENTUCKY

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.

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.

Access: The right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.

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.

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.

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.

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.

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 anilingus, 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.

Aged Person(s): persons who are 62 years of age or older.

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 (Section amended 7/22/92 by City of Georgetown, 8/5/92 by Scott Fiscal Court).

- A. **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.
- B. **Agricultural Use, Residential:** Agricultural residential use means 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.

Alley: A public or private way permanently reserved as a secondary means of access to abutting property.

Alteration: Any change or addition to the supporting members of foundation of a structure that would change the outward dimensions or appearance.

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.

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.

Applicant: Any person seeking approval under these regulations for a subdivision or development.

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.

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.

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.

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 appropriate to the 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.

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 may not exceed fifteen (15) 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 2.1.42 added 5/2/91)

Bikeway: A way or portion of a way intended and designated primarily for bicycle traffic.

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.

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.

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.

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 would alter the character of the lot in question.

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.

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.

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.

Commission: The Georgetown-Scott County Joint Planning Commission and/or Planning Commission.

Community Living Arrangement: A residence that houses persons, on a twenty-four (24) hour basis, who because of age, mental disability, or other reasons, live in a residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This definition shall not include temporary or emergency shelters or victims' assistance shelters. This definition shall include:

- A. Halfway houses
- B. Group homes
- C. Social rehabilitation facilities
- D. Drug and alcohol abuse centers/facilities or
- E. Convalescent homes

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.

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.

Conceptual Plan: A conceptual plan indicating the developer's general 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.

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.

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.

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.

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 and Development Regulations.

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.

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.

Coverage: Coverage shall mean the total area of the footprint of the building divided by the total area of the lot.

Creek Conservation Corridor: Those areas zoned C-1.

Cul-de-sac: A permanent dead-end street or court culminated by a turnaround and not intended to be extended in the future.

Day: For the purpose of submittal procedures, "day" shall refer to calendar day rather than working day, unless otherwise noted.

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 child care 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.

(Section 2.38, 39, and 40 amended (added) 8/20/85)

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 nonresidential land uses, private streets, and right-of-way.

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

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.

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.

Development, Major: All development, as defined above, that does not fall within the definition of Minor Development.

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.

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.

Driveway: Driveway shall mean that access which is generally intended to serve private single family residences.

Duplex: A structure containing two dwelling units, each of which has direct access to the outside.

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.

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.

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.

Engineer: A licensed, professional civil engineer appointed or requested by the Planning Commission or retained by the developer.

Environmentally Sensitive Areas: Sinkholes, cave areas, major rock formations and outcroppings, springs, floodplains/floodways, and landfills/refuse areas.

Façade: The main face or front of a building.

Fencerows: Generally refers to lines of trees and shrubbery that have grown along existing fence lines to form a natural hedge.

Filing Deadline and Review Schedule: A schedule adopted by the Planning Commission that governs filing and review deadlines and schedules; generally, submissions are due to be filed on the first working day of the month for review at the Planning Commission meeting the following month.

Fill: Natural material which may be added to or moved on a site during the grading process to provide developable building areas and adequate drainage.

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.

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.

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.

Grading: Any stripping, cutting, filling, stockpiling of soil, or any combination thereof, including the land in its cut or filled condition.

Group Home: A long-term residential care service functioning as a single housekeeping unit providing meals, supervision, and/or other support services for not more than three (3) elderly, physically, emotionally, and/or mentally disabled individuals not related to the owner/manager of the group home.

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, provided no more than three (3) inhabitants are included in the housekeeping unit.

Hazardous Materials: For purposes of these Regulations, this definition is consistent with State and Federal definitions of hazardous materials.

Height: The vertical distance measured from the average finished grade at the front building line to the highest point of structure.

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 may identify the home occupation. Complete sign information can be found in the Sign Ordinance, Appendix C.
- C. The home occupation shall not generate any atmospheric pollution, light flashes, glare, odor, noise, vibration, truck or other heavy traffic. (Amendment dated 1/26/88)

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 may be 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.

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.

Kenel: 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. (Section 2.1.44 and 2.1.45 added 4/1/99 and 9/22/00)

KYTC: Kentucky Transportation Cabinet

Legislative Body: See Governing Authority.

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.

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, generally measured perpendicular 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, generally measured parallel to the street.

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. (Sections 2.1 and 2.51 amendment effected within Scott County 2/26/2004 and within the city limits of Georgetown 3/4/2004 by Ordinance 04-01 and 04-006 respectively)

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 connected to the appropriate facilities 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.

(Sections 2.1 and 2.51 amendment effected within Scott County 2/26/2004 and within the city limits of Georgetown 3/4/2004 by Ordinance 04-01 and 04-006 respectively)

Massage 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.

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. (Amendment dated 1/26/88)

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. (Amendment effected within Scott County 2/26/2004 and within the city limits of Georgetown 3/4/2004 by Ordinance 04-01 and 04-006 respectively.)

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.

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.

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.).

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.

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.

Multi-Family Building: A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

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.

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.

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

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.

Package Sewage Treatment Plants: This term refers generally to private, developer-installed, sewage treatment plants.

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.

Plan: This term refers to a Development Plan, as defined above.

Planned Development Projects: A complex of structures and uses planned as an integral unit or community development.

Planning Commission: The Scott Joint Planning Commission; also referred to as the Georgetown-Scott County Joint Planning Commission, or the Commission.

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.

Plat: This term refers to a Subdivision Plat, as defined below.

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.

Premises: A lot or other tract of land under one ownership and all the structures on it.

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.

Principal Use: The predominant use to which the lot or property is or may be devoted and to which all other uses are accessory.

Private Street: Any street that is privately owned and maintained. Private streets cannot be through streets. (Amended by City of Georgetown Ordinance 2006-019, 8/17/2006)

Project: The term "project" when used throughout this document shall refer to any and all subdivisions or developments.

Public Service Building: Any building necessary for the operation and maintenance of a utility.

Retail Sale: The sale of any product or merchandise to customers for their own personal use; not for resale.

Reservoir Protection Area: The area designated in the Growth and Land Use Element of the Comprehensive Plan that drains into the planned reservoir.

Right-of-Way: Land used generally 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 generally contains not only the street pavement, but also sidewalks, grass area, storm drainage, and underground and above-ground utilities.

Road or Street: A vehicular traffic carrying way. As used in the Zoning Ordinance a road may be privately owned.

Rural Planned Unit Development: Planned Unit Developments in the rural area, generally limited to the northern half of Scott County and defined in the Zoning Ordinance according to the provisions of the Comprehensive Plan. Referred to as Rural PUD.

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.

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. **See Article X (Site Design).**

Sidewalk: A way or portion of a way intended primarily for pedestrian traffic.

Sight Distance: A straight line of unobstructed view measured along the normal path of the roadway. See Article X, Section 1000, paragraph P. Intersection Standards, subparagraph 8; and Appendix VII (A) for required distances and method of measurement. (Amended by City of Georgetown Ordinance 1998-004, 3/19/1998)

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.

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 plane parallel to the building wall.

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.

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.

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).

Sleeping Room: A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.

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. (adopted by City of Georgetown Ordinance 2006-019, 8/17/2006)

Structure: Any combination of materials fabricated to fulfill a function in a fixed location on the land. **See Building.**

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.

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 and when appropriate to the context, shall relate to 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.

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. (Amended by City of Georgetown Ordinance 1999-026, 7/15/1999)

Subdivision, Minor:

(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.

(2) Only one (1) minor subdivision plat may 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. (Amended by City of Georgetown Ordinance 1999-026, 7/15/1999)

The following are also classified as a minor subdivision: 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; 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; five or less condominium units of previously built developments; 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.

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 Articles III, V, VI, and VII.

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 (see Article VII).

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 Articles V.

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 in these Regulations as TRC.

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.

Urban Service Boundary: That area designated as such in the Comprehensive Plan, planned to be the limitation of future urban development and urban services.

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.

Variance: A departure from the strict conformance with the dimension and area regulations which must first receive the approval of the Board of Adjustment.

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.

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.

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 generally include swamps, marshes, bogs, and similar areas.

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.

2.3 GENERAL DEVELOPMENT REGULATIONS

2.31 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.

2.32-I PLANNED DEVELOPMENT PROJECT REGULATIONS

A planned-development project may be allowed in those zoning districts where it is designated as a permitted use under the zoning district regulations. (A minimum of five acres is required for a planned-development project). A planned-development project may depart from literal conformance with individual lot dimension and area regulations. A planned-development project may be under single or divided ownership. All planned-development projects shall be subject to the following regulations:

- A. Procedure: When a planned-development project is proposed, the procedure for subdivision approval as set forth in the Georgetown-Scott County Subdivision Regulations shall be followed in its entirety even though the ownership of land may not be divided. A preliminary plat and final plat, both approved by the Planning Commission, shall be required for every planned-development project. The Planning Commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Building permits and certificates of occupancy shall be required for each building according to Sections 5.2 and 5.3 of this Zoning Ordinance.
- B. Uses and Densities: The uses of premises and development densities in a planned-development project shall conform to the permitted uses and densities of the zoning district in which it is located. If a planned-development project is proposed which included uses or densities that are not permitted in any zoning district, the project may be permitted after approval by the Planning Commission.
- C. Standards: In any planned-development project, although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no diminution of total equivalent lot area, parking area and loading and unloading area requirement that would be necessary for the equivalent amount of individual lot development with one exception; the Planning Commission may allow reductions in these requirements if

the developer can satisfactorily prove that large scale development may permit such reductions without destroying the intent of these regulations.

- D. Special conditions: The Planning Commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this Zoning Ordinance. The planned-development project shall conform to all such conditions. Because a planned-development project is inherently more complex than individual lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects should be flexible. The Planning Commission shall attach special conditions based on all of the following standards in addition to imposing the standards for total area, parking area, and loading and unloading area defined in Paragraph C above. The Planning Commission may also attach any other reasonable special conditions.
- E. Assisted Living Facilities shall be permitted as part of a Planned Unit Development within area comparable to the respective districts noted in Section 2.54.C. Note: These areas that contain Assisted Living Facilities may also reasonably contain attached or separate Nursing Home (Rest Home) Facilities, Elderly Apartment Building(s), and duplexes for the elderly or single family residences for the elderly.

2.32-II CONDOMINIUM REGULATIONS

Condominiums are permitted in all districts where attached buildings are permitted, and are permitted in approved P.U.D.'s when designated. Condominium developments shall follow the procedure as established in the Subdivision Regulations and as established for P.U.D.'s.

The Planning Commission shall act upon condominiums in the same manner as for P.U.D.'s except that the overall density requirement is derived from the particular zoning district. Some variation from these regulations may be permitted by the Commission when the development is of a non-residential nature.

The Commission may, as a condition of approval, attach special requirements to insure general conformity to the Comprehensive Plan or to the municipal ordinance or county resolutions and to insure adequate maintenance of the development.

2.33 CONDITIONAL USE REGULATIONS

Conditional uses may be permitted in districts as designated under the zoning district regulations but 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:

- A. All Districts: The following conditional uses only may be approved in all zoning districts:
 - 1. Non-local public utility and private transmission lines and pipes.
 - 2. Radio, T.V., and telephone transmission structures.
 - 3. Large utility structures and public service buildings.
 - 4. Expansion of railroads and appurtenances.
 - 5. Government buildings and uses.
 - 6. Churches, libraries, educational and recreational facilities.
- B. 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.
- C. Procedure: 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 may establish a schedule of reasonable fees to be charged for conditional use permits. The applicant shall meet with the Board of Adjustment which may attach reasonable special conditions to an approval of a conditional use to insure that there will be no departure from the provisions and intent of this Zoning Ordinance. These special conditions may be similar to the conditions that may be required for a planned development project. Effect of the conditional use on surrounding uses and all officially adopted plans shall be approved or disapproved. 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.

- D. Other Regulations: Payment of a fee may be required of the applicant before the issuance of the conditional use permit. Other regulations for conditional use permits are as follows:
1. 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.
 2. 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.
 3. If a conditional use permit has not been exercised within one (1) year from the date of issuance within the meaning of KRS 100.237 a public hearing may be called to revoke said permit.
 4. 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. 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 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.
 5. Bed and Breakfasts 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.

6. 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.
7. Bed and Breakfast shall be allowed as a conditional use in all unincorporated areas regardless of zone classification.

(Sections 2.33 D. 5, 6, and 7 added 5/2/91)

2.4 GENERAL REGULATIONS FOR STRUCTURES AND USES

2.41 NON-CONFORMING STRUCTURES

Non-conforming structures may remain subject to the following regulations:

- A. Alterations: A non-conforming structure shall not be enlarged, replaced, or altered except in conformance with the Zoning Ordinance. Any structure, however, may be restored to a safe condition if declared unsafe by the Enforcement Officer or other official with jurisdiction, except as provided in B.
- B. 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.
- C. Construction Approved Prior to Adoption or Amendment of the Zoning Ordinance: 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.

2.42 NON-CONFORMING USES

Non-conforming uses may be continued subject to the following regulations:

- A. Extensions: 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.
- B. Discontinued: No non-conforming use may 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.

2.43 LOT OF RECORD MAY VARY FROM REGULATIONS

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.

2.44 APPROVED WATER SUPPLY AND SEWAGE DISPOSAL FOR BUILDING

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.

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. 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.

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.

Evidence of Health Department approval of proposed or completed water and sewer facilities shall accompany all applications for building permits and certificates of occupancy.

2.45 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.

2.46 REGULATION OF ACCESS TO ARTERIAL HIGHWAYS

- A. It is desirable that access points to all arterial streets shall be located no more frequently than one every eighth to quarter mile. The Planning Commission may approve the platting of temporary access points in conformance with Section 2.31 of the Zoning Ordinance.
- B. Wherever there is an abrupt change in uses, e.g., residential to commercial, it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects of the other.
- C. Parking and other public areas used at night shall be adequately lighted and private areas and/or residential areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.

2.5 SPECIFIC USE REGULATIONS

2.51 QUALIFIED MANUFACTURED HOUSING, MANUFACTURED HOUSING AND MOBILE HOMES

2.51.1

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 219.120 through 219.250, as amended, all provisions of this ordinance, and all attached special conditions.

A. Mobile Home Parks and Mobile Home Subdivisions: May be permitted as a conditional use only in R-2, R-3, and B-2 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. 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.

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.

- B. 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. 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.
- C. 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.
- D. Development Standards for Mobile Homes: 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).

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.

- 1. Mobile Home Parks and Mobile Home Subdivisions: All requirements of the Zoning District in which such use is proposed and KRS shall apply.*

*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.

- 2. Mobile Home Camps (or camping areas for trailers) are permitted as a conditional use only in B-3 districts or as conditional accessory uses in major 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 219.120-219.250 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 be such that maximum privacy was an obvious consideration. 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.
 - h. All lots and streets shall be properly drained.
- E. Issuance of Building Permit: 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 Kentucky Revised Statutes 219.150.
- F. Issuance of Certificate of Occupancy: 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 Kentucky Revised Statutes 219.130.
- G. Non-conforming mobile homes and mobile home parks: 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.

- H. Mobile homes in agricultural and conservation districts: 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.

2.51.2 Qualified Manufactured Housing

Proposal Process

- A. Step One: Choosing a site for a Qualified Manufactured Home and/or Manufactured Home¹. 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. 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. 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. 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.

Design and Application Submittal and Review Process

INTENT: 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

¹ Refer to definitions (Section 2.1) to clarify between a Qualified Manufactured House and a Manufactured House.

manufactured homes in residential zones, within the local government's jurisdiction.

GUIDELINES: 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.

ARCHITECTURAL COMPATIBILITY GUIDELINES

- A. Facades and Exterior Material
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.
- B. Roof Pitch and Material
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).
- C. Windows
Front facing windows must have consistent size, spacing, and proportion to that of the adjacent residences.
- D. Porches
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.
- E. Foundation
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.
- F. Size/Height
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.

G. Additions/Alterations

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.

2.51.2.1 Application Instructions for Qualified Manufactured Housing Compatibility Standards

Introduction:

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.

Application Procedures

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.

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 **the attached application form** and file it with the Building Inspector.

Specific Instructions for Completing Application Form

APPLICANT: 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.

PROPERTY AFFECTED: 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.

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

Site Plan: 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.

Building Elevations: 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.

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.

Photographs: All applications must be accompanied with photographs. You may provide black and white or color photographs, at least 3 1/2" x 5" in size, or provide digital photography on DSHD diskettes (1.44 mb) or CD-R data disk (650-700 MB).

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.

Specifications: 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.

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.

(Section 2.51 amendment effected within Scott County 2/26/2004 and within the city limits of Georgetown 3/4/2004 by Ordinance 04-01 and 04-006 respectively)

2.52 JUNKYARDS

Junkyards are not designated as permitted uses in any district and may be permitted only as a conditional use in Industrial Districts. Existing junkyards in districts other than Industrial shall conform to Section 2.42 of this Zoning Ordinance prescribing regulations for non-conforming uses. 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 insure that all screening required by the Department of Highways is maintained. 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.

A new junkyard may 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. The development plan must be approved by the Planning Commission prior to and subject to the issuance of a conditional use permit.

2.53 REGULATION OF SIGNS

This section has been amended and moved to Appendix C.

2.54 ASSISTED LIVING FACILITIES

- A. General Standards: 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.

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.

- B. Locational Standards: Development shall be located on an arterial street, collector street, or sub-collector street. Off-site grocery and other commercial and medical conveniences should be within the ability of aged persons to reach them easily by one of three ways: by walking safely to them (within 2,000 feet on level sidewalks); by transportation provided by project and facility owners with frequent daily schedule service within a 5-10 minute ride to grocery and other commercial and medical conveniences; or by readily available public transit (transit stop or bus shelter at a main entrance to the development) at such time that public transit becomes available. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. 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.

- C. Site Standards: Minimum lot size: 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: 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). 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). For those units with standard kitchen areas, the density for each district shall apply. In the P-1 and P-1B districts, the density shall be the same as the R-3 standards. 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.

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.

The maximum height of such facilities three stories or 40 feet.

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.

Each unit shall contain at least 400 square feet of gross floor area.

- D. Area Regulations: 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.
- E. Administrative Procedures for Assisted Living Facilities: 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. Each application shall be accompanied by the required development plans drawn to scale, as outlined in Article II, Sections 2.3 and 2.9, and prepared by a licensed engineer. Such site plan shall be reviewed by the Planning Commission and the Technical Review Committee, and the comments reported to the Planning Commission. The following information shall be included in addition to the requirements for development plans, but not limited to: The

location and legal description, including the appropriate tax map and parcel identification, of the proposed assisted living facility. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the development, including building elevations and floor plan. 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. A description of common and specialized services to be provide to the residents. A landscaping plan, including all required screening and buffering. The location, height, focal direction, and lighting levels (intensity), in foot candles, of all external lighting structures. A preliminary project development, construction and occupancy schedule. The schedule shall demonstrate the applicant's readiness, ability to provide facilities and services. Development Plan approval shall be contingent upon issuance of all required permits and approvals from federal, state, and local authorities. Drainage and erosion control plan. Such other architectural and engineering data as may be required by the Planning Commission to determine compliance with the provisions of the Zoning Ordinance and Subdivision and Development Regulations.

Note: These areas that contain Assisted Living Facilities may also reasonably contain attached or separate Nursing Home (Rest Home) Facilities, Elderly Apartment Building(s), duplexes for the elderly or single family residences for the elderly.

(Section 2.54, Assisted Living Facilities, adopted by the City of Georgetown 9/3/98, and by the Scott Fiscal Court 9/14/98.)

2.55 TELECOMMUNICATION TOWERS (based on requirements outlined within HB 270)

- A. PURPOSE: The purposes of these regulations are: (1) to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; (2) to provide for such facilities in coordination with the recommendations of the comprehensive plan; and (3) to allow for such facilities with the intention of furthering the public health, safety, and general welfare.
- B. PRE-APPLICATION CONFERENCE: 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.

- C. DEFINITIONS: For the purposes of these regulations, the following definitions shall apply:
1. "CELLULAR ANTENNA TOWER" means 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 communications services.
 2. "CELLULAR TELECOMMUNICATIONS SERVICE" means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
 3. "CO-LOCATION" means locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower or other applicable structure.
 4. "DEVELOPMENT PLAN" 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.
 5. "GSCPC" means Georgetown-Scott County Planning Commission or Planning Commission
 6. "PERSONAL COMMUNICATION SERVICE" has the meaning as defined in 47 U.S.C. sec. 332(c).
 7. "UNIFORM APPLICATION" means an application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.987 and KRS _____(*section number not yet assigned*).
 8. "UTILITY" has the meaning as defined in KRS 278.010(3).
 9. "ANTENNAS OR RELATED EQUIPMENT" means transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

- D. GENERAL: Cellular antenna towers for cellular telecommunications services or personal communications services may be 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*.
- E. APPLICABILITY: 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).
- F. APPLICATION REQUIREMENTS: Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:
1. The full name and address of the applicant.
 2. The applicant's articles of incorporation, if applicable.
 3. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations.
 4. 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.
 5. 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.
 6. 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.

7. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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:
 - a. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.
 - b. Given the telephone number and address of the local planning commission; and

- c. Informed of his or her right to participate in the planning commission's proceedings on the application.
- 13. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.
- 14. 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.
- 15. A copy of the notice sent to the chief executive officer of the appropriate and affected local government and the legislative body (see #14).
- 16. A statement that:
 - a. 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
 - b. 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.
- 17. 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.
- 18. 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.

19. 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.
20. 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.
21. 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:
 - a. all of the planning unit's jurisdiction; and
 - b. 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.

G. **CONFIDENTIALITY OF APPLICATION:** 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.

- H. APPLICATION FEE: 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 \$2500 upon submission of a uniform application.² 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.
- I. PROCESSING OF APPLICATION: Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:
 - 1. 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 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.
 - 2. 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.

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

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.

3. 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.
 4. 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. 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.
- J. **DESIGN STANDARDS:** The applicant shall provide information demonstrating compliance with the following requirements. 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.

1. 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.
2. 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.
3. 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.
4. 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.

5. The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standards and other applicable state standards.
6. Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.
7. 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).
8. 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.
9. 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.
10. 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.

11. 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.
12. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
13. All option and site lease agreements shall not prohibit the possibility of co-location.

K. CRITERIA

1. 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*.
2. 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:
 - a. 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
 - b. 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.
3. 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.
 4. 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.
- L. AMENDMENTS: 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.

(Section 2.55, Telecommunications, adopted 09/13/1998 by Scott County Fiscal Court, Ordinance 98-07 and adopted 12/5/2002 by the City of Georgetown, Ordinance 02-032.)

2.56 KENNELS

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. The Board of Adjustments and/or the Planning Commission may direct the location of such areas as part of the conditional use and development plan, respectively.

- C. All animal runs, exercise yards or any outside area used for the kennel shall be fenced to ensure that no animals may 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.

(Amendment adopted 9/22/00 by Scott Fiscal Court)

2.57 ADULT ORIENTED USES

- A. Purpose of this Ordinance: 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.
- B. Findings upon which this Ordinance is based: 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.

- C. Exclusions from Operation of this Ordinance: 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.
- D. Permitted Districts: 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 and Development Regulations.
- E. Locational Standards:
 - 1. Distance from residential use: 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.
 - 2. Distance from educational, religious and child related use: 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.
 - 3. Distance from agricultural residential use: 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.
 - 4. Distance from other adult oriented use: 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.

5. Method of measure of distances: 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.
- F. Landscape Requirements: 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 otherwise required in Article 6.12, Section A.2.
- G. Effect of Establishment of Protected Use: 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.
- H. Amortization of Existing Adult Oriented Uses: 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.
- I. Extension of time for the amortization of existing adult oriented uses: 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.
- J. Miscellaneous Adult Dancing Performance Standards:
1. No person shall display or expose specified anatomical areas.
 2. 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:

3. "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."
4. 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.
5. 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.

K. Locational restriction of display or exposure of specified anatomical areas or simulation of specified sexual activities:

1. 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.
2. 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.

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

M. Prohibition of physical contact: 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.

- N. No act is authorized if not otherwise permitted by law: 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.

2.58 GROUP HOMES

In order to provide reasonable accommodations to unrelated individuals with handicaps or who are elderly, Group Homes shall be permitted as a Conditional Use within the R-1A, R-1B, R-1C, R-2, and R-3 districts, subject to prescribed use conditions as follows:

- A. To avoid clustering and problems created when numerous unrelated individuals live together in single-family dwellings, Group Homes shall not be located on a lot within one thousand (1,000) feet from any other lot containing any such use. This spacing regulation is established, not on the basis of handicap status, but on the basis of the non-family status of the groups. The spacing between these uses shall be measured in a straight line from the nearest point on a lot line of the property containing a use to the nearest point on a lot line of the other property containing a use. To further accommodations to inhabitants of Group Homes, the Board of Adjustment shall, by Conditional Use, reduce or eliminate this spacing requirement upon a finding that the federal Fair Housing Act, as amended, requires it, or that the granting of this Conditional Use shall not be injurious to the neighborhood, or detrimental to the public welfare and will be in harmony with the spirit and intent of the Zoning Ordinance. In consideration of granting this Conditional Use, the Board shall specially consider: traffic and parking congestions given the capacity of nearby streets, the likelihood that any other applicable group home use will impact traffic and parking congestion, traffic hazards, the availability of off-street parking, the availability of public transit and the likelihood of its use, the feasibility of traffic mitigation measures, and the impact on public utilities, including water and sanitary sewer capacities.
- B. Any application for a Group Home which is found to meet the one thousand (1,000) foot separation requirement shall be granted a Conditional Use permit, subject to the remainder of this section.
- C. The Board of Adjustment shall not charge any fee for the review and/or granting of any Conditional Use Permit or Conditional Use, including but not limited to fees for providing notices by posting, mailing, and publication, or for review of compliance with spacing requirements.

- D. For any Conditional Use granted for the location of a Group Home, the Board of Adjustment shall limit the granting of the Conditional Use to a specified period of time, giving particular consideration to accommodations for financial constraints which may make the establishment of the Group Home impractical and the review of compliance with any conditions the Board may attach. Regardless of the time limitation established, and applicant may apply for subsequent grants of the Conditional Use, extending the Group Home use, which shall not be unreasonably denied.
- E. Signs advertising a Group Home are prohibited.
- F. In the event that a site, for which no final plat has ever been recorded for, is selected for a Group Home development or cluster of at least three (3) Group Homes, then the separation requirement shall be waived by the Board of Adjustment.

(Section 2.58 added by Ordinance No. 10-003 within the city limits of Georgetown, 1/25/2012)

2.59 TEMPORARY USES

- A. Definition: 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 appropriate Board of Zoning Adjustment.

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:

- 1. 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;
- 2. Uses, which include outdoor storage uncharacteristic of the general area;
- 3. Uses, which are reasonably anticipated to alter established traffic patterns in the general area;
- 4. 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;

5. 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;
6. Uses, which otherwise significantly alter the character of the general area; or
7. Uses, which require substantial construction of facilities, e.g., parking, housing, public health uncharacteristic of the general area;
8. Uses, which are reasonably anticipated to create significant storm water runoff or silt uncharacteristic of the general area;

B. Procedure: Temporary Uses, as defined above, are conditional uses in every zone, except Downtown Commercial, B-3, and Residential zones.

1. 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."
2. 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.
3. 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.

4. 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.

(Section 2.59 added by Ordinance No. 10-006 by the City Council of Georgetown, 2/22/2010 and the Fiscal Court of Scott County, 1/25/2010)

2.6 GENERAL REGULATIONS FOR LOTS AND YARDS

Subdivision development shall comply with these standards for development, and these standards should be understood as minimum requirements, and that development in excess of the minimum yard requirements is recommended. Residential development may vary building setbacks from the street and may show such varied setbacks on subdivision plats.

2.61 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.

2.62 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.

2.63 APPLICATION OF YARDS TO ONE BUILDING ONLY

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

2.64 USE OF YARDS FOR ACCESSORY BUILDINGS

- A. No accessory buildings are permitted in front yards. They are permitted in rear or side yards according to the dimension and area regulations.

- B. No building may 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.

2.65 SCREENING REQUIREMENTS

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

SEE LANDSCAPE ORDINANCE AND APPENDIX A FOR LANDSCAPE STANDARDS

2.7 GENERAL REGULATIONS FOR VEHICLES

2.71 OFF-STREET PARKING SPACE REGULATIONS FOR AUTOMOBILES

- A. Existing Parking Space: 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.
- B. Required Off-Street Parking Space: 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
- C. Off-Street Parking Standards: The following standards comprise the minimum off-street parking requirements for the several common types of buildings and uses listed:
 - 1. Single family dwelling: Two parking spaces per dwelling unit.

2. In multiple-family units: One and one-half parking spaces for each one bedroom unit, and two parking spaces for each two or more bedroom unit.
3. Indoor retail businesses, and services, and home occupations: One parking space per 150 square feet of commercial floor area plus one space for every truck operated by the business.
4. Finance, insurance and professional offices: One parking space per 300 feet of floor area used in the conduct of business.
5. Industrial plants: One parking space for every two employees at maximum employment on a single shift plus one space for every truck operated by the plant.
6. Places of public assembly, institutions, and recreational facilities: One parking space for every three persons based on maximum capacity.
7. Additional parking standards: 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.
8. Parking space area: 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.
9. Bed and Breakfasts: 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. 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. New construction shall meet off-street parking requirements. This standard shall be in addition to requirements for any residential use of the property.

- D. 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.
- E. Additional off-street parking standards for specific uses are defined in the Georgetown-Scott County Subdivision and Development Regulations.

2.72 OFF-STREET LOADING AND UNLOADING SPACE REGULATIONS FOR TRUCKS

All buildings and uses except those in the Central Business District which generate regulate 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.

2.73 ADDITIONAL PARKING, LOADING AND UNLOADING REGULATIONS

- A. Arrangement of off-street parking space: 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.
- B. Proof of availability: 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.
- C. Surfacing of parking, loading and unloading spaces: 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

2.81 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:

A. No building permit or certificate of occupancy required:

1. 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.
2. 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.
3. Private drives, private parking areas, and the parking of vehicles incident to the principal use on the same premises.
4. Horticulture and landscaping of any premises, fences and other normal accessory uses.
5. Construction or alteration of agricultural structures other than dwelling units in A-1 or C-1 Districts.

2.82 HEIGHT EXCEPTIONS

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.

2.83 FRONT YARD EXCEPTIONS

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.

2.84 EXCEPTIONS FOR EXISTING LOTS OF RECORD

See Section 2.43

2.9 DEVELOPMENT PLANS

2.91 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.

2.92 CONTENTS OF DEVELOPMENT PLAN

There shall be a "preliminary development plan" and a "final development plan."

A. CONTENTS OF DEVELOPMENT PLANS

A preliminary shall contain the following information:

1. Vicinity sketch
2. Topography with contour intervals not greater than five (5) feet.
3. Location, arrangement, and approximate dimensions of existing and proposed driveways, streets, sidewalks, parking areas and arrangement of spaces, points of ingress and egress, and other vehicular and pedestrian right-of-ways.
4. Screening, landscaping, buffering, recreational, and other open space areas.

5. Approximate size, location, height, floor area, arrangement and use of proposed or existing buildings and signs.
6. Storm drainage areas.
7. Proposed and existing easements including landscape buffer easements.

B. CONTENTS OF FINAL DEVELOPMENT PLAN

A final development plan shall contain the following information:

1. Vicinity sketch
2. Topography with contour intervals not greater than two (2) feet.
3. Boundary features such as bearings and dimensions of all property lines.
4. Size, location, height, floor area, area and arrangement of proposed and existing buildings and signs.
5. Screening, landscaping, buffering, recreational and other open space areas showing dimensions of and materials of fences, planting, buffer and other open space areas.
6. Location, arrangement, and dimensions of the following: existing and proposed driveways, streets and street cross-section drawings, sidewalks, parking areas including number of off-street loading areas and other vehicular and pedestrian right-of-ways.
7. Utilities information such as proposals for gas, water, electricity, and telephone supply and storm water and sanitary sewer disposal including location of easements, size of water and sewage lines, hydrants and the like.
8. Location and dimension of other existing or proposed easements.
9. Statistical summary of above described items.

2.93 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 may require area development plans to ensure compatibility with existing and future growth.

(Amendment dated 1/26/88)

2.94 DEVELOPMENT PLANS REQUIRED AT COMMISSION DISCRETION

The Commission at its discretion may require the submission and approval of a preliminary development plan, a final development plan, or both for the subject property of any zoning map amendment proposal if the Commission finds there are existing or potential substantial flood, drainage, traffic, topographic or other similar problems relating to the development of the subject property that could have an adverse influence on existing or future development of the subject property or other property in the neighborhood. Development plans will also be required when development in an area is proceeding without a coordinated plan for development. The Planning Commission may stipulate that the development plan give consideration to properties surrounding or in the vicinity of particular site development in order to insure developmental coordination. These area plans may also be considered as neighborhood plans and shall include plans for land use, transportation and community facilities. The following procedure shall be followed for the submission and approval of all development plans required at Commission discretion.

A. PRELIMINARY DEVELOPMENT PLANS REQUIRED

Preliminary development plans required herein shall be submitted after requested by the Commission and contain all such information as required by Section 2.92 (A) hereinabove. A public hearing on the zoning map amendment shall not be held until the required preliminary development plan has been submitted to the Commission. If the preliminary development plan is disapproved by the Commission or if the Commission fails to approve or disapprove the plan and the zoning map amendment is subsequently approved by the appropriate legislative body, the Commission shall approve a development plan for the subject property which shall be the final development plan within sixty (60) days of the action by the legislative body unless the applicant agrees to an extension of said time.

B. FINAL DEVELOPMENT PLANS REQUIRED

Final development plans required herein shall be submitted within two (2) years of approval of the zoning map amendment by the legislative body, and the Commission shall approve a final development plan for the

subject property with such conditions as are found necessary to comply with this Zoning Ordinance, if any, within ninety (90) days after the applicant has submitted his development plan.

2.95 DEVELOPMENT PLANS REQUIRED FOR MULTIPLE PRINCIPAL STRUCTURES

Development plans are necessary to permit more than one principal structure and its accessory structures on a lot or parcel of land. The plan shall be submitted to the Commission, containing the information as provided by Section 2.92 (A) hereinabove. The Commission may modify or disapprove the development plan if it finds there are existing or potential substantial flood, drainage, traffic, topographic or other similar problems relating to the development of the subject property or other property in the neighborhood. If the Commission modifies or approves the plan, it shall be deemed a final development plan for the purposes of Section 2.96 herein.

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:

A-1	Agricultural Districts
A-1R	
A-1S	
A-5	
	Rural Residential
C-1	Conservation District
H	Historic District
R-1 (A,B,C)	Residential Districts
R-2	
R-3	
P-1	Professional Office Districts
P-1B	
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
I-1	Light Industrial District
I-2	Heavy Industrial District
ESLI	Environmentally Sensitive Light Industry

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:

- A. 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.

- B. Where a zoning district boundary approximately follows a lot or property line, that line is the boundary of the district.
- C. 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.
- D. 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.
- E. 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 A-1, A-1S, AND A-1R

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:

4.11 PERMITTED USES

- A. Agricultural uses including farm dwellings and storage of farm products (See Section 2.1).
- B. Accessory buildings.
- C. In all A-1 zones, residential (non-agricultural) single-family detached dwellings. (Section added 7/22/92 by City of Georgetown, 8/5/92 by Scott Fiscal Court)
- D. In A-1S zone only, Automobile Salvage Operations, defined as: A place of business maintained, operated or used for storing, keeping, buying or selling junked, wrecked, abandoned or inoperative automobiles, vehicles, farm implements or the parts thereof. This term shall not include general scrap metal recycling facilities or general materials storage and re-processing operations; where the following requirements are met:
 - 1. 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
 - 2. 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
 - 3. 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
 - 4. The proposed storage site must be removed from all floodplains and property lines a minimum of five hundred (500) feet; and

5. 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:
 - a. 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
 - b. proposed engineering of the salvage operation shall prevent any run-off from the operation from entering the sinkholes.
6. 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.
7. 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.

(Section 4.11D amendment dated 4/19/89 regarding Auto Salvage yards. In effect in County only.)

- E. In A-1R zone only, Agricultural Recreational Uses as defined in Article II, General Regulations, paragraph 2.1 Definitions, under the following conditions:
 1. Prime soils or soils of state-wide importance shall not be prevalent in the development.
 2. The development may not have any full-time residences, ie. a dwelling which is the primary and legal residence of its occupant, other than the residence of one full-time care-taker;
 3. Dwellings within the development, including part-time recreational dwellings and a full-time caretaker's residence, shall not be permitted on tracts of less than five acres each;

4. The development shall have private roads which shall not be eligible for dedication to public use and governmental maintenance. These roads may be built on less than county specifications if the Commission finds that County road specifications exceed the reasonable needs of the development.
5. The part-time recreational dwellings in the development may not be converted to full-time residences until the development is rezoned to Agricultural, A-1, after required notice, publication and demonstration of adequate public facilities and road construction to county specifications.
6. It is recognized that a Agricultural Recreational development can adversely impact surrounding properties and public facilities. Because of these potential impacts, the Commission shall review any proposed Agricultural Recreational development for impacts and impose such reasonable conditions of approval as are necessary to alleviate any adverse impact on surrounding areas and public facilities. Adverse impact on surrounding areas which cannot be alleviated through reasonable conditions of approval shall be grounds for the Commission's denial of a requested zone classification change to A-1R.

(Section 4.11E amendment creating A-1R zone dated 3/13/89.) In effect for County and City of Sadieville.

4.12 CONDITIONAL USES

- A. Cemeteries.
- B. Public and private parks and recreational areas.
- C. Commercial feed lot operations.
- D. Slaughter houses.
- E. Airports.
- F. Churches, libraries, schools, hospitals, institutions, and clubs.
- G. Home occupations that exceed the limitations in the definition of such.
- H. ~~Outdoor advertising signs.~~ (Removed)
(Section 4.12H omitted 10/25/2012. In effect in County only.)

- I. Bed and Breakfast as defined in Section 2.1 above.
(Section 4.12 I added 5/2/91)
- J. Animal hospitals and clinics as defined in Section 2.1 above. (Section 4.12J added 4/1/99)
- K. Kennels as defined in Section 2.1 above. (Section 4.12K added 9/22/00 by Scott Fiscal Court)
- L. Secondary single family residence on same tract for related family members or for hired farm workers
(Section 4.12L added 10/25/2012. In effect in County only.)

4.13 DIMENSION AND 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. (Section 4.13A amended 7/22/92 by City of Georgetown, 8/5/92 by Scott Fiscal Court)
- 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:
 - a. Provisions for maintenance are acceptable.
 - b. 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.
 - c. Entrance standards are in keeping with visibility and safety requirements.
 - d. Tracts and/or parcels are so designed that houses will not be facing the rear of another structure within 300 feet.

(Amendment affected within Scott County May 18, 1988)

4.14 PROHIBITED USES

The following uses are prohibited in the Agricultural districts including A-1, A-1R, and A-1S:

- A. Multi-family residential structures
- B. Cluster development lots
- C. Major residential subdivisions of tracts between five and less than ten acres. A major residential subdivision is the division of land into four (4) or more residential tracts including the parent tract.

(Section 4.14 added 10/25/2012. In effect in County only.)

4.15 RURAL RESIDENTIAL DISTRICT A-5

The Rural Residential District (A-5) is a district designed to provide for very low density residential use to protect and preserve low density rural areas in their present or desired character. It is intended that the A-5 district will afford areas 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 A-5 zoning category. The following regulations shall apply to lots in the A-5 District:

4.16 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

4.17 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

4.18 PROHIBITED USES

The following uses shall be prohibited in the A-5 Rural Residential district:

- A. Commercial recreational operations
- B. Kennels

- C. Intensive Commercial agricultural operations, including, but not limited to, feed lots, slaughter houses or processing facilities or plants, hog farms, agricultural product reduction facilities
- D. Outdoor storage of equipment or materials associated with a home occupation business.

4.19 DIMENSION AND 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 lot width for residential non-cluster lots shall be two hundred fifty (250) feet at the front building line of the Primary Structure. See *Cluster Ordinance for specific cluster lot requirements*

4.191 FENCING

- A. Each major (A-5) subdivision development shall be fenced along the perimeter of all lots that abut Agriculturally (A-1) zoned land.
- B. 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 may not be bonded.

4.192 LANDSCAPE BUFFER

- A. 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.

- B. Cluster subdivision lots shall provide landscape buffers in conformance with the Cluster Ordinance landscaping requirements.

(Section 4.15-4.192 affected within Scott County by Ordinance 12-04, passed 10/25/2012)

4.2 CONSERVATION DISTRICTS

The following regulations shall apply in all conservation districts as indicated in order 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.

4.21 PERMITTED USES

- A. Agriculture and agricultural buildings according to the provisions of A-1 Districts.
- B. Forest preserves.
- C. Lakes.

4.22 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.

4.23 DIMENSION AND 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 floodlands 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.

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

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.

(Section 4.24 Amendment dated 1/26/88) (addition)

4.3 RESIDENTIAL DISTRICTS

The following regulations shall apply in residential districts as indicated:

4.31 PERMITTED USES IN THE R-1A, R-1B, AND R-1C DISTRICTS

- A. Single-family dwellings.
- B. Planned development projects for residential use only. The procedure under Section 2.32 shall be followed.

4.32 CONDITIONAL USES IN R-1B, R-1C DISTRICTS

- A. Home occupations.
- B. Funeral Homes.
- C. Professional offices.
- D. Singular mobile homes on a solid foundation and underpinned in R-1C districts only.
- E. Type II licensed day care facilities (amendment dated 8/20/85)

- F. Bed & Breakfast as defined in Section 2.1 above and limited to those properties with direct access to arterial roads as defined by the Transportation Element of the Comprehensive Plan – W. Main Street (extending to Kentucky Avenue) and S. Broadway (extending to Hiawatha Trail). Signage shall be limited as set forth in the Sign Ordinance located in Appendix C (amendment effected within the city limits of Georgetown, 10/16/2003, by Ordinance No. 2003-031).

4.33 PERMITTED USES IN R-2 DISTRICTS

- A. Single family dwellings.
- B. Duplexes and multiple family dwellings with a maximum of six dwelling units per building and 12 units per net acre.
- C. Planned development projects for residential use only. The procedure under Section 2.32 shall be followed.

4.34 PERMITTED USES IN THE R-3 DISTRICTS

- A. Single family dwellings.
- B. Duplexes and multiple family dwellings with a maximum of 16 units per net acre.
- C. Planned unit development projects for residential use only. The procedure under Section 2.32 shall be followed.

(OR)

Planned unit development projects for residential use with neighborhood commercial facilities. The procedure under Section 2.32 shall be followed.

4.35 CONDITIONAL USES IN THE R-2 AND R-3 DISTRICTS

- A. Neighborhood commercial facilities as part of a planned development project. The procedure under Section 4.15 shall be followed.

- B. Mobile home parks, mobile home subdivisions and mobile homes on a single lot.
- C. Licensed Type II day care facilities. (Amendment dated 1/15/85)
- 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. (Sections 4.35 D and E, Amendment dated 1/26/88)
- F. Bed and Breakfast as defined in Section 2.1 above. (Section 4.35 F added 5/2/91)
- G. Assisted Living Facilities (Section 4.35 G added 9/3/98)

4.36 ACCESSORY STRUCTURES AND USES PERMITTED IN ALL RESIDENTIAL DISTRICTS*

- A. Garages or other buildings not used as a dwelling or business and accessory to the principal use.
- B. Private swimming pools.
- C. Renting of sleeping rooms not to exceed a maximum of three (3) rooms.
- D. 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. (See Section 2.1 (14)).

*Sleeping rooms are prohibited in R-1A districts.

4.37 CONDITIONAL USES IN ALL RESIDENTIAL DISTRICTS

- A. Four or more sleeping rooms in a structure.

- B. Group Homes (see Section 2.58)
- C. 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.
- D. The uses conditionally permitted in sub-paragraph C above, may apply to the Board of Adjustment for conditional permission to construct an accessory parking area, subject to the following:
 - 1. The use of the parking area must be restricted to the applicant only; and
 - 2. The parking area is a necessary and reasonable development.
 - 3. 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.
 - 4. All landscape provisions are met.
 - 5. The proposed lot is not to be used for commercial purposes, i.e., no business shall use the lot nor fees received for parking.

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.

(Section 4.37D amendment dated 1/26/88)

4.38 DIMENSION AND AREA REGULATIONS IN ALL RESIDENTIAL DISTRICTS

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.

4.4 COMMERCIAL DISTRICTS

The following regulations shall apply in commercial districts as indicated:

4.41 B-1 NEIGHBORHOOD COMMERCIAL

This district is to be used for retail trade and personal services enterprises which will meet regular needs of the occupants of surrounding residential areas.

4.411 PERMITTED USES

- A. Retail sales for neighborhood consumption.
- B. Consumer services for neighborhood consumption.
- C. Professional, business and governmental offices and laboratories.

4.412 CONDITIONAL USES

- A. Public facilities such as libraries, churches, parks, recreational facilities, hospitals, institutions, etc.

4.42 B-2 HIGHWAY COMMERCIAL

Parking space must be provided as set forth in Section 2.7.

Use Regulations: A building or premises shall be used only for the following purposes:

4.421 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. Planned development project for commercial use only. The procedure under Section 2.32 shall be followed.
- F. Adult oriented uses (Amendment added 1/6/2000 by the City of Georgetown)

4.422 CONDITIONAL USES

- A. Non-retail commercial
- 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. Mobile home parks, trailer camps and mobile home subdivisions.

4.43 B-3 CENTRAL BUSINESS DISTRICT

The 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.

4.431 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-premise): 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.

4.44 B-4 COMMUNITY COMMERCIAL

Community Commercial districts are those which provide for the sale of convenience goods such as 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.

4.441 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 only. The procedure under Section 2.32 shall be followed.

4.442 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.

4.443 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.

4.444 MINIMUM DESIGN STANDARDS - The following minimum standards shall be met in the design of a Planned Shopping Center.

- 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. Parking shall be provided on a basis of one space for every 250 feet of floor area.

On-street parking is permitted if roadway is designed to 36-foot section.

Parking 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.

- F. No free standing signs shall be allowed except for gas stations and signs at the entrance to the area stating occupants of the zone.
- G. Outdoor sales and display is allowed if shown on an approved development plan.
- H. Street trees shall be required at a standard of one tree per every 40 lineal feet of the individual property. Placement and maintenance shall be the responsibility of the land owner.

(Section 4.44, B-4, Community Commercial, added 10/19/93 by the City of Georgetown.)

4.45 B-5, GENERAL COMMERCIAL PARK

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. The General Commercial Park is also designed to:

- A. encourage clustering of commercial activities within specifically designed areas and to discourage strip commercial development along major thoroughfares and non-commercial areas.
- B. provide for orderly development of commercial activities so that adverse impacts on adjacent property(s) and traffic flow can be limited.
- C. encourage an orderly and systematic development design providing rational placement of activities, parking, circulation, landscaping, pedestrian circulation, loading, and access.
- D. allow for a mixing of limited light industrial uses with compatible commercial uses.
- E. encourage general commercial activities to locate in areas that have access to a major street system.

4.451 PERMITTED USES

The following uses may be permitted as a part of a commercial park development only when they are found to be compatible with each other and surrounding uses by the Planning Commission.

- A. 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.
- B. Hotels and motels.
- C. Retail stores, especially those which require large storage or display space.
- D. Any use permitted in the B-4 Community Commercial district.
- 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:
 - 1. bottling or package works
 - 2. electrical appliances and equipment assembly
 - 3. electronic equipment assembly and manufacturing
 - 4. instrument and meter manufacturing
 - 5. sporting goods manufacturing
 - 6. manufacturing, compounding, processing, packaging and treatment of bakery goods, candy, and food products.
 - 7. Research, experimental, or testing laboratories.

4.452 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.

4.453 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.

4.454 PERFORMANCE STANDARDS

The following requirements shall apply to all uses permitted in this district:

- A. Front Yard – All buildings shall be setback from the street right-of-way line a minimum of 25 feet. Where fronting on a state route, the minimum front yard setback shall be 50 feet.
- B. Side Yard – All buildings shall be setback from the side lot lines a minimum of 10 feet.
- C. Rear Yard – 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 – 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. Parking, Vehicular Access Locations, Loading, and Circulation:
 - 1. Off-street parking, as regulated by Article II, Section 2.7 of the Zoning Ordinance and Article X, Section 1005 of the Subdivision & Development Regulations.
 - 2. On-street parking shall not be permitted.

3. 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.
 4. 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.
 5. 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.
 6. Loading areas shall be located in the side or rear yards.
 7. The use of frontage or service roads shall be encouraged to service individual development(s) within the commercial park.
 8. Internal driveways and access(es) shall be encouraged to promote internal circulation of vehicles and goods.
- F. 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 may be required by the Planning Commission, to more effectively buffer adjacent land use, as deemed appropriate.
 3. Signage shall be in accordance with the B-2 regulations contained in Article II, Section 2.53, Paragraph C, except that:
 - a. 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.

- b. The maximum height of such signs shall not exceed 30 feet.
- c. 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.

(Section 4.5, B-5, General Commercial Park, was adopted by the City of Georgetown on 7/2/98, and by the Scott Fiscal Court on 8/10/98.)

4.46 BP-1 BUSINESS, RESEARCH & TECHNOLOGY PARK

This district is designed 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 could 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.

4.461 PERMITTED USES, CONDITIONAL USES, ACCESSORY USES, AND 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
Automobile sales (auctions) and storage			X	KASP,

Bakery			X	Kern's,
Billboards			X	actual signs
Broadcasting facilities (radio, tv)	X (1)			Adelphia, WRVG (Georgetown College 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
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)	

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
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

(Section 4.461 amended by the City of Georgetown Ordinance No. 2003-008)

4.462 PERFORMANCE STANDARDS

A. Minimum Size of Zone

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

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

C. Maximum Building Ground Coverage

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

D. Area Requirements

1. Front Yard Setback

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

2. Side Yard Setback

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

3. Rear Yard Setback

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.

4. Peripheral Boundary

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.

The depth of any setback may be reduced by one-half where located adjacent to a railroad track or spur.

Gate or security stations may be excluded from the setback requirements upon approval by the Planning Commission.

No accessory buildings or structures shall be permitted within the required front yard except as noted herein.

E. Loading Areas

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

All utility transmission lines serving individual uses shall be placed underground. All utility transformers shall be located in the rear yard. In those cases where environmental factors or significant tree lines are present, the Planning Commission may waive this requirement and permit utility transformers to be located in the front yard.

G. Landscaping and Screening

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.
4. Additional landscaping and screening may be required by the Planning Commission to effectively buffer adjacent land use within the park as deemed appropriate.

H. Open Space and Natural Area Preserves

This district may 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 may not be altered except with the approval of the Planning Commission.

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.

Existing creek corridors and natural drainage areas may 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.

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.

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. Signage

Signage shall be in accordance with the following standards:

1. Each development or lot shall be limited to one (1) freestanding sign, not to exceed 100 square feet and six (6) feet in height; for developments o corner or double frontage lots, the maximum number of permitted ground mounted signs shall be increased to two (2) with a maximum combined size of 150 square feet. In no case shall any one sign be greater than the maximum 100 square feet.
2. One (1) wall mounted sign shall be permitted per building at one (1) square foot per lineal foot of building road frontage up to a maximum of 100 square feet. Developments that include double frontage or corner lots, as defined by the Zoning Ordinance, may have one (1) wall mounted sign per road frontage with a maximum of 100 square feet per sign. In no case shall the maximum amount of square footage for wall mounted signs be combined into one or more signs.
3. Wall mounted signs shall not extend or project above the parapet wall more than twelve (12) inches.
4. No sign shall have flashing, intermittent or animated illumination, including message board or scrolling type signs.
5. All signs are to be externally illuminated; no internal illumination or molded sheet plastic, fully illuminated signs are permitted.
6. In BP-1 developments exceeding 50 acres, a monument sign may be permitted at the entrance to the park identifying the businesses, manufacturers, or research facilities, not to exceed 300 square feet and 30 feet in height. Monument signs located at the entrance to the park shall be set back a minimum of 25 feet from the right-of-way and shall be used for identification purposes only. Monument signs greater than 300 square feet may be approved by the Planning Commission as part of the development plan approval process. For developments that provide two or more primary entrances, the development may propose one additional monument sign not to exceed 200 square feet, subject to review and approval by the Planning Commission. The primary entrance(s) shall be designated as part of the master plan for the BP-1 park.
7. Roof top signs shall not be permitted.

8. For sites with multiple tenants in one building, the maximum allowable signage shall be calculated based on the length of the building and not based on each tenant. Multiple tenants shall be listed on one sign.
9. Directional and/or regulatory signs may be installed as needed throughout the development, specifically at road intersections, service entrances and parking areas. In no case shall these signs be used or substituted for any ground mounted or advertising signs.
10. Permanent street signs and traffic control signs shall be installed by the developer prior to certification and approval of either the final subdivision plat or final development plan. All street signs and traffic control signs shall conform with state regulations or the requirements specified in the Manual on Uniform Traffic Control Devices for Streets and Highways.

J. Access and Parking

1. Off-street parking, as regulated by Article II, Section 2.7 of the *Zoning Ordinance* and Article X, Section 1005 of the *Subdivision & Development Regulations*.
2. On-street parking shall not be permitted.
3. 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.
4. 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.
5. Internal sidewalks shall be encouraged to promote pedestrian access to open space, natural area preserves and/or the greenways and trails.
6. 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.

7. Additional Parking Standards:

- a. 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 may be required for approval of lesser parking standards.
- b. If the required parking area cannot be provided on the same lot as the principal use, it may 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.
- c. All vehicle use areas shall be paved or concrete, no gravel or similar type surface is permitted.
- d. 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 may 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.
- e. On sites with multiple tenants, the required parking shall be calculated based on the total number of

spaces required for each use. The total number of parking spaces required may be reduced if the uses operate on varying, non-overlapping schedules and sufficient parking can be accommodated. The Planning Commission shall review and approve all such applications.

K. Environmental Standards

1. Lighting Standards:

- a. 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.
- b. The maximum height of any lighting structures shall be 25 feet.
- c. Lighting structures are to be a dark or neutral color.
- d. All parking, road and security lights shall be cut-off luminaries.

2. Stormwater Runoff and Drainage:

- a. 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 may be required for those properties that discharge directly into the Royal Spring Aquifer Recharge Area, or Lane's Run Creek and its tributaries.
- b. Natural drainage corridors shall be preserved.
- c. Stormwater management shall be in accordance with the adopted "Stormwater Best Management Practices for Water Quantity and Water Quality Control".

3. 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.

4. All developments within the BP-1 district shall be connected to sanitary sewers.

L. Building Design

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., should 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.

4.47 ACCESSORY STRUCTURES AND USES PERMITTED IN BUSINESS DISTRICTS

- A. Garage or other buildings not used as a dwelling and
- B. Signs as regulated herein.

4.471 SPECIAL 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 may be required as called for in 2.65.

- B. All uses in commercial districts shall exhibit performance standards equal to or better than those which define light industry.
- C. Licensed Type I day care facilities shall be permitted uses in all commercial districts. (Amendment dated 1/15/85)
- D. Manufactured building systems, as defined in Section 2.1 Definitions, may be permitted as a conditional use while permanent structures are under design and development. The need for advanced occupancy must be demonstrated to receive the conditional permit. The conditional use permit shall state a time limit for the use of these buildings. (Amendment dated 1/26/88)

4.48 DIMENSION AND AREA REGULATIONS

The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations on page 109 and 110. The applicable regulations shall be observed in all commercial districts.

4.5 LIGHT INDUSTRIAL DISTRICT (I-1)

The following regulations shall apply in all industrial districts.

4.51 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. (Amendment dated 1/26/88)

- F. Adult oriented uses (Amendment added 1/6/2000 by the City of Georgetown)

4.52 ACCESSORY STRUCTURES AND USES PERMITTED

- A. Signs identifying the industrial activity on the same premises.
- B. Dwelling unit (conventional) for caretaker or watchmen employed by the industrial firm.
- C. Accessory buildings.

4.53 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:
 - 1. Storage is incidental and accessory to the principal use of the property, and
 - 2. 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.
 - 3. The screening utilized to prevent visibility of the outdoor storage may consist of earthen mounds, plantings, fencing or walls.
 - 4. The storage area boundaries must satisfy the minimum setback requirements of the zone.

4.54 DIMENSION AND AREA REGULATIONS

The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimensions and Area Regulations on pages 109 and 110. The applicable regulations shall be observed in all industrial districts.

4.6 HEAVY INDUSTRIAL DISTRICT (I-2)

4.61 PERMITTED USES

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

4.62 ACCESSORY STRUCTURES AND USES PERMITTED

- A. Signs identifying the industrial activity on the same premises.
- B. Dwelling unit (conventional) for caretaker or watchmen employed by the industrial firm.
- C. Accessory buildings.

4.63 CONDITIONAL USES

- A. As permitted in Light Industrial Districts.

4.64 DIMENSION AND AREA REGULATIONS

The regulations on the dimension 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.

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. 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. The Board shall not issue the permit without exhausting all reasonable alternatives to the destruction or removal of the resource. 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.

(Section 4.7 amended 6/28/93 by Scott Fiscal Court and 8/___/93 by Georgetown City Council.)

4.71 CONDITIONAL USES

- A. Bed and Breakfast as defined in Section 2.1 above. (Section 4.71 added 5/2/91)

4.8 PROFESSIONAL OFFICE DISTRICT (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 use will minimize land use conflicts. Retail sales are prohibited except where related directly to office functions.

4.81 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. Libraries, museums, galleries.
- E. Medical offices, clinics and laboratories.
- F. Telephone exchanges, radio and television studios, (not to exceed 20' above existing building).
- G. Fine arts studios.
- H. Hospitals, nursing homes, rest homes.
- I. Computer and data processing centers.
- J. Ticket and travel agencies.

K. Professional office projects.

(Amendment dated 11/12/85)

4.82 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.

4.83 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.
- G. Manufactured building systems.
(Amendment dated 1/26/88) (E. and F. additions)
- F. Assisted Living Facilities (Amendment dated 9/3/98)

4.9 PROFESSIONAL OFFICE DISTRICT (P-1B)

4.91 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. Funeral parlors.
- G. Swimming pools, tennis courts, putting greens, and other similar recreational uses.
- H. Medical offices, clinics and laboratories.
- I. Telephone exchanges, radio and television studios, (not to exceed 20' above existing building).
- J. Fine arts studios.
- K. Community Centers.
- L. Hospitals, nursing homes, rest homes.
- M. Computer and data processing centers.
- N. Ticket and travel agencies.
- O. Professional office projects.

4.92 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. Assisted Living Facilities (Amendment dated 9/3/98)

(Section 4.9 added by Amendment dated 11/12/85)

SCHEDULE OF DIMENSION AREA REGULATIONS

DISTRICT	A-1 C-1	R-1A	R-1B	R-1C	R-2	R-3	P-1B	B-1	B-2	B-3	B-4*	B-5**	I-1 I-2
Max. Height of Bldgs (#1)		Two (2) stories or 30 feet											
Min. Lot Area (sq.ft.) when served by sanitary sewer										#5			
Single Family	5.0 ac	12,000	10,000	7,500	7,500	7,500	7,500	7,500	7,500	NA			7,500
Duplex					8,500	8,500				#5			
Three or more dwelling units (du)					***	****				#5			
Max. Density (units/ net acre)	1/5 ac	2.9	3.6	4.4	***	****							
Min. Lot Area (without sanitary sewer)	5.0 ac	5.0 ac	5.0 ac	5.0 ac	5.0 ac	5.0 ac	5.0 ac	5.0 ac	5.0 ac	5.0 ac	5.0 ac	5.0 ac	5.0 ac
Max. Building Ground Coverage of Lot (%)	20	40	40	40	40	40	50	75	50	90			50
Min. Lot Width @ Bldg Line (ft) - Residential													
Single Family	250	100	80	70	60	60	60	60	60	NA			60
Duplex					80	75							
Three or more du					110 for 3 du + 15' for each add'l unit	110 for 3 du + 5' for each add'l unit							
OTHER:													
Min. Front Yard Setback From R.O.W.*****	50 (#2)	40	35	30	30	30	25	25	50	NA			50
Min. Front Yard Setback From R.O.W.*****													
Accessory Structures	50	35	35	30	30	30	25	25	50	NA			50

SCHEDULE OF DIMENSION AREA REGULATIONS

DISTRICT	A-1 C-1	R-1A	R-1B	R-1C	R-2	R-3	P-1B	B-1	B-2	B-3	B-4*	B-5**	I-1 I-2
Min. Side Yard - Main	50	12	12	10	7.5	7.5 [^]	12	0	0	0			50 ^{^^}
Min. Side Yard - Acc. (#6)	50	5	5	5	5	5	5	5	0	0			12
Min. Rear Yard - Main	50	25	25	25	25	25	20	20	0	0			25
Min. Rear Yard - Acc.	50	5	5	5	5	5	5	5	0	0			25

* = See individual performance standards pp. 51-54

** = See individual performance standards in attached addendum

*** = Not to exceed 6 units/building nor 12 units/net acre

**** = Not to exceed 16 units/net acre

***** = Buildings and structures placed on corner lots or double frontage lots shall observe the front yard setback requirements for both streets as specified

[^] = 7.5' for single family and duplexes; 25' for multi-family

^{^^} = When next to a residential district

#1 = Height of buildings may be increased up to 50' 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 and C-1 tracts fronting on U.S. Routes, the front yard setback is 100 ft, except where located inside corporate limits, on U.S. 25 from Delaplain Rd. north and on U.S. 62 from Oxford east, where the minimum front yard setback is 50 ft. 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 a 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

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

5.21 REQUIRED PRIOR TO CONSTRUCTION OR ALTERATION

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.

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.

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.

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.

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.

(Paragraphs 3, 4, and 5 added 7/22/92 by City of Georgetown, 8/5/92 by Scott Fiscal Court)

5.22 EXCEPTIONS

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

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

5.23 PROCEDURES

- A. Application: 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.
- B. Permanent File: The Enforcement Officer shall keep a permanent file of all applications with accompanying plans and permits issued.

- C. Issuance: 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.
- D. Duration: 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

5.31 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.

5.32 PROCEDURE

- A. Application: An application for a certificate of occupancy must be made for all dwellings and buildings to be occupied. (Building permits should 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.

- B. Permanent File: The Enforcement Officer shall keep a permanent file of all applications and all certificates issued.
- C. Issuance: 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.
- D. Validity: 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

5.41 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.

5.42 POWERS AND DUTIES

The Board shall have the following powers and duties:

- A. Bylaws: That Board shall adopt bylaws for its own government.
- B. Administrative Review: 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.

- C. Conditions Use: The Board shall have the authority to approve or disapprove applications for conditional uses in conformance with Section 2.33 of the Zoning Ordinance.
- D. Variances: 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:
 - 1. The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.
 - 2. 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.
 - 3. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Zoning regulations.
 - 4. Reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood.
- E. Special Variances: The Board may grant a variance when the following special condition is present in lieu of the four general conditions listed above:
 - 1. 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.

5.43 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:

- A. Limits of Authority: 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.
- B. Special Conditions: The Board may attach special conditions to any decision it is authorized to make to insure that the intent of the Zoning Ordinance will be carried out.
- C. Majority Vote Required: 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.
- D. Additional Powers: 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.

- A. 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.
- B. 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.

- C. 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.
- D. 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

5.61 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.

5.62 PENALTIES

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

ARTICLE VI

AMENDMENTS

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.

- A. Review by the Planning Commission: 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.
- B. Public Hearing: The Planning Commission shall (call) 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.
- C. Recommendations to the Fiscal Court or City Council: 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.
- D. Action by the Fiscal Court or City Council: 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.
- E. Currency of Zoning Map: 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.

- F. 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:
1. That there has been no substantial progress in the development of the property in question.
 2. 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.
 3. 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.
 4. 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.

APPENDIX A

GEORGETOWN/SCOTT COUNTY LANDSCAPE AND LAND USE BUFFERS ORDINANCE (City of Georgetown Ordinance Amended April 26, 1989)

TABLE OF CONTENTS

1.00	INTENT	A-4
2.00	SITES AFFECTED	A-4
2.10	NEW DEVELOPMENT	A-4
2.20	CHANGE TO EXISTING DEVELOPMENT	A-4
2.30	CHANGE OF ZONE	A-4
3.00	AUTHORITY	A-5
4.00	JURISDICTION	A-5
5.00	CONFLICTING REGULATIONS	A-5
6.00	WHERE LANDSCAPE MATERIALS REQUIRED	A-5
6.10	PERIMETER LANDSCAPING REQUIREMENTS	A-5
6.12	PROPERTY PERIMETER REQUIREMENTS	A-5
6.13	VEHICULAR USE AREA PERIMETER REQUIREMENTS	A-8
6.15	LOCATION OF LANDSCAPE BUFFER AREA (LBA)	A-9
6.16	RELATIONSHIP TO YARD REQUIREMENTS	A-9
6.17	RESPONSIBILITY FOR PROVIDING LBAs	A-9
6.171	INCLUSION OF SUBDIVISION PLAT	A-9
6.172	EASEMENT CONFLICTS	A-9
6.173	PROVISION OF PLANTING MATERIALS & BARRIERS	A-9
6.174	TREES ON RIGHT-OF-WAY	A-10

6.18 REQUIREMENT CONFLICTS.....	A-10
6.19 LANDSCAPING AT DRIVEWAY & STREET INTERSECTIONS.....	A-10
6.20 JOINT DRIVEWAYS & COMMON VEHICULAR USE AREAS.....	A-11
6.21 EXISTING LANDSCAPE MATERIAL	A-11
6.22 INTERIOR LANDSCAPING FOR VEHICULAR USE AREAS	A-11
6.221 LANDSCAPE AREA	A-11
6.2211 MINIMUM AREA	A-12
6.2212 MAXIMUM CONTIGUOUS AREA.....	A-12
6.2213 MINIMUM TREES	A-12
6.2214 VEHICLE OVERHANG	A-12
6.23 LANDSCAPING FOR SERVICE STRUCTURES	A-12
6.231 LOCATION OF SCREENING	A-12
6.232 PROTECTION OF SCREENING MATERIAL	A-13
6.233 SCREENING OF OUTDOOR STORAGE AREAS.....	A-13
6.24 LANDSCAPE MATERIALS.....	A-13
6.241 WALLS AND FENCES.....	A-13
6.242 EARTH MOUNDS.....	A-14
6.243 PLANTS.....	A-14
6.2431 QUALITY	A-14
6.2432 DECIDUOUS TREES.....	A-14
6.2433 EVERGREEN TREES.....	A-15
6.2434 SHRUBS AND HEDGES.....	A-15
6.2435 VINES	A-15
6.2436 GRASS OR GROUND COVER.....	A-15
6.25 VEHICLE OVERHANG.....	A-16
6.26 MAINTENANCE AND INSTALLATION.....	A-16
6.30 PLAN SUBMISSION AND APPROVAL.....	A-16
6.31 PLAN CONTENT	A-17
6.32 BUILDING PERMIT & CERTIFICATE OF OCCUPANCY	A-17

6.33 POSTING OF A FULL CASH BOND OR IRREVOCABLE LETTER OF CREDIT	A-17
6.40 PLANTING MANUAL AND PLANT MATERIALS LIST	A-18
7.00 ADMINISTRATION	
7.10 ENFORCEMENT	A-18
7.101 VIOLATIONS	A-18
7.102 PENALTIES	A-19
7.20 VARIANCES	A-19
LANDSCAPE ORDINANCE - PART TWO	A-20
DEFINITIONS	
LANDSCAPE ORDINANCE - PART THREE	A-21
LANDSCAPE REVIEW COMMITTEE	
ILLUSTRATION - VEHICULAR USE AREA PERIMETER REQUIREMENTS - REQUIRED EASEMENT WHERE VEHICLES OVERHANG.....	A-22

**GEORGETOWN/SCOTT COUNTY
LANDSCAPE AND LAND USE BUFFERS ORDINANCE
(City of Georgetown Ordinance Amended April 26, 1989)**

1.00 INTENT

The intent of this article is to improve the appearance of vehicular use areas (VUAs) and property abutting public rights-of-way; to require buffering between incompatible land uses; to protect, preserve and promote the aesthetic appeal, character and value of the community, and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

2.00 SITES AFFECTED

- 2.10 New Development - No new site development, building, or structure shall hereafter be constructed or vehicular use area created or used unless landscaping is provided as required by the provisions of this Article, excluding agricultural and residential uses in agricultural zoning districts.
- 2.20 Change to Existing Development - No building, structure, or vehicular use area (VUA) shall be expanded, moved, or reconstructed and no use shall be changed to another use or increased in intensity unless the minimum landscaping required by the provision of this Article is provided for the property, excluding agricultural and residential uses in agricultural zoning districts. Landscaping shall be provided only for any additional structures, parking or VUA over and above that of the existing development, except as follows. If the additional parking or VUA requirement is equal to or greater than the number of parking spaces or VUA area provided by the previous use, then perimeter landscaping shall be provided for the entire vehicular use area serving the property. (See also Section 6.22 concerning interior landscaping requirements when VUA is altered or expanded.) The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses.
- 2.30 Change of Zone - No use of an existing building, structure, or vehicular use area shall be commenced subsequent to a change in zoning unless property perimeter landscaping as required herein has been provided.

3.00 AUTHORITY

The authority to administer these landscape regulations is granted to the Planning Commission under KRS Chapter 100, Sections 201, 203, and 281.

4.00 JURISDICTION

The area for which these regulations apply shall coincide with the jurisdiction of the zoning ordinance of which they are made a part.

5.00 CONFLICTING REGULATIONS

Should the requirements set forth in this section be found in conflict with other provisions of these regulations, the more stringent regulations shall apply. Any regulations adopted as part of a special landscape or urban design plan for particular areas (e.g., road corridor, downtown) shall supercede this ordinance.

6.00 WHERE LANDSCAPE MATERIALS REQUIRED

This section describes the minimum requirements that shall be met in regard to interior and perimeter landscaping for vehicular use areas, perimeter landscaping for incompatible land uses, and landscaping for service areas.

6.10 Perimeter Landscaping Requirements

Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty (50) percent winter opacity and a seventy (70) percent summer opacity, between one (1) foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four (4) years after installation. The required landscaping shall be provided along the property perimeter in designated landscape buffer areas (LBAs) as shown in the chart Section 6.12 or adjacent to the vehicular use area as shown in the chart Section 6.13. A "Planting Manual and a Plant Materials List" shall be maintained by the Planning Office and available in the offices of the Building Inspection Office, to provide more detailed information on acceptable plant material.

6.12 Property Perimeter Requirements

See following page.

A. When the following . . .	B. adjoins the following . . .	C. a minimum buffer area *1 of this width is required *3 *4	D. which will contain this material, to achieve opacity required *4 *5 *7 *10
1. Any mobile home park	Any other property	10' adjacent to all common boundaries, including street frontage	1 tree/40' of linear boundary, OFT *2, from Group A, B, C of Plant List plus continuous 6' high planting, hedge, fence, wall or earth mound
2. Any commercial or office zone	Any residential zone *9	15' adjacent to all common boundaries except street frontage *6	1 tree/40' of linear boundary OFT, from Group A or B only, plus 1) a double row of 6' high hedge, or 2) a 6' high fence, wall or earth mound
3. Any light industrial zone	Any residential, office or commercial zone *9	15' adjacent to all common boundaries except street frontage *6	Same as 2D
4. Any heavy industrial zone	Any residential, office or commercial zone *9	30' adjacent to all common boundaries except street frontage (may be reduced to 15' where VUA on subject property adjoins common boundary).	1 tree/30', OFT, Group A or B, plus continuous 6' high planting, hedge, wall, fence (not to exceed 8' in height at street grade) or earth mound. Such plantings are to be shown on a unified plan for the development
5. Any double frontage lot (as defined by the Subdivision Regulations) in any zone except A-1, unless the lot is used for a vehicle sales facility or a service station	Any freeway or arterial street not providing direct access to the property	20' for residential zones and 10' for all other zones adjacent to freeway or arterial	Same as 4D
6. any zone except agricultural and industrial zones	Railroads (except spur tracks)	Same as 7C, adjacent to railroad boundaries *6	Same as 2D
7. Utility substation, landfills, sewage plants, sewage pump stations, or similar uses	Any property boundary, including street rights-of-way	15' adjacent to all boundaries, except only 5' for sewage pump stations measured adjacent to the enclosure	Same as 2D
8. Any multi-family zone except when developed as buildings for single family or two-family occupancy	Any single-family zone *9	10' adjacent to all common boundaries except street frontage	1 tree/40' of linear boundary, OFT *2, from Group A, B, or C of Plant List plus a continuous 6' high planting, hedge, fence wall, or earth mound
9. Any commercial, office or industrial zone	Any agricultural zone *8	15' adjacent to all common boundaries except street frontage *6	Same as 1D, except use only Group A or, 1) one evergreen tree/15' of linear boundary, OFT, planted 15' o.c.; or 2) one tree/20' of linear boundary, OFT, that is a combination of 50% deciduous trees from Group A and 50% small flowering trees or evergreen trees; or, 3) one small flowering tree/15' of linear boundary, OFT, planted 15' o.c.
10. Any residential, office, commercial, or industrial zone	Urban Service Area boundary (including boundaries of impact zones)	5' adjacent to all common boundaries except street frontage *5	Same as 1D, except use only Group A

- *1 Grass or ground cover shall be planted on all portions of the landscape buffer area not occupied by other landscape material.
- *2 O.F.T. means "or fraction thereof." Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.
- *3 To determine required area of landscape buffer area, multiply required width by length of common boundary. Through the plan review process, landscape buffer area width may be averaged as follows, if the Planning Commission determines such averaging to meet the intent of this ordinance: Using items 1C as an example, the 10' required width times an assumed 100' of common boundary equals 1,000 sq. ft. of required landscape area. Thus, if some sections of the landscape buffer area are only 5' in width, other sections will have to be greater than 10' in width in order to attain the required 1,000 sq. ft. of landscape area. Five (5) feet shall be the least dimension.
- *4 A continuous planting of evergreen trees 15' o.c. shall be deemed to meet the requirements for trees and a continuous planting of shrubs provided the trees meet the requirements of Section 6.2433 and an opacity of seventy percent (70%) is achieved.
- *5 No map amendment request, subdivision plat, or development plan shall be approved by the Planning Commission except in compliance with this section. However, the Planning Commission shall not require such landscaping adjoining the Urban Service Area boundary where any of the following conditions exist: major railroad lines, major water bodies (not including streams or farm ponds), public owned parks or open space, public property with a low intensity of use, or existing urban development along the Urban Service Area boundary.
- *6 The 15' Landscape Buffer Area (LBA) may be reduced to 5' when used in conjunction with a 6' high opaque wall or fence, if the Planning Commission determines such reduction to meet the intent of this ordinance.
- *7 In situations where a slope occurs along a boundary, the required landscaping shall be placed (in relation to the slope) where it will most effectively screen the more intensive use from the adjoining property. The maximum allowed slope in a buffer area shall be 3 to 1.
- *8 Screening may be waived with the written concurrence of the adjoining property owner.
- *9 For the purposes of determining buffer easements, established single-family uses and public uses such as parks and schools may be considered by the Planning Commission to be equivalent to single-family residential zones.
- *10 When a wall is used to buffer any zone or VUA from a residential zone, it is to be constructed of precast concrete or constructed of/faced with natural stone or brick.

6.13 Vehicular Use Area Perimeter Requirements

A. When the following . . .	B. adjoins the following . . .	C. a minimum landscape buffer area of this width is required *1	D. which will contain this material, *3 to achieve opacity required.
1. Any vehicular use area *2 (VUA) on any property	Any property in any zone except industrial or agriculture	5' to edge of paving where vehicles overhang, 4' minimum from edge of paving and 3' (that prohibits any vehicular overhang) for other areas, on boundary of portion of vehicular use area that faces adjacent property	1 tree/40' of boundary of vehicular use area OFT *4, from Group A, B, or C, plus a 3' average height continuous planting, hedge, fence, wall or earth mound or a 3' decrease in elevation from the adjoining property to the vehicular use area *5
2. Any vehicular use area in any zone except vehicular sales facilities or service stations *6	Any public or private street right-of-way, access road or service road (except expressways)	Same as 1C above, except applies to VUA portion facing public or private street right-of-way, access road, or service road	Same as 1D, except use only Group A or B
3. Any vehicular sales facility or service station	Any public or private street right-of-way, access road or service road, expressway or arterial street	Same as 2C above	1 tree/50' OFT from Group A or B, plus an 18" average height continuous planting, hedge, fence or wall
4. Financial institutions with drive-in facilities or night depositories	Same as 2B	Same as 1C	1 tree/40' of boundary OFT from Group A or B (deciduous only) with 5' of clear trunk, plus an 18" average height continuous planting, hedge, fence, or wall adjoining a public or private right-of-way and a 3' average height planting, hedge, fence or wall adjacent to all other property

*1 These provisions may be included within the property perimeter landscaping required by Section 6.12 where landscaping buffer areas are also applicable.

*2 A vehicular use area (V.U.A.) is any open or unenclosed area containing more than 1,800 sq. ft. of area and/or used by five or more of any type of vehicle, whether moving or at rest, including but not limited to parking lots, loading and unloading areas, mobile home parks, and sales and service areas. Driveways are considered to be vehicular use areas.

*3 Grass or ground cover shall be planted on all portions of the landscape buffer areas not occupied by other landscape material.

*4 OFT means "or fraction thereof."

*5 When a wall is used to buffer any zone or VUA from a residential zone, it is to be constructed of precast concrete or constructed of/faced with natural stone or brick.

*6 Service Station is defined as a facility providing fuel, service, and repair for vehicles. Fuel/food stores are not service stations.

6.15 Location of Landscape Buffer Area (LBA)

The LBA described in 6.12.1, 2, 3, 4, 5, 7, 8, 9, & 10 of section 6.12 shall apply to all common boundaries. The LBA described in 6.12.6 shall apply to the property line adjacent to the railroad right-of-way. The LBA described in 6.13.1 shall apply to all common boundaries. The LBA described in 6.13.2, 3, & 4 shall apply to the property line adjacent to the freeway or public right-of-way.

6.16 Relationship to Yard Requirements

Where there are requirements for LBAs and minimum yards, the more stringent requirement shall be complied with.

6.17 Responsibility for Providing LBAs

The LBA set forth in sections 6.12 and 6.13 shall be provided as a condition of development by the person in charge of or in control of the property, whether as owner, lessee, tenant, occupant, or otherwise, which creates the incompatible situation, or shall be placed on the activity or parcel being processed when the adjoining property is already developed with the exception of freeways and railroads. An owner securing a change in zone which creates an incompatible situation shall be deemed the one who creates such situation and shall immediately provide the buffer area as a condition of the zone change. If the incompatible situation already exists or is created by a general zone change not sponsored by the property owner, the buffer area shall be provided as a condition of the approval of any future subdivision or development plan of the affected land.

6.171 Inclusion of Subdivision Plat - Areas to be set aside for LBAs shall be shown on preliminary subdivision plats and development plans. Illustrations including trees, shrubs, ground covers, and barriers shall be shown on final subdivision plats and development plans.

6.172 Easement Conflicts - Where LBAs are required in the same location as utility easements, the two may be combined providing that the total width and screening requirements of sections 6.12 and 6.13 are met. However, where existing trees are to be preserved, the two may not be combined. Trees planted in easements containing overhead lines shall be small (S) trees that will not conflict with the utilities.

6.173 Provision of Planting Materials and Barriers - Such trees, shrubs, ground covers, and barriers as shall be required and/or shown on the final subdivision plat or development plan shall be provided by the owner or

developer and considered as any other site improvement. (See Section 6.32 concerning bonding of landscaping.)

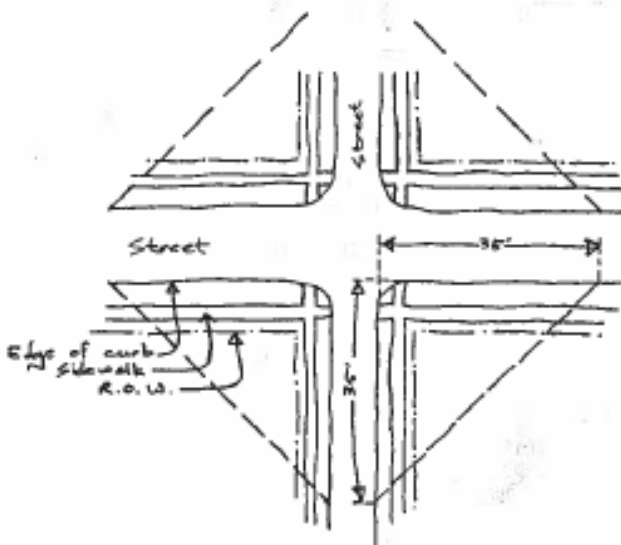
6.174 Trees required as a part of the vehicular use area perimeter landscaping may be placed on the right-of-way adjoining such vehicular use area when approved by the Planning Commission and governing agency responsible for right-of-way maintenance with maintenance agreement.

6.18 Requirement Conflicts

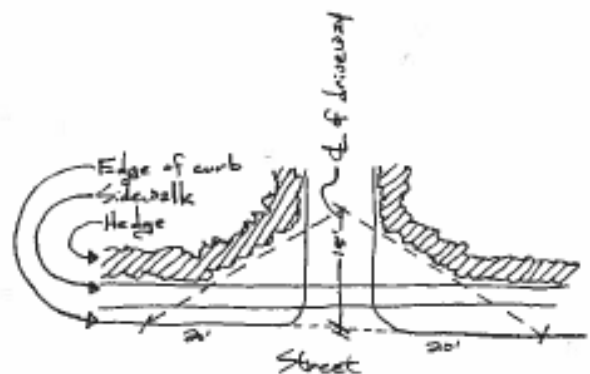
Whenever a parcel or activity falls under two or more of the landscape requirements listed in sections 6.12 and 6.13, the most stringent requirements will be enforced.

6.19 Landscaping at Driveway and Street Intersections

To assure that landscape materials do not constitute a driving hazard, a "sight triangle" will be observed at all street intersections or intersections of driveways with streets. At street intersections, the sight triangle shall be formed by measuring from the intersection of the curb lines at least 35' in each direction along the curb lines and connecting these points. At driveway intersections, the sight triangle shall be formed by measuring at least 15' back into the driveway and 20' in each direction along the curb line (forming two triangles). No landscape material shall be placed within the sight triangle that is greater than 18" in height. Trees having at least 5' of clear trunk (no limbs) or otherwise not presenting a traffic visibility hazard shall be permitted within the sight triangle.



**STREET INTERSECTION
SIGHT TRIANGLE**



**DRIVEWAY INTERSECTION
SIGHT TRIANGLE**

6.20 Joint Driveways and Common Vehicular Use Areas

Vehicular use area screening shall not be required between a vehicular use area and the adjoining property where a property line divides a driveway used for common access to two (2) or more properties nor when both of the following conditions exist: a) the vehicular use areas are for the required parking for the properties or the common use of the properties (as substantiated by a reciprocal parking and access agreement), b) a final development plan for the properties has been approved by the Planning Commission.

6.21 Existing Landscape Material

Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Landscape Inspector such material meets the requirements and achieves the objectives of this article. Existing healthy trees from Group "A" or "B" of the Plant List may be substituted for trees required for property or vehicular use area perimeter landscaping, or for interior landscaping by using the following criteria: a 6" to 12" caliper tree surrounded by a minimum of 150 square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a 12" to 24" caliper tree surrounded by a minimum of 250 square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a 24" or greater caliper tree surrounded by a minimum of 300 square feet of landscape area may be substituted for four (4) new trees of the required minimum size.

6.22 Interior Landscaping for Vehicular Use Areas

Any open vehicular use area (excluding loading, unloading, and storage areas in an industrial zone) containing 6,000 or more sq. ft. of area, or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall be peninsular or island types. Where a vehicular use area is altered or expanded to increase the size to 6,000 or more square feet of area, or twenty or more vehicular parking spaces, interior landscaping for the entire vehicular use area shall be provided and not merely to the extent of its alteration or expansion.

6.221 Landscape Area - For each 100 sq. ft., or fraction thereof, of vehicular use area, ten (10) (amended by Georgetown City Council 9/16/99) sq. ft. of landscaped area shall be provided.

- 6.2211 Minimum Area - The minimum landscape area permitted shall be sixty-four (64) sq. ft. with a 4' minimum dimension to all trees from edge of pavement where vehicles overhang.
- 6.2212 Maximum Contiguous Area - In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than 350 sq. ft. in vehicular use areas under 30,000 sq. ft. in size, and no required area shall be larger than 1,500 sq. ft. in vehicular use areas over 30,000 sq. ft. In both cases, the least dimension of any required area shall be 4' minimum dimension to all trees from edge of pavement where vehicles overhang. The maximum distance between landscape areas shall be 120' measured from the closest perimeter landscape area curb edge or the closest curb edge of each required interior area. Landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum.
- 6.2213 Minimum Trees - A minimum of two (2) (amended by Georgetown City Council 9/16/99) trees shall be required for each 250 sq. ft. or fraction thereof of required landscape area. Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs or ground cover, not to exceed two (2) feet in height.
- 6.2214 Vehicle Overhang - Parked vehicles may hang over the interior landscaped area no more than two and a half feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area.

6.23 Landscaping for Service Structures

All service structures shall be fully screened except when located in an industrial zone or when located more than 35' above the established grade (roof-top structures). Service structures in an industrial zone shall be fully screened when located within 100' of any zone except industrial, or when within 100' of a public right-of-way or private access easement. For the purpose of this Article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.

- 6.231 Location of Screening - A continuous planting, hedge, fence, wall, or earth mound shall enclose any service structure on all sides unless such

structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count toward the fulfillment of required interior or perimeter landscaping if location is appropriate. No interior landscaping shall be required within an area screened for service structures.

6.232 Protection of Screening Material - Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

6.233 Screening of Outdoor Storage Areas - All outdoor storage areas in industrial zones shall be screened by a solid wall or fence not less than six (6) feet in height.

6.24 Landscape Materials

The landscaping materials shall consist of the following, and are described in more detail in the Planting Manual and Plant Materials List available at the Planning and Building Inspection Departments.

6.241 Walls and Fences - Walls shall be constructed of natural stone, brick or other weatherproof materials; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings (See also notes #10 and #5, for tables 6.12 and 6.13). Fence posts shall be structurally stable based on the material used, and shall have a maximum spacing of 8' o.c. If wood is used, the posts shall be 4" x 4" minimum. Posts shall be set in or anchored to crowned concrete footers at least 6" larger in each direction than the post it supports. The base of the footer shall be at least 24" below finished grade. If wood is used for any member, it shall be softwood treated with

water-borne preservative to the American Wood Preservers Institute standard LP-2 for above ground use or LP-22 for ground contact use, or all heart redwood, or all heart cedar. All cut surfaces of pressure treated lumber shall be water-proofed. If another material is used, it shall be weatherproof. Slats are to be minimum 1/2" in thickness and are to be placed on the outside of the fence unless the design is two-sided (shadow-box, etc.). All hardware is to be galvanized or otherwise rustproofed. Wood horizontal members shall be installed bark-side up. Chain link fencing may not be used to meet the requirements of this Article. Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous planting, hedge, fence, wall or earth mound. In industrial zones, there shall be no height limitation on walls or fences; in all other zones, however, there shall be a six (6) foot height restriction for walls or fences in front yards and side street side yards, and an eight (8) foot height restriction in side and rear yards. All walls or fences shall have a minimum opacity of eighty (80) percent. Walls and fences allowed to meet the requirements of this Article shall not be used for the erection or display of any sign or other advertising device.

6.242 Earth Mounds - Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence, or wall, Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an earth mound. Maximum slope shall be 3 in 1.

6.243 Plants - All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements:

6.2431 Quality - Plant materials used in conformance with provision of this Ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Bare root plants, with the exception of shrubs and hedges, vines and ground covers shall be prohibited.

6.2432 Deciduous Trees - (Trees which normally shed their leaves in the Fall) - Shall be species having an average mature crown spread of greater than fifteen (15) feet in Scott County and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured six (6) inches

above ground for trees up to 4 inches caliper) of at least 1-3/4 inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

- 6.2433 Evergreen Trees - Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1-1/2) inches immediately after planting.
- 6.2434 Shrubs and Hedges - Shall be at least 12" with three (3) canes for Section 6.13 lines 3 and 5, at least 2' with three (3) canes for all other lines of Section 6.13 and 6.14, and 3' with four (4) canes for Section 6.12 in average height when installed. After approval by the Landscape Inspector and with the exception of the 12" plants, shrubs and hedges may be pruned to one-half the height in accordance with accepted horticultural practices. All plants shall conform to opacity, mature height, and other requirements of the final approval of each planting or replanting. Privet, Ligustrum species, cannot meet the opacity requirements and may not be used to satisfy the requirements of this Article. The height of the planting shall be measured from the level of the surface of the vehicular use area at the edge closest to the screening.
- 6.2435 Vines - Shall be at least 15 inches high at planting, and are generally used in conjunction with walls or fences.
- 6.2436 Grass or Ground Cover - Grass of the fescus (Gramineae) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Scott County, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic materials shall be planted not more than 15" on center and in such a manner as to present

a finished appearance and have 75% of complete coverage after two complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar approved materials.

6.25 Vehicle Overhang

Parked vehicles shall not be permitted to overhang a landscape buffer area or an interior landscaping area more than two and one-half feet. Curbs or wheel stops shall be provided to permit no greater overhang.

6.26 Maintenance and Installation

All landscaping materials shall be installed in a sound, workmanship-like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this Article at the time of installation shall be removed and replaced with acceptable materials. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this Article. Violation of these installation and maintenance provisions shall be grounds for the Building Inspection Department to refuse a building occupancy permit, require replacement of landscape material or institute legal proceedings to enforce the provisions of this Article.

6.30 Plan Submission and Approval

Whenever any property is affected by these landscape requirements, the property owner or developer shall submit a landscape plan to the Planning Office. For any property where a vehicular use area for twenty (20) or more vehicles or 6,000 or more square feet is provided, the landscape plan shall be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Kentucky. The requirements of this Article shall be followed in approving or disapproving any landscape plan required by this Article.

6.31 Plan Content

The contents of the plan shall include the following: (a) plot plan, drawn to an easily readable scale, showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, etc.) water outlets and landscape material (including botanical name and common name, installation size, on center planting dimensions where applicable, and quantities for all plants used); (b) existing and proposed contours at two (2) foot intervals; (c) typical elevations and/or cross sections as may be required; (d) title block with the pertinent names and addresses (property owner, person drawing plan), scale, date, north arrow (generally orient plan so that north is to top of plan); (e) zone of site and adjacent properties; (f) the location and dripline of any existing significant trees or tree stands, including those in fence rows and drainage areas, a general description of type and size of trees, and any proposed provisions for preserving trees, and (g) calculation of vehicle use area, required and provided interior landscape area.

6.32 Building Permit and Certificate of Occupancy

Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved, and no Certificate of Occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Landscape Inspector. In instances where the State will issue the Certificate of Occupancy, the development plan shall not be certified until the required landscaping is bonded as outlined below. If the required landscaping has not been completed and a Temporary Certificate of Occupancy is issued, a full cash bond, certified or cashiers check, or irrevocable letter of credit from a banking institution with offices in the State of Kentucky shall be posted at that time and submitted to the Planning Director. The amount of the bond or letter of credit shall be based upon the cost of the proper installation of the uninstalled landscape material shown in the submitted plan with the cost certified by a landscape contractor. The amount of the bond or letter of credit shall also include an inflation factor and/or administrative contingency cost of 25% of the base cost to complete the work in the event of the foreclosure of the bond or letter of credit.

Where landscaping is required for a subdivision plat, certification or bonding is required prior to approval of Final Plat.

6.33 Posting of a Full Cash Bond or Irrevocable Letter of Credit

After a full cash bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within three (3) months after the date of posting the full cash bond or irrevocable letter of credit for Final Development Plans, or 12 months after the same date for Final Plats. Extensions of the planting period may be granted by the Landscape Inspector/Planner upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three (3) such one (1) month extensions may be granted. The full cash performance bond or irrevocable letter of credit shall be called if the required landscaping has not been installed by the end of the approved planting period and the Planning Office shall apply the proceeds of the bond or letter of credit to have the work completed.

6.4 Planting Manual and Plant Materials List

Developers shall refer to the Planting Manual and Plant Materials List which are available at the Planning Office for minimal requirements to use in meeting the provisions of this Article. Any materials which are not on the Plant Materials List shall be considered on an individual basis to determine the suitability of the specific plant in the proposed location. A plant not on the Plant Materials List shall be permitted only upon the expressed approval of the Landscape Inspector.

7.00 **ADMINISTRATION**

The enforcement of this ordinance shall be carried out as set forth on the following section.

7.10 Enforcement

The requirements of this ordinance will be administered by the Planning Commission and the Landscape committee of the Planning Commission with the assistance of a Consulting Landscape Examiner, and enforced by the appointed zoning enforcement officer. It shall be unlawful to occupy any premises unless the required landscaping has been installed or bonded in accordance with the final subdivision plat or development plan.

7.101 Violations - In cases where the property owner or developer fails to install required landscaping, or where the property owner/tenant fails to properly maintain required landscaping, the officer of the Planning Commission shall notify the responsible party of such violation and order correction of same. If necessary, the City or County Attorney or any other appropriate

authority shall institute appropriate action in court to eliminate the violation.

7.102 Penalties - Fines and other penalties may be imposed upon violators according to section 5.62 of the Zoning Ordinance. After notification of the responsible party, each day of continued violation shall constitute a separate violation.

7.20 Variances

In such individual situations where, by reason of exceptional topographic, dimensional, or shape or other special conditions of the site, the enforcement of these ordinances would create an undue hardship on the applicant, that applicant may appeal to the Planning Commission for relief from specific provisions. The Planning Commission may consider recommendations from the Landscape Committee, Mainstreet Board, or Architectural Review Board in deciding the appeal.

LANDSCAPE ORDINANCE - PART TWO

DEFINITIONS

The following terms relate to the Landscape Ordinance and are generally not included in the list of definitions contained in most zoning ordinances.

Landscape Buffer Area (LBA) - a strip of land to be set aside to separate incompatible land uses on which shall be placed trees, bushes, ground covers and barriers as necessary to reduce the deleterious effects of the activities.

Landscaping - the use of planting material, pavements, walls, fences and earth mounds to enhance the aesthetic and safety characteristics of new and existing development.

Earth mounds - ridges of piled earth constructed with proper slopes (not to exceed 3:1) and plant material to prevent erosion.

Incompatible Land Uses - Any facility or use on a property which is incompatible with the adjacent use. For example, parking areas and dumpsters would be incompatible uses, but drainage facilities most likely would not.

Interior landscaping areas - planting areas such as islands or peninsulas within a vehicular use area as required by Section 6.22 of this Ordinance.

Vehicular use area - any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more of any type vehicle or mobile home including but not limited to parking lots, loading and unloading areas, sales and services area.

Ground cover - planting with a mature height of twelve inches (12") or less including but not limited to grass, certain junipers, and ivy. Within LBAs next to a public right-of-way, crushed rock, tree bark or process shale may also be used.

Low shrubs - low lying deciduous or evergreen ground covers.

Shrubs - planting materials with a functional mature height of two to twelve feet with foliage for its full height.

Trees - planting materials with a functional mature height of ten or more feet. When used in conjunction with interior landscaping areas, trees should have a minimum clear height of five feet from the ground to the lowest branch.

Hedge - a row of bushes planted at such interval as to create a continuous mass within two years after planting.

Fence - a barrier constructed of wood, metal, stone, brick or other weatherproof material for the purpose of restricting movement, or screening conflicting activities from sight. In the case of wood fences, slats are to be a minimum 1/2" in thickness and are to be placed on the outside of the fence unless the design is two-sided (shadow-box, etc.). Chain link fencing may not be used to meet the requirements of this ordinance. The height of fences shall be governed as set forth in the Zoning Ordinance. Fences shall not be used for advertising purposes.

LANDSCAPE ORDINANCE - PART THREE

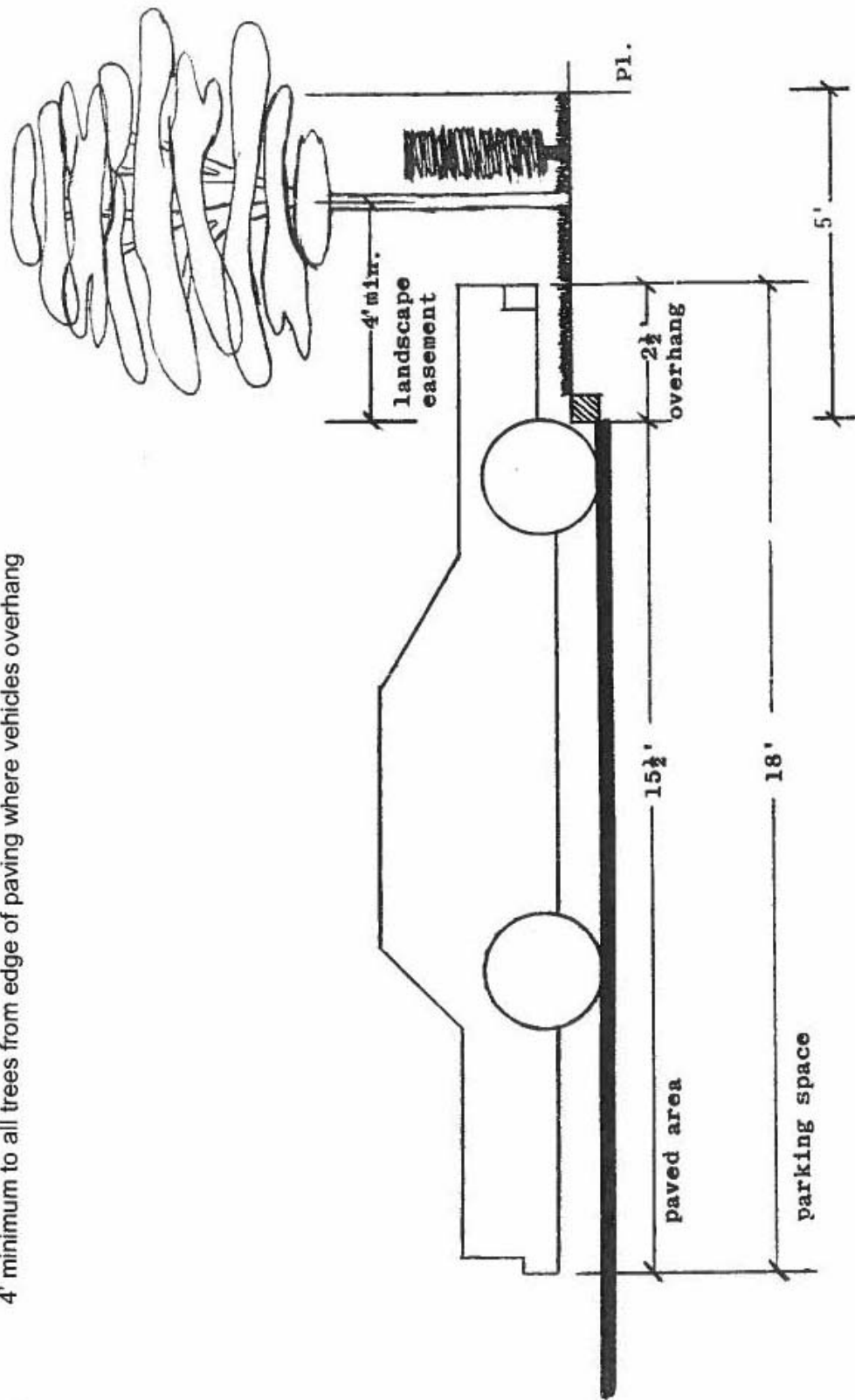
There is hereby established a Landscape Review Committee for the purpose of insuring compliance with the provisions of portions of the Zoning Ordinance as they relate to landscaping. The Committee, with the approval of the Planning Commission, shall engage the services of a Landscape Examiner to review development plans and final plats for compliance with this Ordinance. The Landscape Examiner shall have the power and authority to require such modification of any plat or plan submitted as to insure compliance with the Ordinance. The Committee shall review requested variances of this Ordinance and make recommendations on these variances to the Planning Commission. The Committee or Landscape Inspector shall also inspect the premises prior to the issuance of a Certificate of Occupancy. If, due to seasonal variance, planting is not practical at the time required for the issuance of a Certificate of Occupancy, the inspection will be at such time as the planting and landscaping is actually completed. If, in the opinion of the Committee or Landscape Inspector, the Ordinance has not been complied with, it may make such recommendations to the enforcement officer and request that appropriate legal action be instituted. The Landscape Inspector shall assist the Committee in notifying property owners/tenants of violations to this Ordinance and seeking resolution of same.

The Committee should consist of the following persons: a registered landscape architect, or horticulture specialist, one member appointed from the general public, and the enforcement officer or designee.

VEHICULAR USE AREA PERIMETER REQUIREMENTS

Required easement where vehicles overhang

4' minimum to all trees from edge of paving where vehicles overhang



Scale: 3/8" = 1'

APPENDIX B

FLOODPLAIN MANAGEMENT ORDINANCE (City of Georgetown Ordinance 08-009 adopted 5/12/2008)

For

Scott County, Kentucky
City of Georgetown, Kentucky
City of Sadieville, Kentucky
City of Stamping Ground, Kentucky

June 14, 2007

ACKNOWLEDGEMENT

Appreciation:
Environmental and Public Protection Cabinet
Kentucky Division of Water
Water Resources Branch
Floodplain Management Section

FLOODPLAIN MANAGEMENT ORDINANCE

TABLE OF CONTENTS

ARTICLE 1.	STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.....	B-3
SECTION A.	STATUTORY AUTHORIZATION.....	B-3
SECTION B.	FINDINGS OF FACT	B-4
SECTION C.	STATEMENT OF PURPOSE.....	B-4
SECTION D.	OBJECTIVES	B-4
ARTICLE 2.	DEFINITIONS	B-5
ARTICLE 3.	GENERAL PROVISIONS	B-20
SECTION A.	LANDS TO WHICH THIS ORDINANCE APPLIES	B-20
SECTION B.	BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.....	B-20
SECTION C.	ESTABLISHMENT OF DEVELOPMENT PERMIT	B-21
SECTION D.	COMPLIANCE	B-21
SECTION E.	ABROGATION AND GREATER RESTRICTIONS	B-21
SECTION F.	INTERPRETATION	B-21
SECTION G.	WARNING AND DISCLAIMER OF LIABILITY.....	B-21
SECTION H.	ENFORCEMENT, VIOLATION NOTICE AND PENALTIES.....	B-22
ARTICLE 4.	ADMINISTRATION	B-23
SECTION A.	DESIGNATION OF LOCAL ADMINISTRATOR.....	B-23
SECTION B.	ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT	B-23
SECTION C.	DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR	B-24
ARTICLE 5.	PROVISIONS FOR FLOOD HAZARD REDUCTION.....	B-28
SECTION A.	GENERAL CONSTRUCTION STANDARDS.....	B-29
SECTION B.	SPECIFIC STANDARDS	B-30
SECTION C.	STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS	B-36
SECTION D.	STANDARDS FOR SHALLOW FLOODING ZONES.....	B-36
SECTION E.	STANDARDS FOR SUBDIVISION PROPOSALS	B-37
SECTION F.	STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A'	B-38
SECTION G.	CRITICAL FACILITIES	B-38

ARTICLE 6.	APPEALS AND VARIANCE PROCEDURES	B-39
SECTION A.	NATURE OF VARIANCES	B-39
SECTION B.	DESIGNATION OF VARIANCE AND APPEAL BOARD	B-39
SECTION C.	DUTIES OF VARIANCE AND APPEALS BOARD	B-39
SECTION D.	APPEALS AND VARIANCE PROCEDURES	B-40
SECTION E.	CONDITIONS FOR VARIANCES	B-41
SECTION F.	VARIANCE NOTIFICATION	B-42
SECTION G.	HISTORIC STRUCTURES	B-42
SECTION H.	NO IMPACT CERTIFICATION WITHIN THE FLOODWAY	B-42
ARTICLE 7.	SEVERABILITY	B-43

FLOODPLAIN MANAGEMENT ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes (KRS) 67.083, 83A.130, and 83A.140 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. KRS 151.230 empowers local government to enact administrative regulations for floodplain management through Ordinance. Local Government's participation in the National Flood Insurance Program (NFIP) assures the Federal Insurance Administration that it will enact as necessary, and maintain in force in those areas having flood, or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Parts 59, 60, and 65 of the National Flood Insurance Program Regulations (44 CFR). Therefore, the Fiscal Court of Scott County, the City Councils of Georgetown and Stamping Ground, and the City Commission of Sadieville, Kentucky, hereby adopt the following floodplain management ordinance, as follows:

SECTION B. FINDINGS OF FACT

- 1) The flood hazard areas of Scott County and the Cities of Georgetown, Sadieville, and Stamping Ground are subject to periodic inundation which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare.
- 2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

- 1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;
- 2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- 3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;
- 4) Control filling, grading, dredging, and other development which may increase erosion or flood damage, and;
- 5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

SECTION D. OBJECTIVES

The objectives of this ordinance are to:

- 1) Protect human life and health;
- 2) Minimize expenditure of public money for costly flood control projects;

- 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4) Minimize prolonged business interruptions;
- 5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- 6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding;
- 7) Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area; and
- 8) Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

ARTICLE 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application. Definitions contained in the Zoning Ordinance and Subdivision and Development Regulations of Scott County may conflict and are intended for use in those provisions and shall not be used to interpret this ordinance.

A Zone – Portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.

Accessory structure (Appurtenant structure) – A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Accessory use – A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

Addition (to an existing structure) – Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

A1-30 and AE zones – Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.

AH zone – An area of 100-year shallow flooding where depths are between 1 and 3 feet (usually shallow ponding). Base flood elevations are shown.

AO zone – An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain). Flood depths are shown.

Appeal – A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or from the Floodplain Administrator's ruling on a request for a variance.

AR/A1 – A30, AR/AE, AR/AH, AR/AO, and AR/A zones – Special Flood Hazard Areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

A99 zone – That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a Federal flood protection system under construction. No base flood elevations are determined.

Area of shallow flooding – A designated AO or AH (VO) Zone on a community's Flood Insurance Rate Map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

B and X zones (shaded) – Areas of the 0.2% annual chance (500-year) flood, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than 1 square mile, and areas protected by levees from the base flood.

Base flood – A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

Base Flood Elevation (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO

that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement – That portion of a structure having its floor subgrade (below ground level) on all four sides.

Building – A walled and roofed structure that is principally aboveground; including a manufactured home, gas or liquid storage tank, or other man-made facility or infrastructure. See definition for structure.

C and X (unshaded) zones – Areas determined to be outside the 500-year floodplain.

Community – A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) – A program developed by the Federal Insurance Administration to provide incentives to those communities in the Regular Program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

Community Flood Hazard Area (CFHA) – An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

Critical facility – Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. Critical facilities include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

D zone – An area in which the flood hazard is undetermined.

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

Elevated structure – A non-basement structure built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, piling, columns (post and piers), shear walls, or breakaway walls. (See freeboard requirements for residential and non-residential structures.)

Elevation Certificate – A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure's elevation and other related information to verify compliance with this ordinance.

Emergency Program – The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Enclosure – That portion of a structure below the Base Flood Elevation (BFE) used solely for parking of vehicles, limited storage, or access to the structure.

Encroachment – The physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction – Any structure for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “Existing structures”.

Existing Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by Scott County and the Cities of Georgetown, Sadieville, and Stamping Ground based on specific technical base flood elevation data which established the area of special flood hazards.

Expansion to an existing Manufactured Home Park or Subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Five-Hundred Year Flood – The flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.

Flood, Flooding, or Flood Water:

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid

accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows). See Mudslides.

2) The condition resulting from flood-related erosion. See flood-related erosion.

Flood Boundary and Floodway Map (FBFM) – A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.

Flood Hazard Boundary Map (FHBM) – A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

Flood Insurance Rate Map (FIRM) – A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.

Flood Insurance Study – The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

Floodplain or flood-prone area – Any land area susceptible to being inundated by flood waters from any source.

Floodplain Administrator – The individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.

Floodplain Management – The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

Floodplain Management Regulations – This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood-proofing – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Flood-proofing Certificate – A certification by a registered professional engineer or architect, on a FEMA-approved form in effect at the time of certification stating that a

non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the “regulatory floodway.”

Floodway fringe – That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

Floor – See Lowest Floor.

Freeboard – A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors (future flood fringe development, uncertainties inherent with the methodologies, lack of data, debris that accompanies the base flood) that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or flood-proofing level, but also to the level of protection provided to all components of the structure, such as structure utilities, HVAC components including ductwork, etc. These components must be elevated or protected to the freeboard level and all portions of the structure below the freeboard level must be constructed using materials resistant to flood damage. A freeboard requirement means that new construction and substantial improvements of existing structures will be protected to a level higher than the base flood elevation. If the lowest floor of garages or accessory structures is below the freeboard level, the structure must meet the opening requirements of Article 5, Section B (3). Two references on these requirements are Protecting Building Utilities from Flood Damage, FEMA-348, and Flood Resistant Materials Requirements, FIA-TB-2.

Fraud and victimization – As related in Article 6, **Appeals and Variance Procedures**, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Fiscal Court or City Council will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty to one hundred years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

Functionally dependent use facility – A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes **only** a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Governing body – The local governing unit, i.e. county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.

Hazard potential – The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or mis-operation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).

Highest adjacent grade – The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure – Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs.

Increased Cost of Compliance (ICC) – Increased cost of compliance coverage provides for the payment of a claim for the cost to comply with State or community

floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a Standard Flood Insurance Policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, ICC will help pay up to \$30,000 for the cost to elevate, floodproof, demolish, or remove the building.

ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

Kentucky Revised Statute 151.250 – Plans for dams, levees, etc to be approved and permit issued by cabinet – (Environmental and Public Protection Cabinet)

- (1) Notwithstanding any other provision of law, no person and no city, county or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the Department of Highways) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet by regulation may exempt those dams, embankments or other obstructions which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply.
- (2) No person, city, county, or other political subdivision of the state shall commence the filing of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising, or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in subsection (1) above.
- (3) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction, reconstruction, improvement, enlargement, maintenance or operation of any drainage district, ditch or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Department for Natural Resources through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

Letter of Map Change (LOMC) – Is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's include the following categories:

- 1) **Letter of Map Amendment (LOMA)** – A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.
- 2) **Letter of Map Revision (LOMR)** - A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.
- 3) **Letter of Map Revision – Fill (LOMR_F)** – A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SFHA.

Levee – A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System – A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

For a levee system to be recognized, the following criteria must be met:

- 1) All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised).
- 2) All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP.

Limited storage – An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

Lowest adjacent grade – The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure's foundation system.

Lowest Floor – The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure's lowest floor, provided that such enclosure is not built so as to render the

structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term “manufactured home” does not include a “recreational vehicle” (see Recreational Vehicle).

Manufactured home park or subdivision – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map – The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

Map Panel Number – The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.)

Market value – The structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of structure (Actual Cash Value) or adjusted assessed values.

Mean Sea Level (MSL) – The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on a community’s FIRM. For purposes of this ordinance, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

Mitigation – Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

Mudslide (i.e. mudflow) – Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

Mudslide (i.e. mudflow) area management – The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

Mudslide (i.e. mudflow) prone area - An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

National Flood Insurance Program (NFIP) – The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) – As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRM's. Refer to FIRM legend panel for correct datum.)

New Construction – Structures for which the start of construction commenced on or after the effective date of Scott County or the Cities of Georgetown, Sadieville, or Stamping Ground's floodplain management regulations and includes any subsequent improvements to such structures.

New manufactured home park or subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Scott County or the Cities of Georgetown, Sadieville, or Stamping Ground's adopted floodplain management ordinances.

Non-Residential – Structures that are not designed for human habitation, including but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.

North American Vertical Datum (NAVD) – As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRMs and Digitally Referenced FIRMs (DFIRMs). (Refer to FIRM or DFIRM legend panel for correct datum.)

Obstruction – Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure,

wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Hundred Year Flood (100-Year Flood) (see Base Flood) – The flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood with the SFHA.

Participating Community – A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Pre-FIRM Construction – Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Post-FIRM Construction – Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Probation – A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy is subject to a \$50 surcharge.

Program Deficiency – A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.

Public Safety and Nuisance – Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle – A vehicle that is:

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

Regular Program – The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

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

Remedy a violation – The process by which a community brings a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

Repair – The reconstruction or renewal of any part of an existing structure.

Repetitive Loss – Flood-related damages sustained by a structure on two or more separate occasions during a 10-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more flood losses of \$1000.00 or more over the life of the structure, or, three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

Riverine – Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Section 1316 – That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Sheet flow area – see "**Area of shallow flooding.**"

Special flood hazard area (SFHA) - That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 – A30, AH, AO, or AR.

Start of Construction (includes substantial improvement and other proposed new development) – The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first

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

Structure – A walled and roofed building that is principally above ground; including manufactured homes, gas or liquid storage tanks, or other man-made facilities or infrastructures. See “**Building**.”

Subdivision – Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.

Subrogation – An action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

Substantial Damage – Means any damage to a building for which the cost of repairs equals or exceeds fifty percent of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss. For the purposes of this definition, “repair” is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences. The term does not apply to:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Substantial Improvement – Any combination of reconstruction, alteration, or improvement to a building, taking place during a one (1)-year period, in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not apply to:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure;” or
- c.) Any building that has been damaged from any source or is categorized as repetitive loss.

Substantially improved existing manufactured home parks or subdivisions –

Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

Suspension – Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

Utilities – Includes electrical, heating, ventilation, plumbing, and air conditioning equipment.

Variance – Relief from some or all of the requirements of this ordinance.

Violation – Failure of a structure or other development to fully comply with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse – A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

Water surface elevation – The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watershed – All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

X zone – The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2-percent probability of being equaled or exceeded (the

500-year flood) in any year. Unshaded X zones (C zones on older FIRMS) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone – A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

ARTICLE 3. GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250, and as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the Fiscal Court of Scott County, or the City Councils of Georgetown or Stamping Ground, or the City Commission of Sadieville from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the Fiscal Court of Scott County, or the City Councils of Georgetown or Stamping Ground, or the City Commission of Sadieville, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Scott County and the Cities of Georgetown, Sadieville, and Stamping Ground.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Scott County and unincorporated areas, dated March 30, 1981, with up-to-date copies of the accompanying Flood Insurance Rate Maps (FIRM) for Scott County dated September 30, 1981, for City of Georgetown dated February 4, 1981, for City of Sadieville dated February 18, 1981, and for City of Stamping Ground dated March 2, 1981, up-to-date copies of the accompanying Floodway Maps, dated September 30, 1981, and any subsequent amendments thereto occurring from time to time, and other supporting data, are hereby adopted by reference and declared to be a part of these regulations, and for those land areas acquired by the Cities of Georgetown, Sadieville, or Stamping Ground through annexation. Amendments may include a Letter of Map Change, Map Panel replacement through a Physical Map Revision, adoption of a Countywide FIRM format, or other revisions issued by FEMA. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to Scott County or the Cities of Georgetown, Sadieville, or Stamping Ground by the Floodplain Administrator and are enacted by Scott County or the Cities of Georgetown, Sadieville, or Stamping Ground pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of Scott County and are on

file and available for review by the public during regular business hours at the Georgetown – Scott County Planning Commission at 230 East Main Street, Georgetown, Kentucky 40324.

SECTION C. ESTABLISHMENT OF A FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in the special flood hazard areas (SFHA). See Article 4, Section B for instructions and explanation.

Application for a Floodplain Development Permit shall be made on forms furnished by the Floodplain Administrator.

SECTION D. COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil offense. Nothing herein shall prevent the Floodplain Administrator from taking such lawful action as is necessary to prevent or remedy any violation.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

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

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- 1) Considered minimum requirements;
- 2) Liberally construed in favor of the governing body; and,
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of

special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the Fiscal Court of Scott County or the City Councils of Georgetown or Stamping Ground, or the City Commission of Sadieville, any officer or employee, the Commonwealth of Kentucky, the Federal Insurance Administration, or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. ENFORCEMENT, VIOLATION NOTICE AND PENALTIES

- 1) **Violation:** If, at any time, development occurs which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a Floodplain Development Permit and any approved modifications, such development shall constitute a violation of this Ordinance.
- 2) **Notice of Violation:** If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur in violation of this Ordinance a duly authorized employee of the Floodplain Administrator shall issue a Notice of Violation to the person responsible for the violation and/or the property owner, stating the facts of the violation, the section of this Ordinance and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this Ordinance or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the required remedies and corrective actions are not taken. See below.
- 3) **Issuance of Summons:** If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur in violation of the provisions of this Ordinance including obtaining or complying with the terms and conditions of a Floodplain Development Permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may seek equitable relief from the Scott Circuit Court against the person responsible for the violation and/or the property owner stating the violation, the dates of any prior notices of violation issued, and a specific statement of fact describing how the person accused with the violation had failed or refused to comply with the Ordinance. With the issuance of an Order by the Scott Circuit Court, further proceedings shall be governed by the Court, including the imposition of civil penalties up to \$500.00 per day, with each day constituting a separate violation.
- 4) **Penalties:** Any person who violates this Ordinance or fails to comply with any notices issued pursuant to this Ordinance, shall be assessed a civil penalty of no

more than \$500.00 per day with each day constituting a separate violation, and be subject to the equitable orders of the Scott Circuit Court. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION

SECTION A. DESIGNATION OF LOCAL ADMINISTRATOR

The Fiscal Court of Scott County, the City Councils of Georgetown and Stamping Ground, and the City Commission of Sadieville hereby appoint the Georgetown–Scott County Planning Commission’s Director of Development Services, or his/her Designee, to administer, implement, and enforce the provisions of this ordinance by granting or denying Floodplain Development Permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator. To the extent possible, the Director, or his/her Designee, performing these duties shall be certified as a Floodplain Manager (CFM) by the Association of State Floodplain Managers (ASPFM). The Floodplain Administrator may coordinate with and utilize the services of the Georgetown–Scott County Building Inspection Department to implement and enforce this ordinance.

SECTION B. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be obtained before any construction or other development begins within any special flood hazard area established in Article 3, Section B. Application for a Floodplain Development Permit shall be made on forms furnished by Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of local administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

1) Application Stage

- a) Proposed elevation in relation to Mean Sea Level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or
- b) Proposed elevation in relation to Mean Sea Level to which any non-residential structure will be flood-proofed; and

- c) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Article 5, Section B (2) and Section D (2); and
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2) **Construction Stage**

Upon placement of the lowest floor, **and before construction continues**, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. In AE, A1-30, AH, and A zones where the Community has adopted a regulatory Base Flood Elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this ordinance. The Floodplain Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose by granting or denying Floodplain Development Permits in accordance with its provisions.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- 1) **Permit Review**: Review all development permits to ensure that:
 - a) Permit requirements of this ordinance have been satisfied;
 - b) All other required state and federal permits have been obtained: Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that

copies of such permits be provided and maintained on file with the development permit;

- c) Flood damage will be reduced to the extent feasible;
- d) Estimates of the flood carrying capacity within the altered or relocated portion of a watercourse have been formulated using accepted engineering principles and that information which demonstrates how the flood carrying capacity will be maintained has been provided; and
- e) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

2) **Review and Use of Any Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Article 5.

3) **Notification of Other Agencies:**

- a) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority via certified mail prior to any alteration or relocation of a watercourse, and
- b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA).

4) **Floodplain Development Permit Documentation.** For each Floodplain Development Permit case, obtain documentation deemed appropriate by the Floodplain Administrator and maintain said documentation for public inspection, and make available as needed, the following types of information:

- a) Certification required by Article 5, Section B (1) (lowest floor elevations) as shown on a completed and certified **Elevation Certificate**. Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B (2).
- b) Certification required by Article 5, Section B (2) (elevation or flood-proofing of nonresidential structures) as shown on a completed and certified **Flood-proofing Certificate**. Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section

B (2).

- c) Certification required by Article 5, Section B (3) (elevated structures).
- d) Certification of elevation required by Article 5, Section E (1) (subdivision standards).
- e) Certification required by Article 5, Section B (5) (floodway encroachments).
- f) Copies of the certified plans and specifications reviewed for compliance.
- g) Documentation related to Remedial Actions, including but not limited to actions taken to remedy violations of this ordinance as specified in Article 3, Section H.

5) **Map Determinations.** Make interpretations where needed, as to the best estimate of the location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

- a) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 6, Section (3) b.
- b) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Article 5.
- c) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Article 5, Section B (2) a flood-proofing certificate.
- d) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

6) **Right of Entry.**

- a) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Floodplain Administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Floodplain Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Floodplain Administrator by this ordinance.
- b) If such structure or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry, including the local property maintenance code provisions.
- c) If entry is refused, the Floodplain Administrator shall have recourse to every remedy provided by law to secure entry.
- d) When the Floodplain Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Floodplain Administrator for the purpose of inspection and examination pursuant to this ordinance.

7) **Stop Work Orders.**

- a) Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

8) **Revocation of Permits.**

- a) The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- b) The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for

which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

9) **Liability.**

- a) Any officer, employee, or member of the Floodplain Administrator's staff, charged with the enforcement of this ordinance, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Refer to Article 3, Section G, Warning and Disclaimer of Liability, of this ordinance.

10) **Expiration of Floodplain Development Permit.**

- a) A Floodplain Development Permit, and all provisions contained therein, shall expire if the holder of the Floodplain Development Permit has not commenced construction within one hundred and eighty (180) calendar days from the date of its issuance by the Floodplain Administrator.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

The Environmental Quality Element of the Comprehensive Plan for Scott County establishes goals and objectives intended to protect environmentally sensitive areas, including Special Flood Hazard Areas. As a result, the Zoning Ordinance of Scott County defines a Conservation District in Section 4.2 and the Subdivision and Development Regulations of Scott County set policies for environmentally sensitive areas in Article XII, Section 1200. These provisions limit development in Special Flood Hazard Areas, defined in Article 3 of this ordinance. With the desire to protect the health, safety, and welfare of its citizens, Scott County and the Cities of Georgetown, Sadieville, and Stamping Ground prohibit new construction and substantial improvements within the Special Flood Hazard Area. As a result, the lowest adjacent grade of a structure is typically above the base flood elevation and flood-proofing of structures near Special Flood Hazard Areas is not required. Scott County and the Cities of Georgetown, Sadieville, and Stamping Ground recognize Non-Conforming Structures (See Zoning Ordinance Section 2.1 and 2.41) do exist. The following provisions in Article 5 are established in the event new construction and substantial improvements are permitted by Variance (see Article 6 of this ordinance) within the Special Flood Hazard Area. Applicable portions of these provisions shall also be used when permitting development on parcels of land contiguous to Special Flood Hazard Areas.

SECTION A. GENERAL CONSTRUCTION STANDARDS

In all **Special Flood Hazard Areas** the following provisions are required:

- 1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- 3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- 5) Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and, if within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- 6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- 7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- 8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- 9) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- 10) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

SECTION B. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation data have been provided, as set forth in Article 3, Section B, or Article IV, Section C (11), the following provisions are required:

- 1) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than two (2) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article 5, Section B (3).
 - a) In an AO zone, See Article 5, Section D.1.a.
 - b) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, lowest floor elevated two (2) feet above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, Section 5(5)a, states as a part of the technical requirements for a State Floodplain Permit: The applicant shall provide cross sections for determining floodway boundaries (and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the Environmental and Public Protection Cabinet, Division of Water. If necessary to ensure that significant flood damage will not occur, the Environmental and Public Protection Cabinet, Division of Water may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.
 - c) In all other Zones, elevated two (2) feet above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer

or surveyor, and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

- 2) **Non-residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with Article 5, Section B (1) or together with attendant utility and sanitary facilities:
- a) Be flood-proofed below an elevation two (2) feet above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water.
 - b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c) Have the lowest floor, including basement, mechanical equipment, and ductwork, elevated no lower than two (2) feet above the level of the base flood elevation, or;
 - d) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B (1) c.
 - e) Manufactured homes shall meet the standards in Article 5, Section B (4).
 - f) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials below an elevation two (2) feet above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:
 - (i) Be certified by a registered professional engineer or architect; or
 - (ii) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than two (2) feet above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

- 3) **Elevated Structures.** New construction or substantial improvements of elevated structures on columns, posts, or pilings (e.g.) that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a) Opening sizes for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than two (2) feet above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and,
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,
 - c) The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms.
 - d) The total floor area of all such enclosed areas shall not exceed 300 square feet.
 - e) For enclosures greater than seven (7) feet in interior height, where elevation requirements exceed six (6) feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structures' originally approved design, shall be presented as a condition of issue of the final Certificate of Occupancy.
- 4) **Standards for Manufactured Homes and Recreational Vehicles.**
- a) All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood

Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:

- On individual lots or parcels,
- In expansions to existing manufactured home parks or subdivisions,
- In new manufactured home parks or subdivisions or
- In substantially improved manufactured home parks or subdivisions, or
- Outside of a manufactured home park or subdivision,
- In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

All Manufactured homes must be:

- (i) Elevated on a permanent foundation, and
 - (ii) Have its lowest floor elevated no lower than two (2) feet above the level of the base flood elevation, and
 - (iii) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- b) Except manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
- (i) The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:
 - The lowest floor of the manufactured home is elevated no lower than two (2) feet above the level of the base flood elevation, or
 - The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.
- c) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either:
- (i) Be on the site for fewer than 180 consecutive days,

- (ii) Be fully licensed and ready for highway use, or
- (iii) Meet the permit requirements for new construction of this ordinance, including anchoring and elevation requirements for “manufactured homes.”

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

- 5) **Floodways.** Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

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

- If Article 5, Section B (5) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of Article 5.

6) **Standards for Utilities.**

- a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 - (i) Infiltration of flood waters into the systems, and
 - (ii) Discharge from the systems into flood waters.
- b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

7) **Structures Elevated on Fill.** A residential or non-residential structure may be constructed on permanent fill in accordance with the following:

- a) The lowest floor (including basement) of the structure or addition shall be no lower than two (2) feet above the base flood elevation;

- b) The fill shall be placed in layers no greater than one foot deep before compacting and should extend at least ten feet beyond the foundation of the structure before sloping below the base flood elevation, said slope being no greater than a 2:1 ratio unless a stability analysis is provided by a registered professional engineer;
 - c) The top of the fill shall be no lower than two (2) feet above the base flood elevation. However, the ten-foot minimum may be waived if a structural engineer certifies an alternative method to protect the structure from damage due to erosion, scour, and other hydrodynamic forces;
 - d) The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties;
 - e) All new structures built on fill must be constructed on properly designed and compacted fill (ASTM D-698 or equivalent) that extends beyond the building walls before dropping below the base flood elevation and has appropriate protection from erosion and scour. The design of the fill or the fill standard must be approved by a licensed professional engineer; or
 - f) If the community adopts and enforces the soil testing and compaction requirements set forth by the Standard, Uniform, or National Building Codes or the International Residential and Building Codes, it may qualify for additional CRS credit.
- 8) **Vegetative Buffer Strips (Riparian Zones)**. For all activities involving construction within 25 feet of the channel, the following criteria shall be met:
- a) A natural vegetative buffer strip shall be preserved within at least 25 feet of the mean high water level of the channel.
 - b) Where it is impossible to protect this buffer strip during the construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction.
 - c) The use of native riparian vegetation is preferred in the buffer strip. Access through this buffer strip shall be provided for stream maintenance purposes.

SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS

Located within the special flood hazard areas established in Article 3, Section B, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- 1) No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- 2) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with Article 3, Section B.

SECTION D. STANDARDS FOR SHALLOW FLOODING ZONES

Located within the special flood hazard areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1' – 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- 1) All new construction and substantial improvements of residential structures shall:
 - a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in an AO zone, lowest floor elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM by at least two (2) feet, or elevated at least three (3) feet above the highest adjacent grade if no depth number is specified.
- 2) All new construction and substantial improvements of non-residential structures shall:
 - a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone

AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than three (3) feet above the highest adjacent grade.

- b) Together with attendant utility and sanitary facilities be completely flood proofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of two (2) feet so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article 5, Section B (2).

SECTION E. STANDARDS FOR SUBDIVISION PROPOSALS

- 1) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;
- 2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
- 4) In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or five (5) acres, whichever is the lesser, shall be provided.
- 5) All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- 6) All new subdivision proposals shall include streets for emergency access that are elevated at or above flood waters during the one percent (1%) annual chance flood (100-year flood).

SECTION F. STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A'

For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

- 1) Structure must be non-habitable.
- 2) Must be anchored to resist floatation forces.
- 3) Will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls.
- 4) Built of flood resistant materials below a level two (2) feet above the base flood elevation.
- 5) Must elevate utilities above the base flood elevation.
- 6) Can only be used for storage or parking.
- 7) Cannot be modified for a different use after permitting.

SECTION G. CRITICAL FACILITIES

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within or adjacent to the SFHA shall be constructed on properly compacted fill and have the lowest floor (including basement) elevated at least two (2) feet above the elevation of the 500-year flood at the site. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. A critical facility shall have at least one access road connected to land outside the 500-year floodplain that is capable of supporting a 12,500 pound vehicle. The top of the road must be elevated to or above the level of the elevation of the 500-year floodplain.

ARTICLE 6. APPEALS AND VARIANCE PROCEDURES

SECTION A. Nature of Variances

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Fiscal Court and City Councils to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

SECTION B. Designation of Variance and Appeal Board

The Boards of Adjustment for Scott County and the Cities of Georgetown, Sadieville and Stamping Ground are hereby established as Appeal Boards. The property location will determine the appropriate Board to hear the appeal.

SECTION C. Duties of Variance and Appeals Board

- 1) The Appeal Board shall hear and decide requests for variances from the requirements of this ordinance and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- 2) Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the Circuit Court, as provided in Kentucky Revised Statutes.

SECTION D. Appeals and Variance Procedures

In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:

- 1) Danger that materials may be swept onto other lands to the injury of others;
- 2) Danger to life and property due to flooding or erosion damage;
- 3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- 4) Importance to the community of the services provided by the proposed facility;
- 3) Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;
- 4) Availability of alternative locations which are not subject to flooding or erosion damage;
- 5) Compatibility of the proposed use with existing and anticipated development;
- 6) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 7) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- 8) Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- 9) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

SECTION E. Conditions for Variances

Upon consideration of the factors listed above and the purposes of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

- 1) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- 2) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief, considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the Board of Adjustment need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Board of Adjustment believes will both provide relief and preserve the integrity of this ordinance.
- 3) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. In the instance of an historical structure, a determination shall be made that the variance is the minimum necessary to afford relief and not destroy the historic character and design of the structure.
- 4) Variances shall only be issued upon:
 - a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this ordinance); and
 - c) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under "Public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.
- 5) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- 6) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) upon request.
- 7) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 6.3 A through 6.3 E are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

SECTION F. Variance NOTIFICATION

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- 1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and;
- 2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Clerk of Scott County and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- 3) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

SECTION G. HISTORIC STRUCTURES

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

SECTION H. NO IMPACT CERTIFICATION WITHIN THE FLOODWAY

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

ARTICLE 7. SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

APPENDIX C

SIGN ORDINANCE

Sign Ordinance
Adopted by City Council
January 25, 2010

Amended for Fiscal Court
January 31, 2012

Table of Contents

Section 1 – Administration	C-3
Section 2 – Definitions	C-8
Section 3 – General Provisions	C-19
Section 4 – Exempt Signs	C-22
Section 5 – Prohibited Signs	C-25
Allowable Signs Table	C-27
Section 6 – Freestanding Signs	C-28
Section 7 – Wall Signs	C-29
Section 8 – Projecting and Suspended Signs	C-31
Section 9 – Window Signs	C-32
Section 10 – Interstate Signs	C-33
Section 11 – Temporary Signs	C-39
Section 12 – Miscellaneous Signs	C-42
Section 13 – Master Signs Plans	C-46
Section 14 – Georgetown Business Park	C-46
Section 15 – Georgetown Historic Main Street Business Zone	C-48

Section 1 – Administration

A. Purpose

The purpose of this section is to regulate the location, size, construction, design, and architectural compatibility with the surrounding areas and manner of display of signs and outdoor advertising in a manner which will prevent annoyance, disturbance, or nuisance to the citizens of Scott County, City of Sadieville, City of Stamping Ground and City of Georgetown.

B. Responsibilities

The Georgetown-Scott County Planning Commission (GSCPC) staff shall provide guidance and education of the policy and procedures of the sign ordinance to the general public. GSCPC and/or Building Inspection staff shall educate the public on the location, type, and size of the sign that are required in each zoning district. Building Inspection shall create and administer a sign application.

The Georgetown Public Works Department and Scott County Roads Department are responsible for disseminating information on public rights-of-way, which have restrictions on the placement of signs as defined in this Ordinance.

C. Enforcement

The Georgetown-Scott County Building Inspection Department/Code Enforcement (GSCBI) shall enforce the provisions of this Ordinance and shall utilize its powers to ensure compliance with its provisions and the provision of any approved permit. The Building Inspection Department/Code Enforcement shall maintain written records of enforcement actions taken.

D. Permit Application and Expiration

1. Permanent Signs

To obtain a sign permit, the applicant shall file an application on a form furnished by the Georgetown-Scott County Building Inspection Department. The applicant shall follow all regulations and standards set forth by Building Inspection and this Ordinance.

2. Temporary Signs

Such signage is subject to the following general requirements for temporary signs and the listed standards for specific types of temporary signs.

a. Permit Application

To obtain a temporary sign permit the applicant shall file an application on a form furnished by Building Inspection. All applications shall be accompanied by the written consent of the owner, lessee, agent or trustee having charge of the property on which the sign is proposed.

b. Duration

A temporary sign shall be removed within six (6) months of the date of approval unless otherwise specified by this ordinance. Building Inspection may approve an extension of time upon receipt of a written request from the applicant.

c. Location

Applicant shall verify that the sign is located outside of the public right-of-way.

E. Changes to Signs

No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign face, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

F. Permit Fees

Permit fee schedules are available in the GSCBI office. Where work for which a sign permit is required by this ordinance is begun before a permit has been obtained, the sign permit fees shall be doubled. The payment of such double fee shall not relieve any person from complying fully with the requirements of this ordinance in the execution of the work or from any penalties prescribed herein.

G. Non-conforming Signs

1. Any sign that was legal at the time of adoption of this Ordinance but finds itself illegal under this ordinance shall be given Legal Non-Conforming status and shall be subject to the Non-Conforming Use standards as found in Sections 2.41 (Non-Conforming Structures) and 2.42 (Non-Conforming Uses).
2. Any sign that was illegal at the time of adoption of this Ordinance and finds itself illegal under this ordinance is subject to immediate removal following the Enforcement standards in this Ordinance.

H. Revocation of Permits

The GSCBI shall have the authority to revoke any permit authorizing the erection of a sign which has been constructed or is being maintained in violation of the permit.

1. Notice of the Chief Building Official decision to revoke a sign permit shall be served upon the person to whom the permit was issued:
 - a. By delivering in person a copy of the notice to the holder of the permit, or to one of its officers; or
 - b. By leaving a copy of the notice with any person in charge of the premises on which the sign is to be constructed or maintained; or
 - c. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mail delivery by the U.S. Postal Service of another copy of the notice to the last known address of the permit holder.
2. The holder of the permit may appeal the decision to revoke the permit to the appropriate Board of Adjustment, in writing, fourteen (14) days from the date when the notice was served.

3. If no appeal has been filed by the permit holder at the end of fourteen (14) days, the permit is revoked. The Board of Adjustment shall then initiate the process for the removal of the illegal sign.

I. Removal of Signs

1. The GSCBI is hereby authorized to require the removal of any illegal signs. Removal shall be accomplished through the Code Enforcement Official.
2. Whenever the GSCBI determines a sign to be structurally unsafe through lack of proper maintenance or for other reasons, or endangers the safety of the building or endangers the public safety, the Chief Building Official/Enforcement Officer shall order that such sign be made safe or removed. Such order shall be complied with within thirty (30) days of the receipt thereof by the person owning or using the sign or the owner of the building or premises on which such a sign is affixed or erected. If the Chief Building Official/Code Enforcement Official considers the unsafe situation to be an emergency, the order shall be complied with within twenty-four (24) hours.
3. Removal of Temporary Signs located on Private Property
 - a. Before bringing an action to require removal of any illegal sign, the Chief Building Official shall give written notice to the owner of the sign and the owner of the premises on which such sign is located. If the Chief Building Official has the owner's telephone number, he may also call the sign's owner at the time of the written notice. The notice shall describe the violation and the reasons for removal of the sign.
 - b. Notice period
 - i. The notice period for temporary signs shall be forty-eight (48) hours.
 - ii. Re-erection of any sign or substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuation of the original violation if compliance with this ordinance has not been demonstrated.
 - c. If the owner or lessee of the premises upon which the sign located has not demonstrated compliance with this ordinance, then the GSCBI shall certify the violations and refer the case to the County Attorney for prosecution.
 - d. Notwithstanding the above, the GSCBI may cause the immediate removal or repair (without notice to the owner of the sign, or of the property on which it is located) of any unsafe or defective sign or signs that create immediate hazard to persons or property.
 - e. The cost of removal or repair of a sign by the GSCBI shall be borne by the owner of the sign and of the property on which it is located. An action for recovery of this cost may be brought by the GSCBI.
4. Removal of Temporary Signs located on Public Property or Public Right-of-Way

- a. The GSCBI may cause the immediate removal (without notice to the owner of the sign, or of the property on which it is located) of any unsafe or defective sign that creates immediate hazard to persons or property.
 - b. The cost associated with the removal of a temporary sign by the GSCBI shall be borne by the sign owner and/or the property owner on which it is located and an action for cost recovery thereof may be brought by the GSCBI.
- 5. Removal of Permanent Signs
 - a. The GSCBI may remove any illegal sign which is maintained or re-erected after the expiration of the notice period, if the owner or lessees of the premise has been issued a compliance notice at least once before for the same violation involving the same or a similar sign.
 - b. Notice period
 - I. The notice period for permanent signs shall be fourteen (14) calendar days.
 - II. A sign which no longer identifies or advertises a bona fide business, lesser, services, owner, product, or activity and is no longer maintained.
 - c. The costs of removal of a sign by the City/County shall be borne by the sign owner and/or the property owners on which the sign is located and an action for recovery thereof may be brought by the City/County Attorney.
- 6. Removal of an Abandoned Sign
 - a. Notice Period
 - i. The notice period for abandoned permanent signs shall be fourteen (14) days.
 - ii. The notice period for abandoned temporary signs shall be forty-eight (48) hours.
 - iii. Re-erection of any sign or substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuation of the original violation.
 - b. Notwithstanding the above, the GSCBI may cause the immediate removal or repair of any unsafe or defective sign that creates immediate hazard to persons or property without notice to the owner of the sign, or of the property on which it is located.
 - c. The costs of removal or repair of a sign by the GSCBI shall be borne by the owner of the sign and of the property on which it is located and an action for recovery of this cost may be brought by the GSCBI.

J. Right to Appeal

Any person who has been ordered to alter or remove any sign, or whose application for a sign permit has been denied because of conflict with regulations stated herein, may appeal to the appropriate Board of Adjustment.

K. Liability for Damages

The provisions of this ordinance shall not be construed to relieve or to limit in any way, the responsibility or liability of any person, firm, or corporation which erects or owns any sign, for personal injury or property damage caused by the sign; nor shall the provisions of this ordinance be construed to impose upon Scott County, City of Georgetown, Stamping Ground and Sadieville, its officers or its employees, any responsibility or liability by reason of the approval of any sign under the provision of this ordinance.

L. Requirement of Permit

1. Nothing contained herein shall prevent the erection, construction, and maintenance of official traffic, fire and police signs, signals, devices, or markings of the Commonwealth of Kentucky, Scott County, City of Georgetown, City of Stamping Ground, and the City of Sadieville, or other public authorities, as may be identified by the GSCPC staff, or the posting of notices required by law.
2. A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this ordinance. Where signs are illuminated electrically, a separate electrical permit shall be obtained as required by the *National Electric Code*.
3. All non-exempt signs proposed in the Georgetown Historic Main Street Business Zone (identified as the B-3 zoned property within the Main Street District) shall be reviewed by the Main Street Design Committee. Such review shall be exercised within thirty (30) days of the application or be considered waived. The Design Committee shall determine whether a proposed sign is appropriate in the proposed location based on the following criteria:
 1. Proposed locations of new signs shall not be found to obscure or cover significant historical architectural features on its host building or any adjacent building.
 2. Sign materials shall be compatible with those of the host building.
 3. Signs shall be attached to the building carefully, both to prevent damage to historic fabric, and to ensure the safety of pedestrians. Fittings should penetrate mortar joints rather than brick, for example, and sign loads should be properly calculated and distributed.

Applications found to be inappropriate shall be denied, but the applicant shall have the right to make changes to the proposed sign and resubmit without filing a new application. In no case shall the Design Committee deny a sign based on color, text, or any technical issue within the purview of the GSCBI or GSCPC.

M. Violations

Any person or persons found to be in violation of this Sign Ordinance shall be liable to and held to the standard of any and all Remedies and/or Penalties as described in Section 5.6 – **Violations** of the Zoning Ordinance.

Section 2 – Definitions

Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the Zoning Ordinance shall be given the meanings set forth in such ordinance. Any remaining terms shall have the usual meaning. The terms to be defined have been grouped according to the specific aspects of sign control to which they pertain in order to provide a clearer understanding of the regulations contained later in this section.

1. **Abandoned Sign** – A sign which no longer identifies a business conducted or product sold on the premises or any advertising sign which no longer directs attention to a bona fide business conducted, product sold, or activity or campaign being conducted for at least 120 consecutive days.
2. **Area of a Sign** – The area of a sign shall be measured in conformance with the following regulations:
 - a. In computing the area of a sign, standard mathematical formulas for common regular geometric shapes shall be used.
 - b. In the case of an irregularly shaped sign or a sign with letters and/or symbols directly affixed to or painted on a wall, the area of the sign is the area within the perimeter or not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblem, or any figure of similar character. This area includes any material or color forming an internal part of a background of the display or used to differentiate the sign from the backdrop or wall.

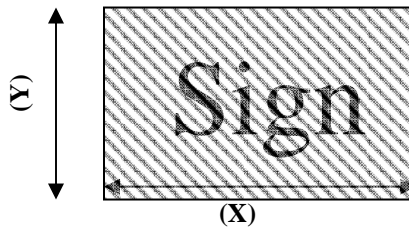


Figure 1: For any irregularly shapes the applicant must draw a box to figure the area of the sign.

- c. When determining the area of a Double-Faced Sign, the area of the largest face shall be used in determining the sign area.
- d. The area of a Freestanding Sign which is supported by a base, pedestal, or pole which is architecturally distinct from the sign face itself shall not include the area of the base.

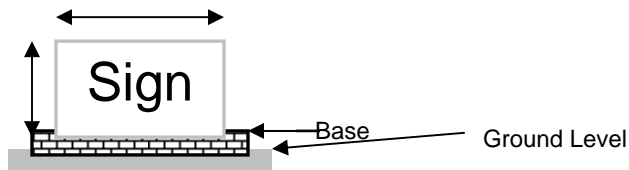


Figure 2: Sign area for a monument sign shall not include base, if the base is architecturally distinct.

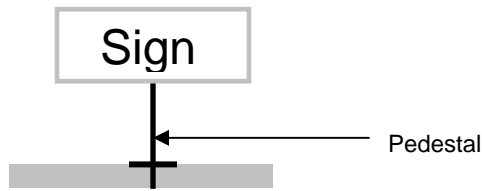


Figure 3: Pedestal not counted as part of sign area.

- e. Sign area shall include vertical and horizontal spacing between letters, characters, emblems, etc. that convey the sign's message.

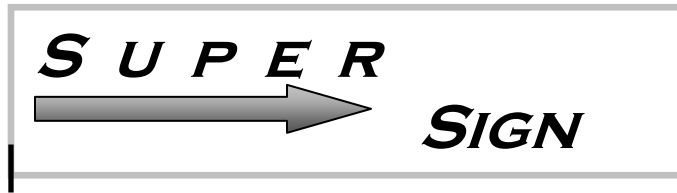


Figure 4: Sign area shall include vertical and horizontal spacing between letters conveying the sign's message.

- f. The area of spherical, cylindrical, or other three-dimensional signs shall be measured by calculating the area of elevation drawing of the sign.
 - g. The area of any Double-Faced Sign shall be calculated using the largest face of the sign.
 - h. Any sign with three or more sign faces shall have the area calculated by summing the area of the sign faces and dividing by two.
2. Awning – A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a primary structure over window, sidewalk, or the like.
 3. Billboard – A type of Interstate Sign.
 4. Board of Adjustment – A local body, appointed by the City Council or Fiscal Court, whose responsibility is to hear appeals from decisions of the Planning Commission and/or the Director of Development Services and to consider requests for conditional uses and/or dimensional variance requirements of the Zoning Ordinance.
 5. Cabinet – The module or background containing the advertising message but excluding sign supports, architectural framing, or other decorative features which contain no written or advertising copy
 6. Canopy – A permanently roofed shelter covering a sidewalk, driveway or other similar area, which may be wholly supported by a building, or may be wholly or partially supported by columns, poles or braces extended from the ground.
 7. Changeable Copy – The capability of a permanent sign to change content, whether by means of manual or electronic input.

8. Clearance – The least vertical distance between the lowest point of any sign, including the framework, and the established grade at the sign.

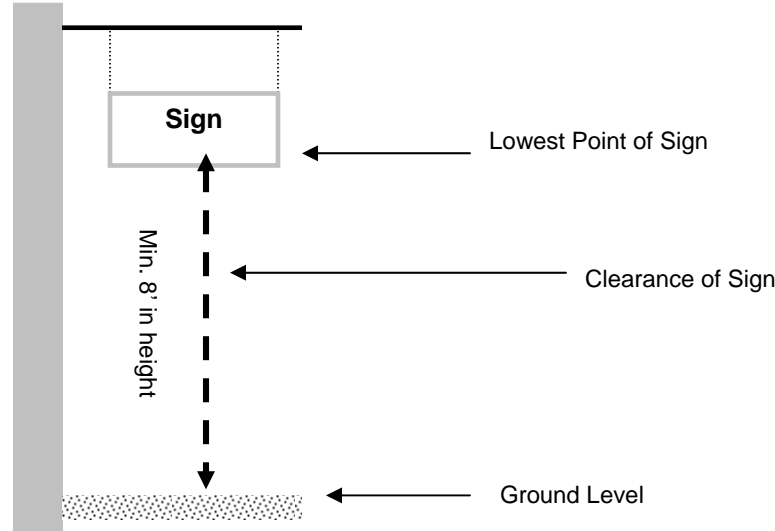


Figure 5: How to measure the clearance of sign

9. Facing – That vertical portion of a sign upon which advertising is affixed or painted and visible in one direction at one time.
10. Flag – Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity, including businesses. Also known as banners, pennants, streamers, and similar items.
11. GSCPC – Abbreviation for the Georgetown-Scott County Planning Commission.
12. Grade – The final Ground Elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.
13. Graffiti – Any unauthorized inscription, word, figure, picture, or design that is sprayed, marked, cut, posted, pasted or otherwise affixed, drawn or painted on any surface of public or private property.
14. Ground Elevation – The average elevation of the ground within six (6) inches of the base of a sign, or in the case of a Projecting or Awning Sign, the elevation of the closest point directly below the sign.
15. Height of a Sign – The vertical distance measured from the highest point of the sign including the frame and any embellishments and the established ground elevation.
16. Issuing Authority – The Georgetown-Scott County Planning Commission and Georgetown-Scott County Building Inspection.
17. Main Street Design Committee – One of four committees as required by the National Historic Trust for all Main Street programs; charged with public education of historical preservation, the aesthetics of the downtown community, and the preservation of the historical nature of Georgetown.
18. Marquee – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

19. Off-Premise Sign – A sign that communicates information on any enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located. Directional or official signs authorized by law shall not be considered an off-premise sign for the purposes of this ordinance.
20. On-Premise Sign – A sign that communicates information on any enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises on which the sign is located.
21. Public Property – Any and all real or personal property over which any governmental entity has or may exercise control, whether or not the entity owns the property. It includes, but is not limited to public buildings, public streets, alleys, sidewalks, rights-of-way, whether improved or unimproved, and all property appurtenant to it.
22. Right-of-Way – Land reserved 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 generally contains not only the street pavement, but also sidewalks, grass area, storm drainage, and underground and above-ground utilities.
23. Roof Line – The top edge of a peaked roof or, in the case of an extended façade or parapet, the upper most point of said façade or parapet.
24. Sidewalk – A way or portion of a way constructed and intended primarily for pedestrian traffic.
25. Setback – The minimum amount of space required between a lot line or road right-of-way and a building line.
26. Sight Triangle – A triangular-shaped portion of land established at street intersections in which there are restrictions on things erected, placed or planted which would limit or obstruct the sight distance of motorists entering or leaving the intersection.

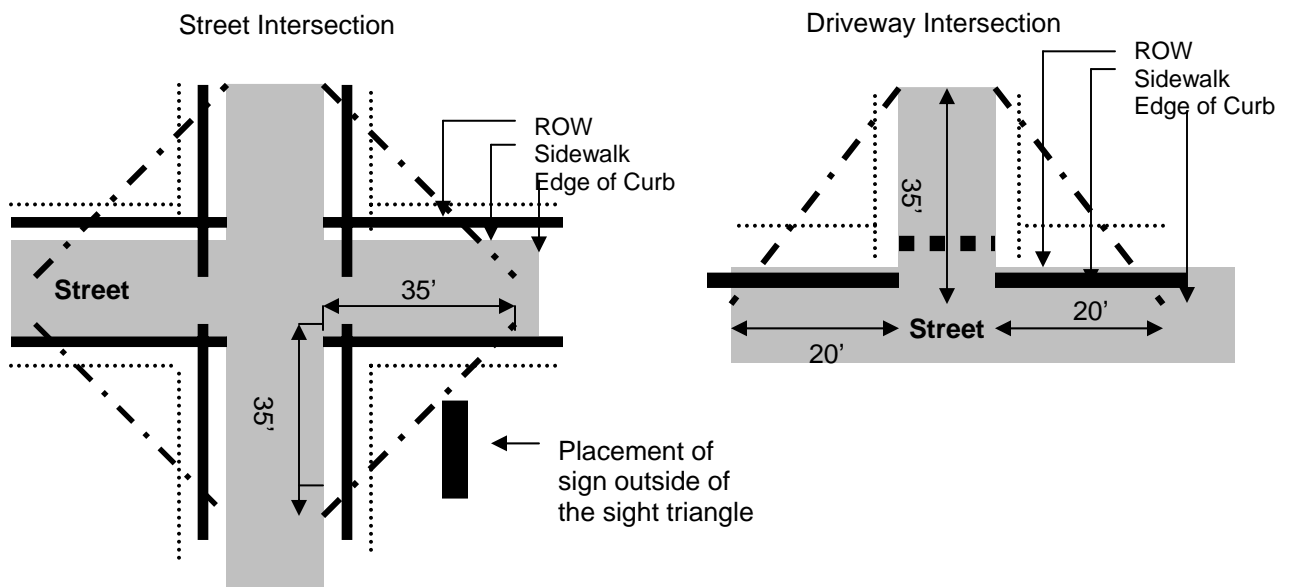


Figure 6: Street Intersection Sight Triangle and Driveway Intersection Sight Triangle

27. Sign – Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. The definition includes interior signs that are directed at persons outside the premises of the sign owners and exterior signs, but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods for sale displayed in a business window. Also, the definition does not include religious symbols or paintings which do not display lettering and do not advertise a business, product, or service and which are not a trademark or logo for a business, product, or service. Such types are as follows:
- a. A-Frame or Sandwich Board – A temporary Freestanding movable sign composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way.
 - b. Animated Sign – Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
 - c. Sign, Awning – A permanent sign painted on or printed or attached flat against the surface of an awning or canopy.
 - d. Sign, Blade – A permanent Freestanding Sign which is completely self supporting, has its sign face or base on the ground and has no air space, columns, or supports visible between the ground and the bottom of the sign face and exceeds six (6) feet in height.
 - e. Sign, Construction – A temporary sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and to show the design of the building or the purpose for which the building is intended.
 - f. Sign, Dimensional Wall – A Wall Sign consisting in part or in whole of three-dimensional letter forms applied directly to the building surface, or applied to a separate flat background. The message may be in relief or depressed by means of carving, etching, routing, positive or negative cutout, and the like. Special three-dimensional signs such as a figure, barber pole, clock, pawnshop symbol, and the like are also considered as part of a dimensional Wall Sign.
 - g. Sign, Directional – A temporary sign, either on-premise or off-premise, intended to provide location and/or directional information to buildings, events, or developments.
 - h. Sign, Directory – A permanent sign which provides a listing of the names of businesses, activities, addresses locations, uses, or places within a building, development, or community for the purpose of identification only.
 - i. Sign, Double-Face – A sign with two faces set up back to back with an angle between the faces up to forty-five (45) degrees apart from each other. Any two sign faces set at an angle greater than forty-five (45) degrees shall be considered two separate signs.
 - j. Sign, Electronic graphic display – A permanent sign or portion thereof that displays electronic, static images, static graphic or static pictures, with or without text information, determined by small number of matrix elements using the display area where the message change sequence is accomplished immediately

or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital display. Electronic graphic display signs include projected images or message with these characteristics onto building or other projects.

- k. Sign, Entry – A permanent sign identifying the vehicular entrance of a development, whether residential, commercial, or industrial in nature.
- l. Sign, Freestanding – A sign erected on a framework not attached to any building, and attached to the ground one or more uprights or braces in or upon the ground.

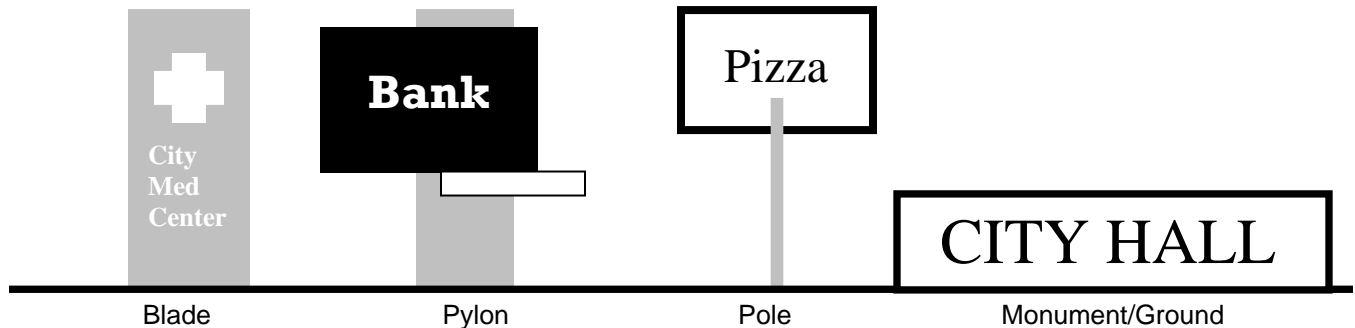


Figure 7: Examples of Freestanding Sign Types

- m. Sign, Government – A temporary or permanent sign erected by any government body for traffic, identification, designation or direction to any school, hospital, park, historic site or other service, property or facility, provided such signs not contain business advertising of any kind.
- n. Sign Ground/Monument – A permanent Freestanding Sign which is completely self supporting, has its sign face or base on the ground and has no air space, columns, or supports visible between the ground and the bottom of the sign face. Ground/Monument signs that exceed six (6) feet in height are Blade Signs.
- o. Sign, Historic Marker – A permanent sign or emblem which commemorates a historically significant feature of the building or area associated with the sign.
- p. Sign, Illegal – A sign which does not meet the requirements of this Zoning Ordinance and which does not have Legal Non-Conforming status.
- q. Sign, Illuminated – A sign which emits or reflects, either directly or indirectly, artificial light from any source:
 - i. Directly Illuminated – A sign which is lighted by means of an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.
 - ii. Indirectly Illuminated – A sign whose light source is so situated as to project light onto the exterior or front of the sign surface, or to project light onto the building façade where the sign is located.

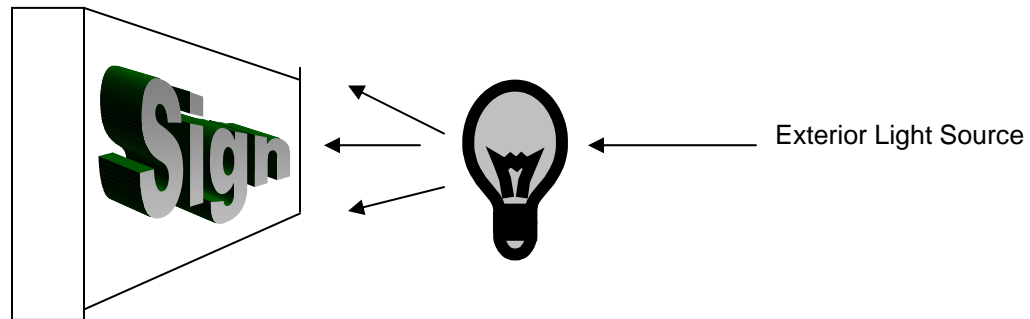


Figure 8: Example of indirectly illuminated sign

- iii. Internally Illuminated – A sign whose light source is within the sign, with the sign have a transparent or translucent background or cover which silhouettes opaque or translucent letters or design.

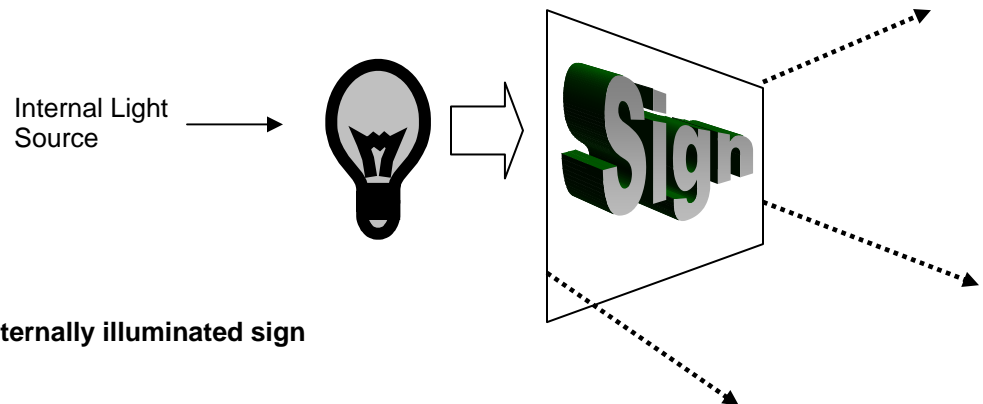


Figure 9: Example of internally illuminated sign

- iv. Reverse Channel Letters – Also called backlit or halo lit letters, are built in reverse the face are aluminum and the backs are open so that the neon or LED lighting shines out the back of the letters to reflect off the building.
- r. Sign, Highway – A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services usually located on the property upon which the sign is located. A billboard is a type of Interstate Sign.
- s. Interstate Sign, Multiple-faced – An Interstate Sign comprised of sections which rotate to display a series of advertisements, each advertisement being displayed for at least eight (8) seconds continuously without movement; the duration of movement of section between advertisements not exceeding two (2) seconds.
- t. Interstate Sign, V-Type – An Interstate Interstate Sign structure which consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.

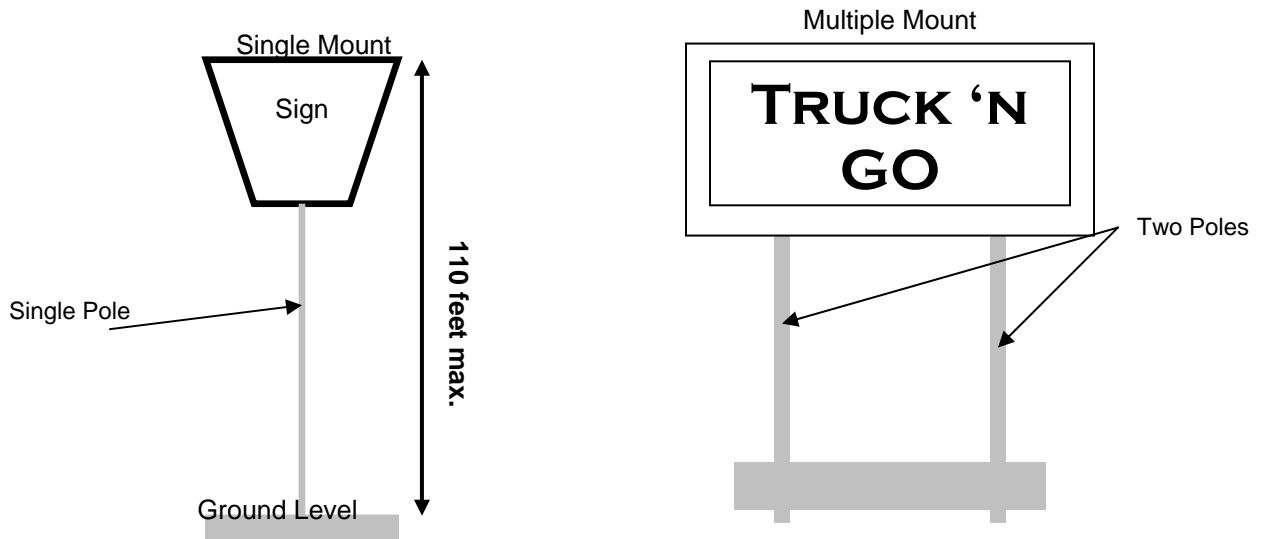


Figure 10: Examples of Interstate Signs

- u. Sign, Marquee – A sign used in conjunction with a theater which is attached to, and supported by, the building and generally projects from the building; and which in addition to permanent copy may allow for changeable letters.
- v. Sign, Multiple Tenant – Multi owners, lessees, or business operators for a one lot, building or buildings.

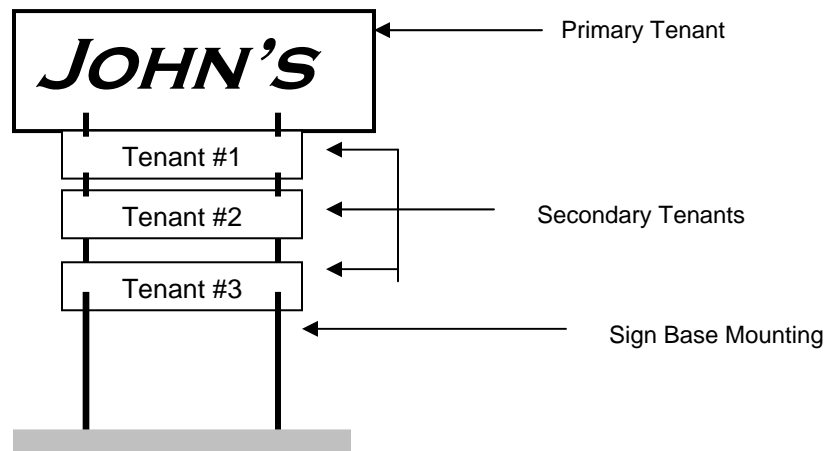


Figure 11: Example of multiple tenant sign.

- w. Sign, Nameplate – A Wall Sign not exceed two (2) square feet in size which gives only the name, address, and/or occupation of the occupant of the building on which it is located.

- x. Sign, Multi-vision sign – Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinder that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.
- y. Sign, New Subdivision – An off-site sign that calls attention, informs, or directs people to new residential units.
- z. Sign, Subdivision Model Home – A new subdivision sign that identifies a model home on a temporary basis.
- aa. Sign, Political – A temporary sign supporting the candidacy for office or urging action on any other matter on the ballot of a state, local, or national election or referendum.
- bb. Sign, Painted – Sign which is applied with paint directly to a wall or other surface.
- cc. Sign, Permanent – Any sign which is intended to be lasting and is constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is permanently affixed to the ground, wall or building.
- dd. Sign, Pole/Pylon – A permanent, Freestanding Sign erected on a pole, poles, a pylon, or pylons, where the bottom edge of the sign face is at least five (5) feet above the ground at the base of the sign.
- ee. Sign, Portable – A temporary sign designed to be transported by wheels or easily carried by a single person from place to place. Examples include, but are not limited to, A-frame signs, real estate signs, and political signs.
- ff. Sign, Projecting – A permanent sign which is attached directly to a canopy, marquee, or wall of a building and which extends horizontally outward from such canopy marquee or wall no more than thirty-two (32) inches. Also known as a Shingle Sign.

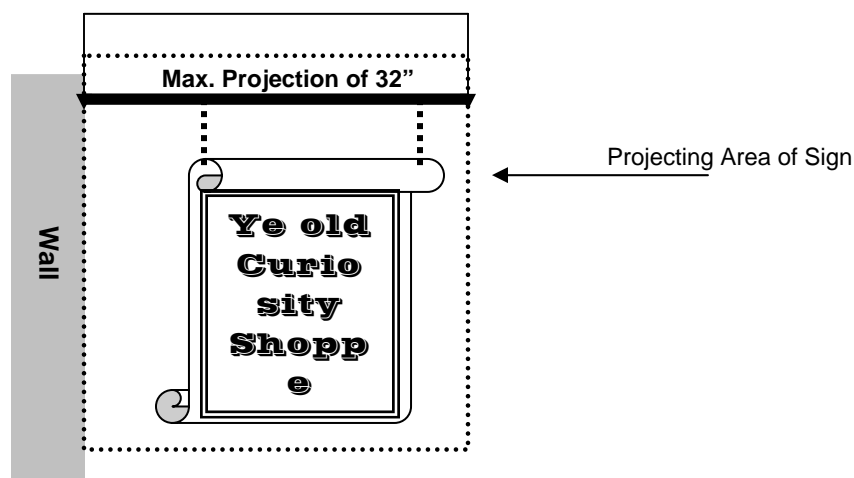
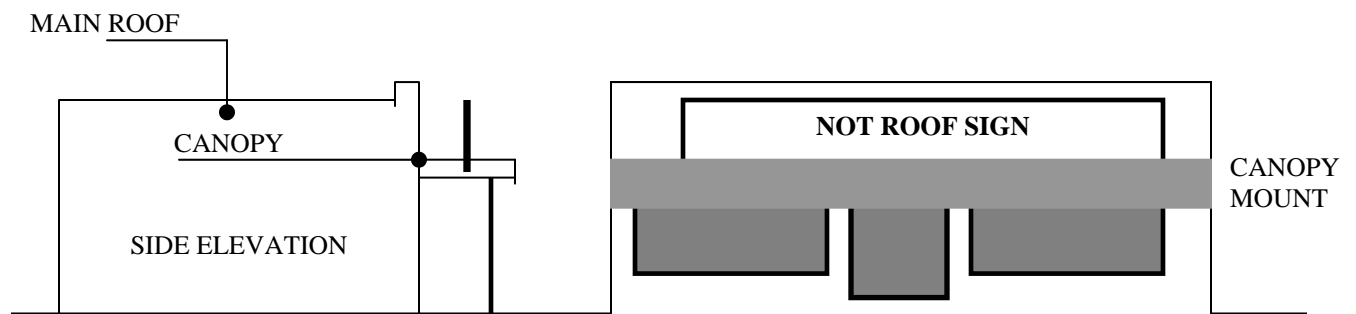
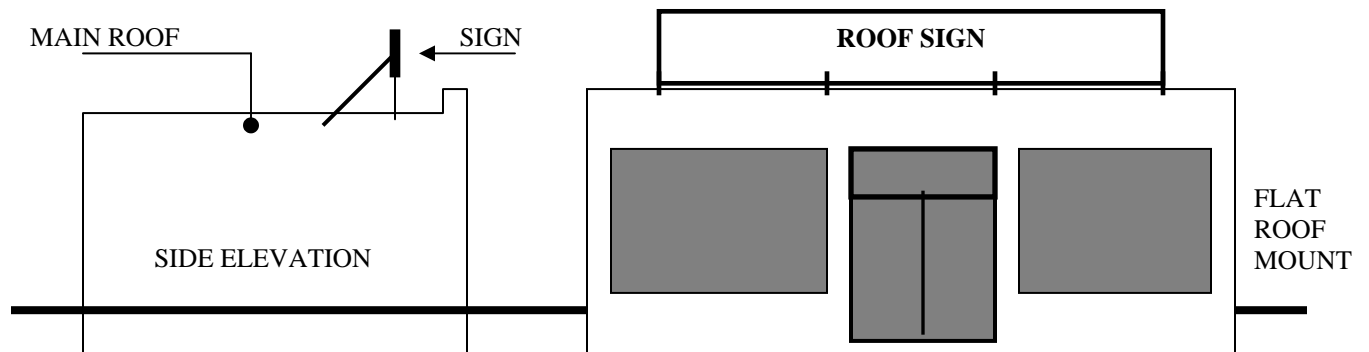
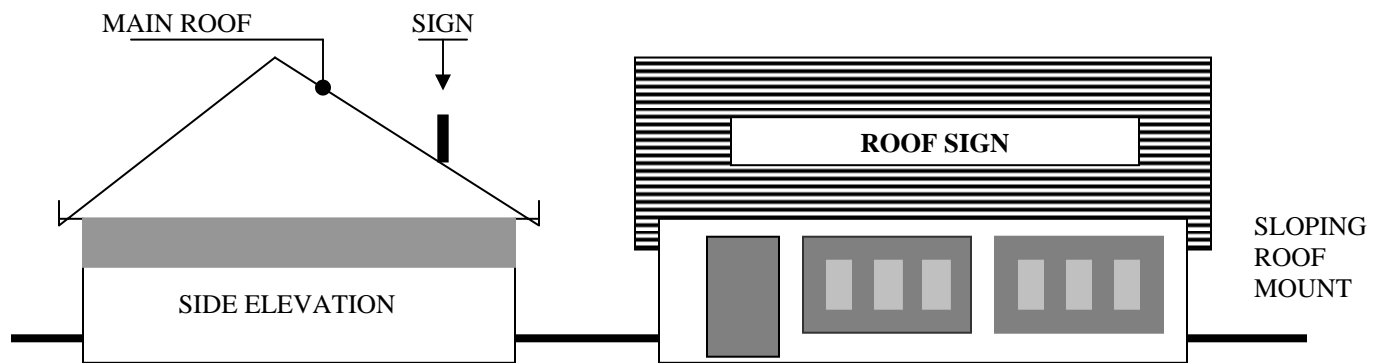


Figure 12: Example of a Projection Sign

gg. Sign, Real Estate – A temporary sign indicating sale, rental, or lease of property or buildings for which the sign advertises, either on-premise or off-premise.

hh. Sign, Roof – A sign mounted on and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as awnings, canopies, or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs:



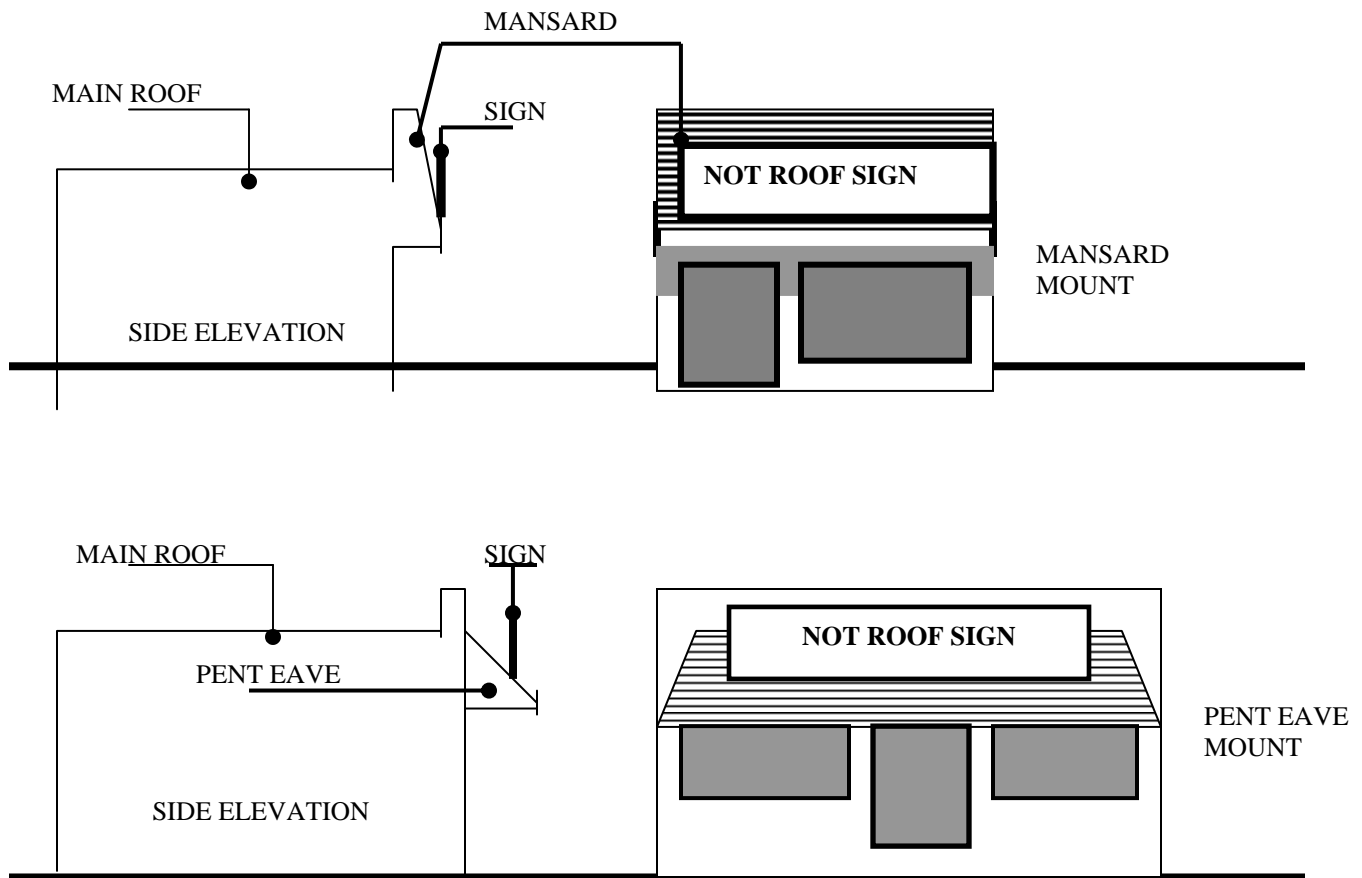


Figure 13: Example of Roof and non-Roof Signs

- ii. Sign, Rummage Sale – A temporary sign for the purpose of advertising to the public the sale of personally owned goods in a property owner’s driveway, garage, parking lot, or front yard; such sales are commonly referred to as Rummage Sales, Garage Sales, Yard Sales, or Moving Sales.
- jj. Sign, Single Tenant – One owner, lessee, or business operator for one entire lot, building, or buildings.
- kk. Sign, Suspended – A sign that is suspended or hung from the underside of an eave, porch roof, canopy, or awning.
- ll. Sign, Time and Temperature – Any sign which displays exclusively current time and temperature information.
- mm. Sign, Temporary – Any sign or advertising display intended to be displayed for a period of less than six months or for such period as may be established in a sign permit, except that construction signs may remain for duration of construction.
- nn. Sign, Traffic/Parking Directional – A non-commercial sign of an instructional nature, such as “parking,” “exit” or “entrance,” displayed solely for the

convenience of the public, no more than twenty-five percent (25%) of such sign being devoted to the name or logo of the property, business or profession on the site and containing no business advertising, or product trade name identification or listing of any product sold or offered on the premises.

- oo. Sign, Video Display – A prohibited sign that changes its copy in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving object, moving patterns or bands of light, or expanding or contracting shapes. This definition shall not include electronic changeable copy signs. Video display signs include projected images or messages onto buildings or other objects.
- pp. Sign, Wall – A sign attached parallel to a wall of a building and includes painted, individual letter and cabinet signs, signs on a mansard, or on a parapet not exceeding three (3) feet in height and provided the parapet extends on at least three sides of a building and signs erected on or against the side of a roof but not projecting above the roof line. No copy shall be permitted to be displayed on the sides of the sign which are perpendicular to the wall face.
- qq. Sign, Window – A sign that is placed inside a window or upon the window panes or glass and intended to be viewed from the outside.
- 28. Sign Budget – The total cumulative sign area for all types of signs allowed to a parcel of land.
- 29. Sign Copy – Those letters numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign exclusive of numerals identifying a street address only.
- 30. Sign Structure – Any structure supporting a sign.
- 31. Tomfoolery – Folly; foolish or senseless behavior.

Section 3 – General Provisions

- 1. Maximum area computations for signs include all border trim and facing, but exclude supports.
- 2. All signs greater than thirty-two (32) feet in height shall be considered as Interstate Signs and shall meet the standards set forth in Section 10 in this Ordinance.
- 3. Ground Elevation, as defined in this Ordinance, shall be used for all measurements of height of all signs, irrespective of surrounding terrain.
- 4. All signs that are located near any intersection, regardless of zoning district, land use, or sign type shall be placed outside of the vehicular site triangle as defined in this Ordinance.
- 5. Except for signs in the B-3 (Central Business) District, no sign shall occupy any portion of any public or private right-of-way, whether or not the right-of-way is being actively used when the sign is erected.

6. All signs shall comply with all appropriate dimension and area regulations, including setbacks. This shall be determined by the actual zoning district of the property in which a sign is located.
7. Changeable copy signs are allowed with the following provisions:
 - a. Changeable copy signs shall only be permitted on all Permanent Signs, except that changeable copy signs are permitted for all governmental/civic buildings and educational facilities in all zoning districts. Changeable copy may be manual or electronic.
 - b. Such signs shall be limited to one (1) changeable copy message sign per parcel which may be of manual or electronic type copy. Electronic changeable copy shall adhere to the Electronic Signs section of this Ordinance.
 - c. Changeable copy shall not exceed 30% percent of the total surface area of the sign.
8. No electronic sign shall:
 - a. Contain or display animated, moving video, or scrolling advertising.
 - b. Display an image, symbol, or combination thereof for a period of time less than sixty (60) seconds. A change in image, symbol, or combination shall be accomplished within two (2) seconds and occur simultaneously. Once changed, the symbol or image shall remain static until the next change.

An electronic sign must:

- a. Contain a default mechanism that freezes the sign in one position if a malfunction occurs.
 - b. Automatically adjust the intensity of its display according to natural ambient light conditions.
9. Any roads within Scott County designated as a State Designated Scenic Highway by the Kentucky State transportation Cabinet must adhere to any additional requirements per KRS 177.863.
10. All signs erected in Scott County, City of Georgetown, City of Stamping Ground, and City of Sadieville shall comply with the most recent adopted provisions of the following; National Electrical Code, Georgetown-Scott County Fire Code, State of Kentucky Building Code, and Scott County, City of Georgetown, City of Stamping Ground, and City of Sadieville Sign Ordinance. In addition, the following standards shall apply:
 - a. Engineering Required. All signs shall be engineered to conform to the applicable provisions of the International Building Code. Where required by the Chief Building Official, the sign permit application shall be accompanied by a drawing stamped by an engineer licensed by the State of Kentucky, attesting to the adequacy of the proposed construction of the sign and its supports.
 - b. Durability. All permanent signs must be built of durable and permanent materials.
 - c. Power Source. The permanent power source for a sign must be concealed underground away from public view or within the structure or the sign of the

building to which the sign is advertising. The power source shall comply with all provisions of the National Electrical Code.

- d. Fire Code. All permanent signs erected in commercial zones shall have structural members of noncombustible materials. Nonstructural trim may be of wood, metal, approved plastics or any combination thereof.
- e. Foundations. All ground signs, monument signs, and pole mounted signs shall be mounted on foundations and footing which conform to State of Kentucky Building Code as adopted by Scott County, City of Georgetown, City of Stamping Ground, and City of Sadieville.

11. All permanent signs for which a permit is required shall be subject to the following inspections

- a. Footing inspection on all Freestanding Signs or all signs over ten (10) feet in height. However, the Chief Building Official may waive the required inspection.
- b. Electrical inspection on all illuminated signs
- c. All permanent signs shall be inspected for completion, approved application, and valid sign permit.

12. Where a city or county street, driveway or other entrance intersects with a state highway, the sight triangle shall consist of the area between a point thirty-five (35) feet along the street or driveway edge of pavement and a point located along the edge of the state highway pavement, as indicated in Table 2.

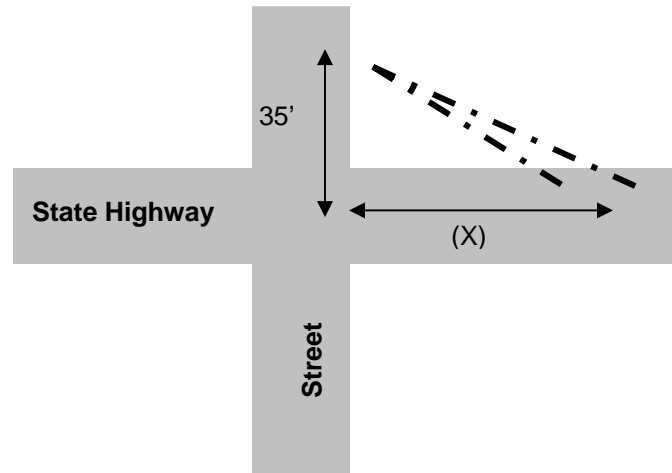


Figure 14: Sight Triangle

Table 1: Distance Table for Sight Distance

(X) Sight Distance	Posted Speed Limit
484'	55 MPH
396'	45 MPH
308'	35 MPH
220'	25 MPH
132'	15 MPH

13. An encroachment clearance must be obtained from the GSCPC Engineer in order to construct signs in easements and/or retention areas. It is the applicant's responsibility to obtain permission to encroach in easements or retention areas.
14. Any sign which is located within the Georgetown Historic Main Street Business Zone is subject to additional review using the standards found in Section 15.
15. Any sign which is located within the Lane's Run Business Park Boundary is subject to additional review and approval from the Georgetown Business Authority Committee. Sign permit applications for projects within the Lanes Run Business Park Area shall include evidence of approval by the Georgetown Business Authority for the proposed sign.
16. All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with this code and the building and electrical codes adopted by or enforced in Scott County, City of Georgetown, City of Stamping Ground, and City of Sadieville and shall present a neat and clean appearance. The vegetation around, in front of behind and underneath the base of ground signs for distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.
17. Illumination
 - A. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving lights are prohibited. Reflective surfaces or devices on sign faces are permitted, provided such signs do not interfere with traffic safety and comply with other sections in this Ordinance.
 - B. Signs that are externally illuminated shall be effectively shielded to prevent light from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.
 - C. Sign shall be effectively shielded to prevent light from being directed toward any residential property.
 - D. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign device or signal.

Section 4 – Exempt Signs

The following signs are exempt from the requirements in this code, except for maintenance and relationship to building and electrical codes. No permit shall be required for the erection of such exempted signs provided they satisfy the restrictions imposed by this section and other relevant parts of this Code (See Table 1).

- A. Signs necessary to promote health, safety and welfare and other regulatory, statutory traffic control or directional signs erected on public property with permission as appropriate from the State or Local Government.

- B. Political signs not exceeding eight (8) square feet in size for public office or issues to be determined by election may be erected prior to an election. Such signs shall be erected on private property only and no less than three hundred (300) feet from any entrance to a building in which a polling place is located. All such signs shall be removed within five (5) days following the day of the election. Such signs shall be allowed up to thirty-two (32) square feet in any zone district in the unincorporated areas of the county.
- C. Legal notices and Official instruments.
- D. Nameplates.
- E. On-premise Real Estate signs.
- F. Rummage Sale signs, as defined by this Ordinance, not exceeding four (4) square feet in size. Such signs shall advertise no more than the location and dates of the sale.
- G. Decorative flags, banners, or other types of signs for a celebration, convention, or commemoration of significance to the entire community when authorized by Scott County, City of Georgetown, City of Stamping Ground, or City of Sadieville.
- H. Holiday lights and decorations provided it does not constitute a sign prohibited by any other section of this code.
- I. Merchandise display behind storefront windows so long as no part of the display contains flashing lights.
- J. Memorial signs or tablets, names of buildings, nameplates, and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building. Such attached signs shall not exceed two (2) square feet.
- K. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment such as signs customarily affixed to vending machines, newspaper racks, telephones booths, and gasoline pumps.
- L. Public warning signs to indicate dangers of trespassing, swimming, animals, or similar hazards.
- M. Works of art that do not constitute advertising.
- N. "Tour of Home" signs.
- O. Signs carried by a person.
- P. Flags, except that poles over thirty-two (32) feet tall shall not be permitted without a Conditional Use Permit.
- Q. Temporary wayfinding and/or event announcement signs for non-profit, civic, and governmental bodies.
- R. Neon signs placed in windows to advertise products for sale on premise or show "open" status.

Table 2: Standards for Exempt Signs

	Number Permitted per Lot	Maximum Area (sq. ft.)	Maximum Height (feet)	Additional Setback (feet)	Other Requirements
Permanent Signs					
Directional Signs	--	6	3	--	(a)(b)(l)
Flags and Institutional insignias	--	24	32	10	k
Institutional/Government announcement boards	1	16	--	--	k
No Trespassing signs	--	2	--	--	(e)
Flags, business or institutional	1	32	35	10	--
Temporary Signs					
Construction Signs	1	32	8	5	(i)(l)(b)
Political	--	8 or 32	6	--	(f)(m)
Institutional sign, temporary	--	--	--	--	(i)(j)
Help Wanted Sign	--	6	--	--	(h) (d)
Real Estate Sign	--	8	--	--	--
Home Sale Signs	--	4	--	--	(g)
Banner Sign	--	32	--	--	(h)(i)

Notes for Table 2

No restriction except as specified in definitions, footnotes or elsewhere in this Zoning Ordinance.

- (a) Information on location of entrances and exits, parking, traffic movement and the like. No advertising content other than name and logo of establishment. Shall not be counted as part of allowable sign area.
- (b) Commercial, office and industrial use only.
- (c) The flag, pennant or insignia of any governmental or educational institution.
- (d) Per home occupation or business establishment
- (e) Includes no hunting, dumping or similar uses.
- (f) Must be removed within five (5) days after date of election.
- (g) Displayed on the premises of the yard sale. Shall not be displayed more than two (2) days prior to the event and shall be removed no later than two (2) days after the event.
- (h) Temporary banners signs are permitted only for commercial, office and industrial uses and shall have a minimum spacing of twenty (20) feet from any other banner sign on the same property. No Banner sign shall be erected on a premise for a cumulative total of more than a period greater than sixty (60) days per calendar year shall obtain approval from the Board of Adjustments.
- (i) Not permitted for residential uses.
- (j) Announcing a special event of a religious, educational or philanthropic institution and displayed only on property controlled by the institution and for maximum of fifteen days before the event.
- (k) Per street frontage.
- (l) Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.
- (m) In unincorporated Scott County signs up to 32 square feet shall be permitted in all zones

Section 5 – Prohibited Signs

1. Animated or video display signs, including signs that incorporate lights that flash or appear to move
2. Roof signs
3. Off-premise signs, except for the following sign types:
 - a. Real estate open house/model house/new house signs
 - b. Co-located Interstate Signs erected on legal on-premise Interstate Sign poles
 - c. Agritourism signs that are promoting a specific event
 - d. Agricultural and Civic Group Wayfinding Signs
 - e. A-frame signs used by businesses for wayfinding purposes
4. Banners, pennants, spinners, and/or streamers, except when used in the promotion of public non-commercial events or used to promote a real estate open house or model home showing. See Temporary Open House/Model Home Signs standards.
5. Any sign or sign structure which is structurally unsafe as a result of poor construction, inadequate maintenance, dilapidation or obsolescence.
6. No sign shall be erected, operated used or maintained which:
 - a. Due to its position, shape, color, format, or illumination, obstructs the view of or may be confused with, an official traffic sign, signal, or device or any other official sign.
 - b. Displays lights resembling the flashing lights customarily associated with danger or those used by police, fire, ambulance, and other emergency vehicles.
 - c. Uses in a manner which may confuse motor vehicle operators, the words “stop,” “warning,” “danger,” “turn,” or similar words implying the existence of danger or the need for stopping or maneuvering.
 - d. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, alley or other thoroughfare.
 - e. Signs shall not be placed inside the sight triangle or block sight distances of any road intersection.
7. Prohibited Vehicle Signs
 - a. Signs on a truck, car, boat, trailer or other motorized vehicle or equipment which remain in one stationary location more than ten (10) days except those which provide all the following conditions:
 - i. Primary purpose of such vehicle or equipment is not the display of signs.
 - ii. Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate.
 - iii. Vehicles/equipment is not used primarily as static displays, advertising a product or service, not utilized as storage or shelter.

- iv. During periods of inactivity exceeding forty-eight (48) hours such vehicle/equipment are not so parked or place that the sign thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and on –premise storage of equipment and vehicles offered to the general public for rent or lease shall not be subject to this condition.
- 8. Any internally illuminated sign that located within 100 feet of a parcel with a residential use.
- 9. No sign in any zoning district shall obstruct pedestrian designated sidewalk, walkway, alleyway, or trail system.
- 10. No person shall paint, mark or write on or post or otherwise affix, any hand-bill or sign to or upon any crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree, stake, or guardrail, railroad trestle, public utility pole (i.e., electric light or power or telegraph pole) or wire appurtenance thereof or upon any lighting system, public bridge, drinking fountain, life saving equipment, street sign or traffic sign.
- 11. Graffiti.
- 12. Inflatable signs, except as specifically allowed by this ordinance for a special promotion period or as part of a grand opening period.
- 13. Wind signs, except as specifically allowed by this ordinance for a special promotion period or as part of a grand opening period.

TABLE 3: ALLOWABLE SIGNS BY DISTRICT

TABLE 3: ALLOWABLE SIGNS BY DISTRICT															
PERMANENT SIGNS										TEMPORARY SIGNS					
	Ground/ Monument	Pylon/ Pole and Blade	Wall	Marquee	Drive Thru Menu Boards	Projecting/ Suspended	Window	Directory	Interstate Sign	Political/Open House/ Real Estate/ Construction/ Auction	Promotional	Out of Business	Business Moving	Agri- tourism	Rummage Sale
A-1	P	C4	P	N	N	N	N	N	N	P	N	N	N	P	P
A-1S	P	C4	P	N	N	N	N	N	N	P	N	N	N	P	P
A-1R	P	C4	P	N	N	N	N	N	N	P	N	N	N	P	P
R-1A	C1, C2	N	C2, C3	N	N	N	N	N	N	P	N	N	N	P	P
R-1B	C1, C2	N	C2, C3	N	N	N	N	N	N	P	N	N	N	P	P
R-1C	C1, C2	N	C2, C3	N	N	N	N	N	N	P	N	N	N	P	P
R-2	C1, C2	N	C2, C3	N	N	N	N	C2	N	P	N	N	N	P	P
R-3	C1, C2	N	C2, C3	N	N	N	N	C2	N	P	N	N	N	P	P
B-1	P	P	C2	N	P3	N	P	C2	N	P	P	P	P	P	N
B-2	P	P	P	P	P3	N	P	C2	C	P	P	P	P	P	N
B-3	P	N	P	P	N	P	P	C2	N	P	P	P	P	P	N
B-4	P	P	P	N	P3	N	P	C2	C	P	P	P	P	P	N
B-5	P	P	P	N	P3	N	P	C2	C	P	P	P	P	P	N
BP-1	P	N	P	N	N	N	P	C2	N	P	P	P	P	P	N
I-1	P	P	P	N	N	N	P	C2	C	P	P	N	P	P	N
I-2	P	P	P	N	N	N	P	C2	C	P	P	N	P	P	N
P-1	P	P	P	N	N	N	P	C2	C	P	P	N	P	P	N
P-1B	P	P	P	N	N	N	P	C2	C	P	P	N	P	P	N

C1 = Single family structures may have one (1) Ground Sign upon granting of a Home Occupation permit, if the Board of Adjustment judges that a Wall Sign is impossible due to hardship at the time of the hearing; see Section 6

C2 = Sign may not be illuminated in any way.

C3 = Permitted on a single family structure upon granting of a Home Occupation Permit; see Section 7

C4 = Pole Signs only

P3 = Drive Thru Menu signs are permitted as part of an approved Major or Minor Development Plan.

P = Sign is permitted in this district.

C = Sign requires a Conditional Use permit in this district.

N = Sign is not allowed in this district.

Section 6 – Freestanding Signs

Freestanding Signs include ground signs, pole signs, blade signs, pylon signs, and any other permanent, self-supporting sign placed on the ground and unattached to another structure. A Freestanding Sign shall not refer to Interstate Signs, which are regulated elsewhere in this ordinance. The following standards shall apply to all Freestanding Signs:

1. General Requirements
 - a. Only one (1) Freestanding Sign shall be located on any premises; however, the Planning Commission may permit a second Freestanding Sign which is not to exceed seventy-five (75) percent of the first sign area when having building frontage on two (2) public rights-of-way.
 - b. A Freestanding Sign shall be located on the premises of the use or uses identified or advertised by the sign.
 - c. Freestanding Signs may advertise multiple tenants if more than one use is taking place on the premises. Such Multiple Tenant signs shall not exceed the height or area standards of this Ordinance without approval from the appropriate Board of Adjustments.
2. Height and Area Requirements

Freestanding Signs shall be permitted in accordance with the following requirements:

	<u>Height (ft.)</u>	<u>Area (sq. ft.)</u>
B-3 CBD District	4 (Ground/Monument Only)	16 per side
B-1, B-2, B-4, B-5, I-1 P-1, and P-1B Districts	32 (Pole/pylon, blade)	1 sq. ft. per foot of frontage, Up to 150
	6 (Ground/Monument)	16 per side
I-2 District	32 (Pole/pylon, blade)	1 sq. ft. per foot of Frontage, Up to 300
	6 (Ground/Monument)	16 per side, Up to 300
BP-1 District	See Section Z	
A-1, A-1R, A-1S, and A-5 Districts	6 (Ground/Monument Only)	16 per side
	32 (Pole Only)	1 sq. ft. per foot of Frontage, Up to 150
R-1A, R-1B, R-1C, R-2, and R-3 Districts	See note 1(next page)	

Freestanding Sign Notes

1. No single-family structure in any of these districts may have a Freestanding Sign unless granted a Home Occupation Permit by the Board of Adjustment and the decision by the Board of Adjustment that a Wall Sign is a hardship. In this case, a single-family structure may have one (1) Freestanding Pole Sign no more than forty-two (42) inches tall and four (4) square feet in area.
2. No off-premise Pole, Blade, and/or Ground Monument signs shall be allowed in any district.
3. Pole/pylon and blade signs are allowed for any size parcel in the B-1, B-2, B-4, B-5, I-1, I-2, P-1, or P-1B Districts, provided that it has at least fifty (50) feet of street frontage.
4. Illuminated Freestanding Signs shall not be allowed in the B-3, R-1A, R-1B, R-1C, R-2, or R-3 districts.
5. Changeable Copy may be allowed on any permitted Freestanding Sign if it meets the regulations in this Ordinance. In no case shall any Changeable Copy exceed 30% of the total sign face.
6. Developments or sites that contain corner or double frontage lots shall be permitted one Pole/Pylon or Blade sign per street frontage with a maximum of one hundred-fifty (150) square feet per sign.
7. Freestanding Signs placed on a berm must subtract the vertical height of the berm from the overall height of the sign.
8. A single Pole Sign may be allowed on any of the Agricultural zones as a Conditional Use.

Section 7 – Wall Signs

Wall Signs are signs that are permanently attached to the exterior surface of a building. Painted signs fall under this same category. The following standards shall apply to all Wall Signs:

Height and Area Requirements

	<u>Square Feet Per One Foot Of Building Frontage</u>	<u>Maximum Area (sq. ft.)</u>
B-2 District	2	150
I-2 District	2	300
B-1, B-3, B-4, B-5, I-1, P-1, and P-1B Districts	1	150
BP-1 District	See Section 14	
A-1 Districts	1	150
R-1A, R-1B, R-1C, R-2, and R-3 Districts	See note 1	5

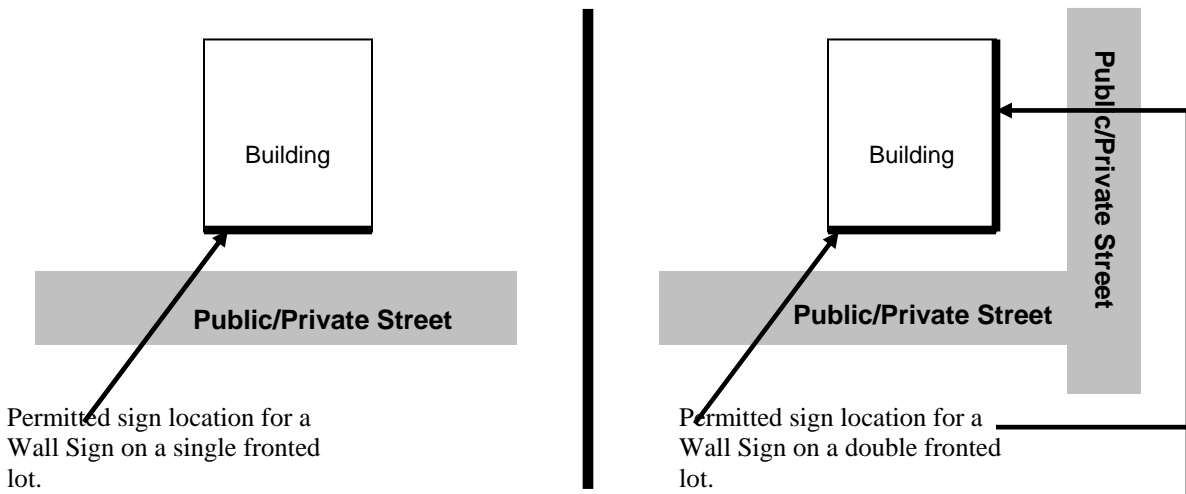


Figure 15: Examples of location placement for Wall Signs on a single fronted and double fronted lot

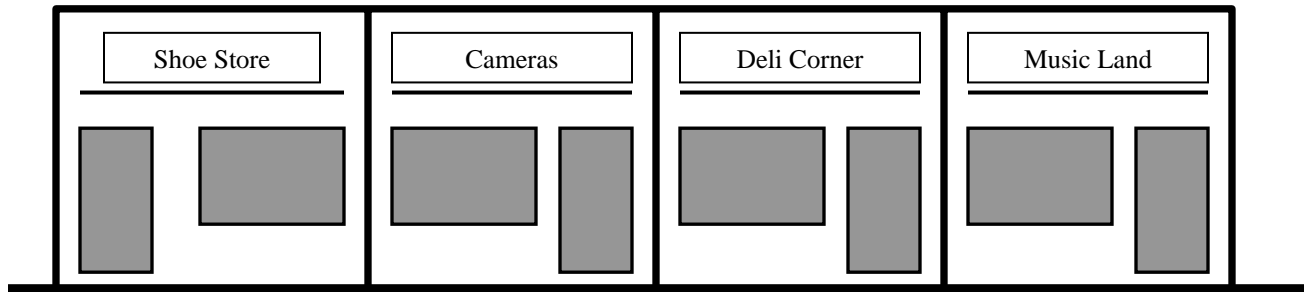


Figure 16: Wall Signs which are located on attached building complex

Notes

1. Any single family structure in any of these districts may be allowed one (1) Wall Sign up to five (5) square feet in size if granted a Home Occupation Permit by the Board of Adjustment. If the erection of a Wall Sign is determined to be a hardship, the applicant may erect a single Freestanding Pole Sign. See Section 6 in this Ordinance.
2. No Wall Sign shall be erected above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached, nor above the roof line of the building on which it is attached.
3. Painted Wall Signs shall not be painted directly onto any surface of a building, except that painted signs may be allowed by the Board of Adjustment for buildings in the B-3 district.
4. Signs erected on the vertical portion of a mansard roof or built vertically from awnings are considered to be Wall Signs, except that these signs shall not extend above the highest point of the roof of the building on which it is attached.

5. No off-premise Wall Sign shall be allowed in any district.
6. All Wall Signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws. In no case shall any Wall Sign be secured with wire, straps of wood, or nails.
7. No Wall Sign may extend more than twenty-four (24) inches from the surface to which it is attached.
8. For buildings with distinct and separate uses, separate Wall Signs shall be permitted for each such use. Corner tenants, and/or tenants with front and rear street frontage, may have two (2) signs, one (1) on the face of each building frontage facing a public right-of-way. In either case, one Wall Sign shall be designated as the Primary Wall Sign and be allowed one hundred percent (100%) of the total allowable square footage for its district while the second allowable Wall Sign shall be allowed two-thirds (2/3) of the total allowable square footage for its district.
9. For the purposes of this section, signage incorporated as part of an awning or canopy sign shall be regulated in the same manner as Wall Signs, except that the permanently-affixed copy area of awning or canopy shall not exceed an area equal to 25% of the face area of the awning and that the awning may extend horizontally more than twenty-four (24) inches from the surface to which it is attached. Graphic striping patterns or color bands on an awning or canopy shall not be included in the computation of sign copy area.
10. In the case of a canopy, individual letter, logos, or symbols may not project above or below the canopy face or project out from the surface of the canopy more than eighteen (18) inches. In addition, all canopy illumination and lighting directed toward the ground shall be recessed into the canopy.
11. Developments that contain corner or double frontage lots shall be permitted one wall mounted sign per street.

Section 8 – Projecting and Suspended Signs

Projecting and suspended signs should blend with the aesthetics of the building and surrounding natural and man-made environment. The color, style, size, scale and proportion of the sign should enhance the exterior of the building and not place too much bulk nor be an excessive external distraction on the buildings exterior. Equal treatment and design consideration should be given to any mounting and supporting structure for the sign.

The following standards shall apply to all projecting and suspended signs, including those suspended signs under canopies:

1. General Requirements

- a. Projecting and suspended signs shall be permitted in the B-3 District only.
- b. There shall be a limit of one (1) sign per each pedestrian level tenant per street frontage and one (1) sign for each upper floor tenant.
- c. The surface area of a projecting or suspended sign shall not exceed sixteen (16) square feet on each side or a total of thirty-two (32) square feet. The total square

feet of signage for both sides shall be subtracted from the total allowable Wall Signage square footage for the building.

- d. Projecting and suspended signs may be indirectly lit. No internal illumination is permitted for a projecting sign in any district.
- e. Projecting and suspended signs may extend over a sidewalk a maximum of forty-eight (48) inches from the front of the building.
- f. Projecting and suspended signs shall have a support structure adequate to withstand reasonably anticipated wind loads, as well as the weight of the sign itself.
- g. Projecting and suspended signs shall have at least an eight (8) foot clearance above the sidewalk.
- h. There must be a minimum horizontal distance of thirty (30) feet between projecting and/or suspended signs.
- i. Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy. Such a sign shall be limited to an area not exceed six (6) square feet. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way and maintain a clearance of a minimum of eight (8) feet.

Section 9 – Window Signs

The following standards shall apply to all window signs:

- 1. General Requirements
 - a. Window signs shall be permitted in the B-1, B-2, B-3, B-4, B-5, I-1, I-2, P-1, and P-1B Districts.
 - b. Window Signs shall not exceed twenty-five (25) percent of the total window area of each building face on each floor level and no more than fifty (50) percent coverage per window.
 - c. Window Signs shall be permitted for each use on each floor level but shall each count toward the allowed window area percentages.
 - d. The sign area will be calculated for each window including any window on any entrance door.
 - e. Lettering may be up to eight (8) inches in height on pedestrian or second level windows, and up to nine (9) inches in height above the second level.
 - f. Each sign may only carry a message related to a business or profession conducted or a commodity or services sold or offered upon the premises where such a sign is located.
 - g. Flyers placed in business windows to promote events shall not be considered Window Signs, except that flyers shall count toward the maximum Window Sign area calculation.

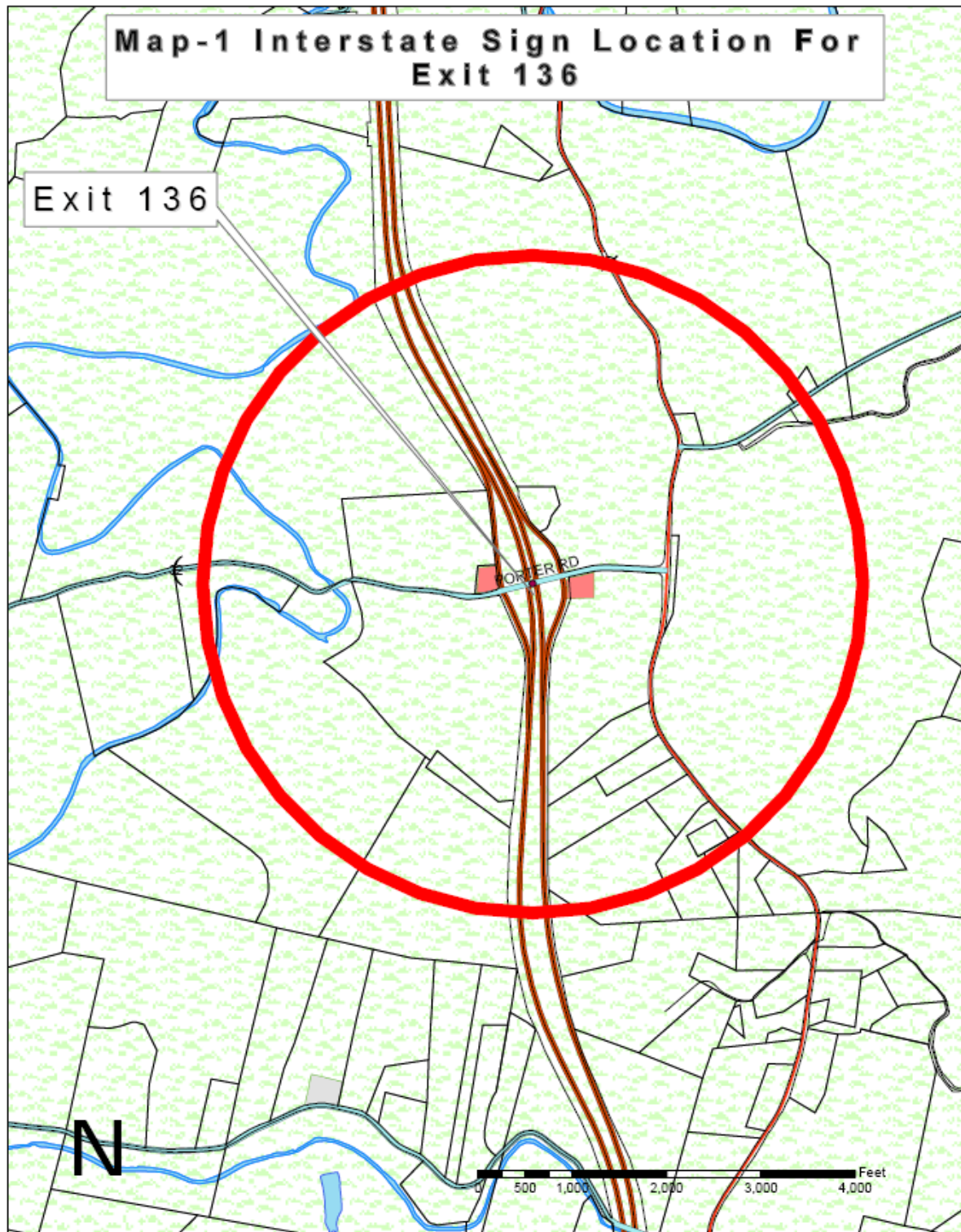
Section 10 – Interstate Signs

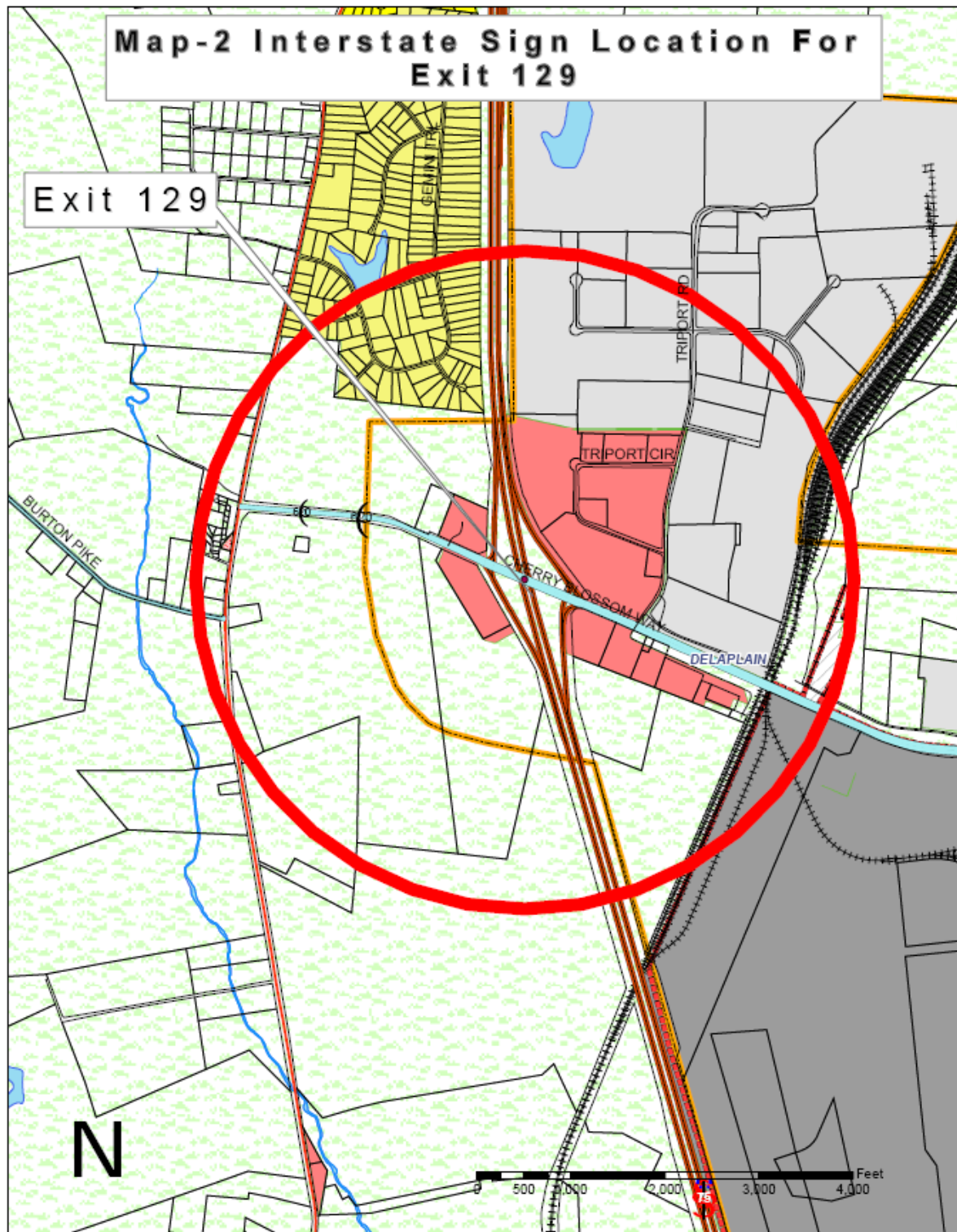
The following standards shall apply to all Interstate Signs:

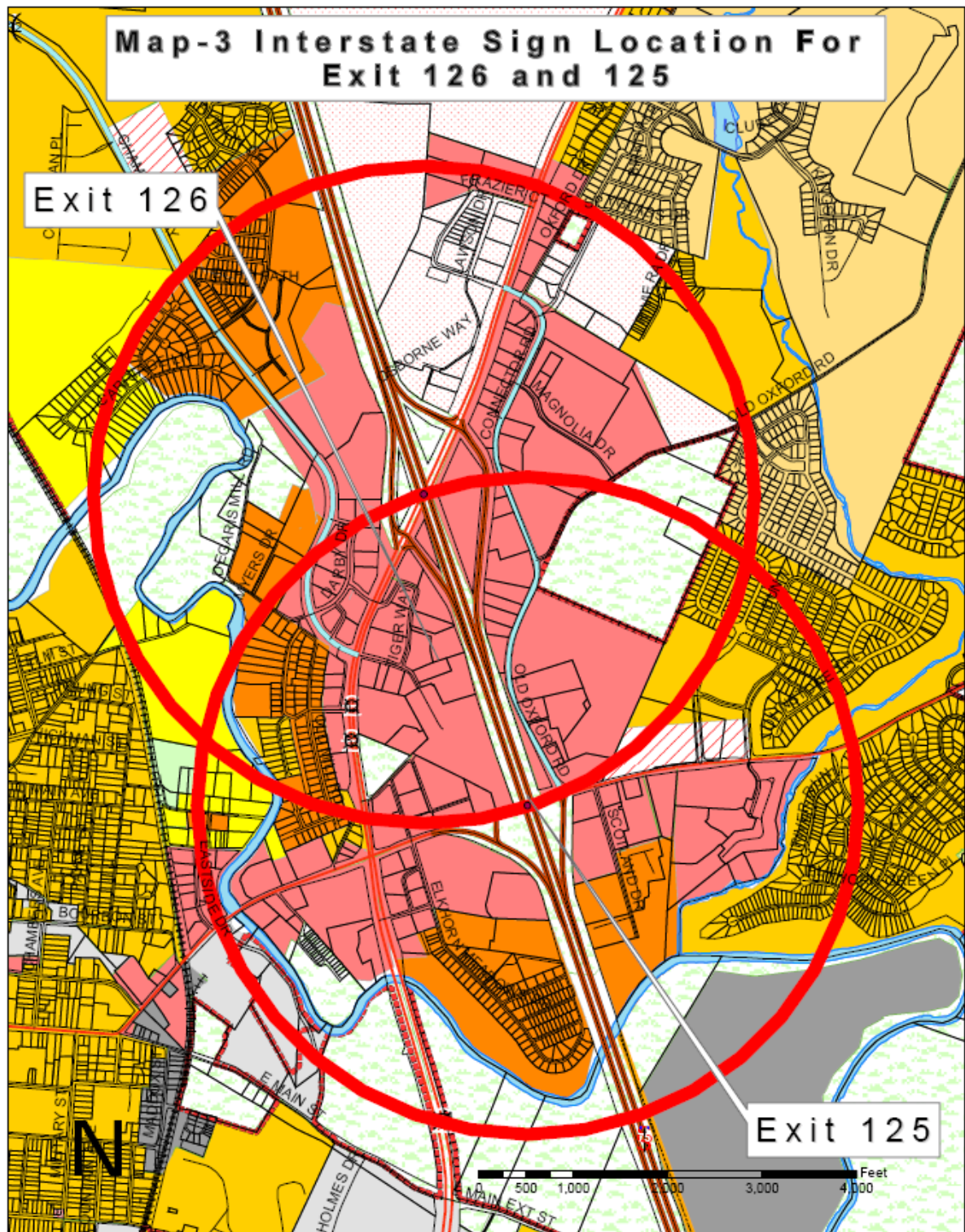
1. General Requirements

- a. An Interstate Sign must be located on the site of the use identified or advertised by the sign. These signs must meet all applicable setbacks for the district in which it is located.
- b. An Interstate Sign shall be permitted as a Conditional Use in the B-2, B-4, B-5, I-1, I-2, P-1, and P-1B districts.
- c. Interstate Signs may be located within a three thousand five hundred (3,500) foot radius of the center point of exit 69 of Interstate 64 or exits 125, 126, 129, or 136 of Interstate 75. Maps 1, 2, 3, and 4 are attached to this section to serve as a general reference in determining eligible properties. The property owner may relinquish the right to An Interstate Sign and add one hundred-fifty (150) square feet of sign area to the subject property for any other permitted sign(s) on the property. At least thirty-three (33) percent of a parcel must be located within the 3,500 foot radius to qualify for an Interstate Sign.
- d. An Interstate Sign shall have a maximum area one-hundred fifty (150) square feet per sign face. The maximum height for an Interstate Sign shall be 110 feet.
- e. Interstate Signs shall not be permitted under any of the following conditions:
 - i. Within fifty (50) feet of an automobile bridge
 - ii. Within fifty (50) feet of any local road intersection
 - iii. Within one hundred (100) feet of any public park, historic district, recreational area, school, church, or any other interstate Interstate Sign
 - iv. Within five hundred (500) feet of any other interstate Interstate Sign deemed to be on the same side of a street, road, or highway
- f. Properties that utilize an Interstate Sign shall not be permitted additional Freestanding Signs.
- g. If an Interstate Sign is illuminated, the sign shall be a minimum of one-hundred-fifty (150) feet way from any R-1A, R-1B, R-1C, R-2, or R-3 zoned property. In addition, the leading edge of An Interstate Sign shall be a minimum distance of 1,000 feet from an abutting residential use.
- h. Sign panels may not be placed one upon the other, except that up to one Interstate Sign may be allowed by the Board of Adjustments to co-locate on the pole of a legal on-premise Interstate Sign. The co-located sign may be an off-premise sign. Such co-located sign shall be placed below the on-premise sign with at least ten (10) feet of separation between them. The co-located sign shall meet all other requirements of this ordinance.
- i. The backs of all Interstate Sign panels shall be shielded from public view, both from buildings and streets, by any of the following:

- i. Other sign panels of equal or greater size
 - ii. Plantings
 - iii. Solid panels painted in a neutral color
- j. Interstate Signs may be back-to-back, double faced, V-type, or multiple-faced with not more than two faces to each facing and such structure shall be considered as one Interstate Sign. Such double-faced signs are allowed up to one hundred fifty (150) square feet of area for each face, for a total area not to exceed three hundred (300) square feet.
- k. Interstate Signs may incorporate changeable copy up to thirty (30) percent of a face area. If such changeable copy is electronic, it shall comply with the regulations on electronic signs as listed in Section 3 of this Ordinance.









Section 11 – Temporary Signs

The following standards shall apply to all temporary signs:

1. Political Signs

- A. All political signs shall be removed no later than five (5) working days after Election Day.
- B. No political sign shall be posted in the rights-of-way.
- C. The candidate or paid committee listed on the sign shall be responsible for compliance with this section and subject to sanctions for violation.
- D. The penalty for a violation of this section shall be a fine of up to five dollars (\$5.00) with each day constituting a separate violation. (Ord. No. 93-005, §§ 1-6, 2-4-93)
- E. All political signs shall be erected on private property and no less than three hundred (300) feet from any entrance to a building in which a polling place is located. (Enacted in County)

2. Open House/Model Home Signs

- A. Four (4) open house or model home directional signs which may be located on property other than that to which the signs refer in order to direct people to a real estate open house. Directional signs can be placed within a maximum two (2) miles of the advertised open house.
- B. Each sign shall not exceed an area of four (4) square feet in sign surface area.
- C. All off-site directional signage for open houses or model homes shall have written approval from property owner, landlord, or trustee of said property that the proposed directional sign will be placed upon.
- D. Off-site directional signage shall be erected no more than forty-eight (48) hours prior to an open house or model home showing.
- E. Promotional use of on-premise banners and pennants may be used during an open house or model home showing provided that such signs are erected only when a person is on duty at the open house or model home. Such signage may be erected no more than one (1) hour prior to the event and must be removed no more than one (1) hour after the event.

3. Real Estate Signs

- A. In all zoning districts one (1) non-illuminated sign shall be permitted to advertise individual lots, land, or buildings for rent, lease, or sale (including open house signs), provided that such signs are located on the property intended to be rented, leased, or sold. Corner lots are permitted to have two (2) signs. Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet in all residential districts, and an

area of twenty (20) square feet and a height of eight (8) feet in all other districts.

- B. For all residential projects involving the rent, lease, or sale of individual lots and/or dwelling units, one (1) non-illuminated sign shall be permitted per each entrance to the project advertising the sale of such lots and/or dwelling units. This shall include weekend open house signs. Such signs shall not exceed twenty (20) square feet in area and a height of twelve (12) feet.
- C. All signs advertising the rental, lease, or sale of a property or dwelling unit shall be removed within forty-eight (48) hours after the property is no longer available for rent or lease or the closing on the sale.
- D. In order to advertise new homes and model homes, up to four (4) directional signs may be located on property other than that to which the signs refer in order to direct people to a new or model house. Directional signs can be placed within a maximum two (2) miles of the advertised open house.
- E. Off-site directional real estate signs shall not exceed an area of six (6) square feet and a height of four (4) feet in all residential districts, and an area of twenty (20) square feet and a height of eight (8) feet in all other districts. Copy on such signs shall be limited to the followings:
 - a. The corporate or subdivision name, logo, and sale slogan
 - b. Types of home offered for sale
 - c. Range of price for the offered home
- F. All off-site directional signage for real estate signs shall have written approval from property owner, landlord, or trustee of said property that the proposed directional sign will be placed upon.

4. Construction Signs

- A. In all zoning districts one (1) non-illuminated sign shall be permitted listing persons or firms connected with construction work being performed. Corner lots are permitted to have two (2) signs. Such signs shall not exceed twenty (20) square feet in area and a height of twelve (12) feet.
- B. All temporary construction signs shall be removed within forty-eight (48) hours after the completion of construction work.

5. Promotional Signs

- A. Grand opening and temporary business identification signs shall be allowed and shall follow the following conditions:
 - a. Grand opening and temporary business signs shall not be considered as exempt sign types and must have a permit in order to be erected.
 - b. Temporary business identification is limited to one (1) sign per street front.
 - c. Such sign shall be erected for a period not to exceed thirty (30) days.

d. Permits for grand openings shall be issued only if a valid building permit for construction or alteration of the building or suite for that location has been issued or a valid application for a certificate of occupancy has been made; if required for the address in question.

6. Rummage Sale Sign

- A. Rummage sale signs advertising to the public the sale of personal property in a property owner's driveway, garage, parking lot, or front yard are permitted in the A-1 district, as well as all Residential districts, under the following conditions:
 - a. No Rummage Sale sign shall be erected sooner than seven (7) days prior to the day of the home sale.
 - b. Rummage Sale signs shall be limited to four (4) square feet in size and a height of three (3) feet.
 - c. Rummage Sale signs are limited to one (1) on-premise sign per address.
 - d. Rummage Sale signs shall be non-illuminated.

7. Auction Sign

- A. A temporary sign advertising an upcoming auction may be erected in any zoning district.
- B. The area of a temporary auction sign shall not exceed thirty-two (32) square feet.
- C. A temporary auction sign is permitted for fourteen (14) days prior to the event and must be removed within five days after the event.

8. Going Out of Business/Bankruptcy Period Sign

- A. A business may apply for a permit in order to facilitate the liquidation of inventory for a failing business for a period not to exceed sixty (60) calendar days. This permit is allowed only twice within any four (4) year period for any business license. A single banner is allowed during the 60 day period.

9. Business Moving Sign

- A. In all nonresidential districts, a temporary sign announcing moving of a business to a new location is permitted for period of thirty (30) days. The sign shall not exceed thirty-two (32) square feet in area.

10. Agritourism Signs/Temporary Agricultural Sign

- A. One non-illuminated on-premise sign advertising an agritourism event is permitted for a period of fourteen (14) days. Such a sign shall not exceed thirty-two feet (32) square feet in area and shall be removed within five (5) days of the event.

11. Agritourism Direction Signs

- 1. Four off-premise, non-illuminated directional signs advertising agritourism promotional event may be permitted under the following conditions:

- a. Such sign may not exceed twenty-four (24) square feet in area.
- b. Application for such signs shall be accompanied by proof of approval from all property owners, lessees, or trustees of the property on which the signs shall be placed.
- c. Such signs for any single event may be erected up to fourteen (14) days prior to the event and continue to be displayed for the duration of the event. Such signs shall be removed within five (5) days after the end of the event.
- d. All off-site directional signage for Agritourism shall have written approval from property owner, landlord, or trustee of said property that the proposed directional sign will be placed upon.

12. Miscellaneous Temporary Event Signs

- A. Temporary signs that are not otherwise defined in this Ordinance may be allowed under the following conditions:
 - a. Such signs shall be erected no more than one (1) week prior to the event and shall be removed no more than one (1) day after the event.
 - b. Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet in all residential districts, and an area of twenty (20) square feet and a height of eight (8) feet in all other districts.

Section 12 – Miscellaneous Signs

The following standards shall apply to all miscellaneous signs:

Directory Signs

- 1. Directory Signs are intended to be used by pedestrians or drivers as a guide to locate buildings or uses within developments. Directory signs may be placed in commercial, office, or multi-family developments with the following conditions:
 - a. Directory signs may be placed only on the site of the development.
 - b. The maximum area of a directory sign shall be sixteen (16) square feet and shall be of a ground/monument type if designed for vehicular use.
 - c. The maximum height of a directory sign shall be six (6) feet.
 - d. Directory signs may be erected either adjacent to a defined pedestrian access or adjacent to a vehicular access area. In either case, the placement of directory signs shall be approved as part of the development plan approval process.
 - e. In no case shall a directory sign be illuminated.
 - f. Directory signs may be in map form and can show individual unit numbers, building numbers, location of on site community facilities, or any other feature associated with the development.

Agricultural and Civic Group Wayfinding Signs

Permanent off-premise signs, referred to as Wayfinding Signs, may be erected for the directing vehicular traffic to permanent Agricultural and Civic Group uses. Such Civic Groups include churches, schools, fraternities, and the like. Such signs shall be subject to the following standards and conditions:

1. Wayfinding Signs may be allowed on any property after the granting of a Sign Permit. Such Signs may only display the following information:
 - a. Name of property traffic is being directed to, such as a farm's name
 - b. Hours of operation
 - c. Directional arrow
 - d. Approximate distance to the location
2. No Sign Permit for a Wayfinding Sign shall be issued without signed written permission from the landowner upon which the Sign is proposed to be erected on.
3. Such Wayfinding Signs shall be limited to the following dimensions:
 - a. Six (6) feet in height
 - b. Six (6) square feet in area
4. Agricultural Wayfinding Signs may be placed anywhere on a property, provided that they are erected outside of any legal right-of-way.

Drive-Thru Menu Signs

Where drive-thrus are allowed, the following standards and conditions shall govern drive-thru menu signs:

1. Permanent on-premise signs displaying menu items for a restaurant shall be permitted if the following conditions are met:
 - a. Drive-thru menu signs shall be allowed in the B-1, B-2, B-4, and B-5 districts as part of an approved development plan.
 - b. The location of all drive-thru menu signs shall be on the side or rear of the restaurant.
 - c. The maximum area of a drive-thru menu sign shall be thirty-two (32) square feet.
 - d. The maximum height of a drive-thru menu sign shall be six (6) feet.
 - e. A drive-thru menu sign shall be separated from the associated restaurant by no more than ten (10) feet.
 - f. A drive-thru menu sign may be internally illuminated. If the menu board is located within one-hundred (100) feet of a residential property line the sign shall have a landscape buffer or have man-made screening wall which will provide a barrier to reduce light and glare. All screening for this sign type shall be approved by the planning commission.

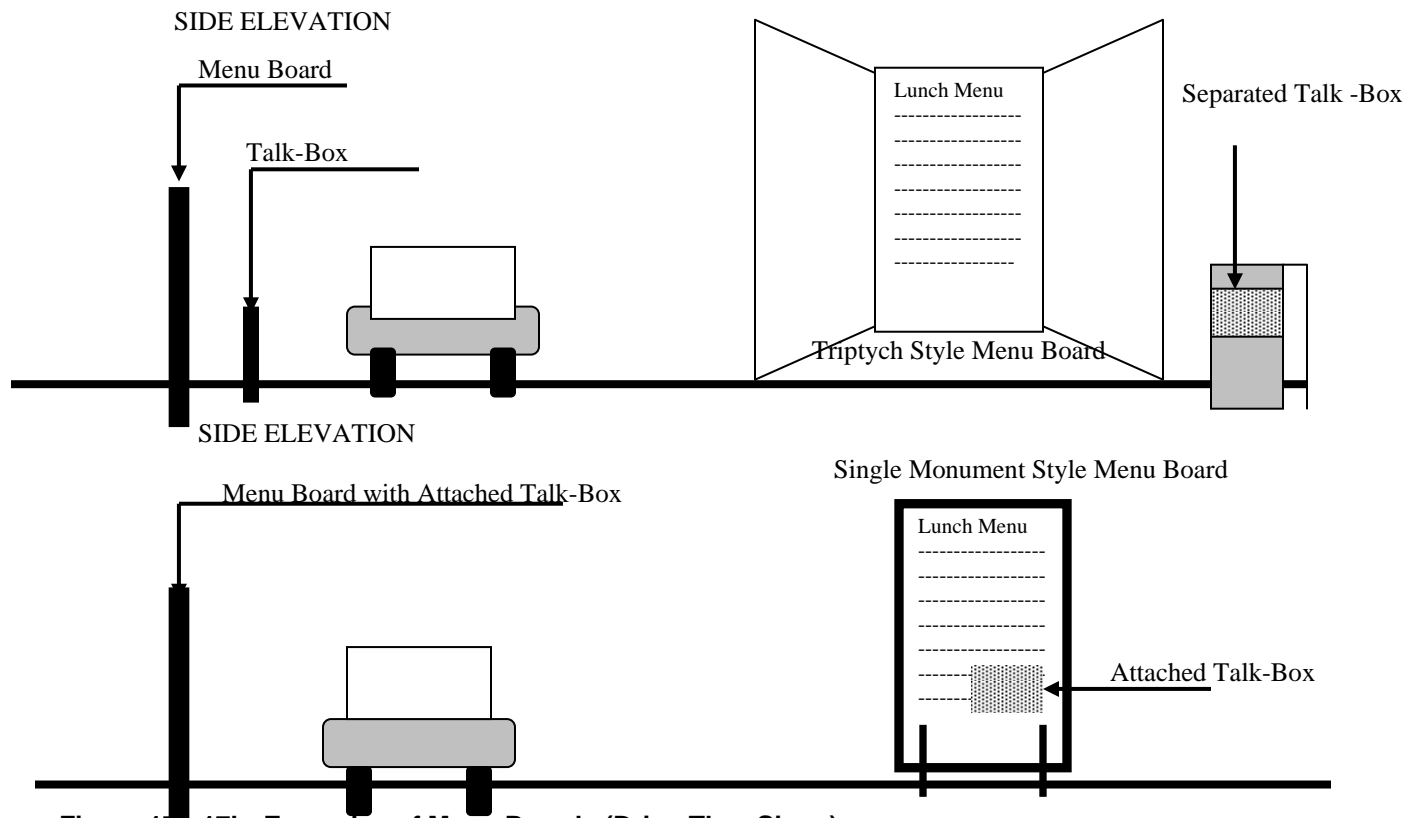


Figure 17a-17b: Examples of Menu Boards (Drive-Thru-Signs)

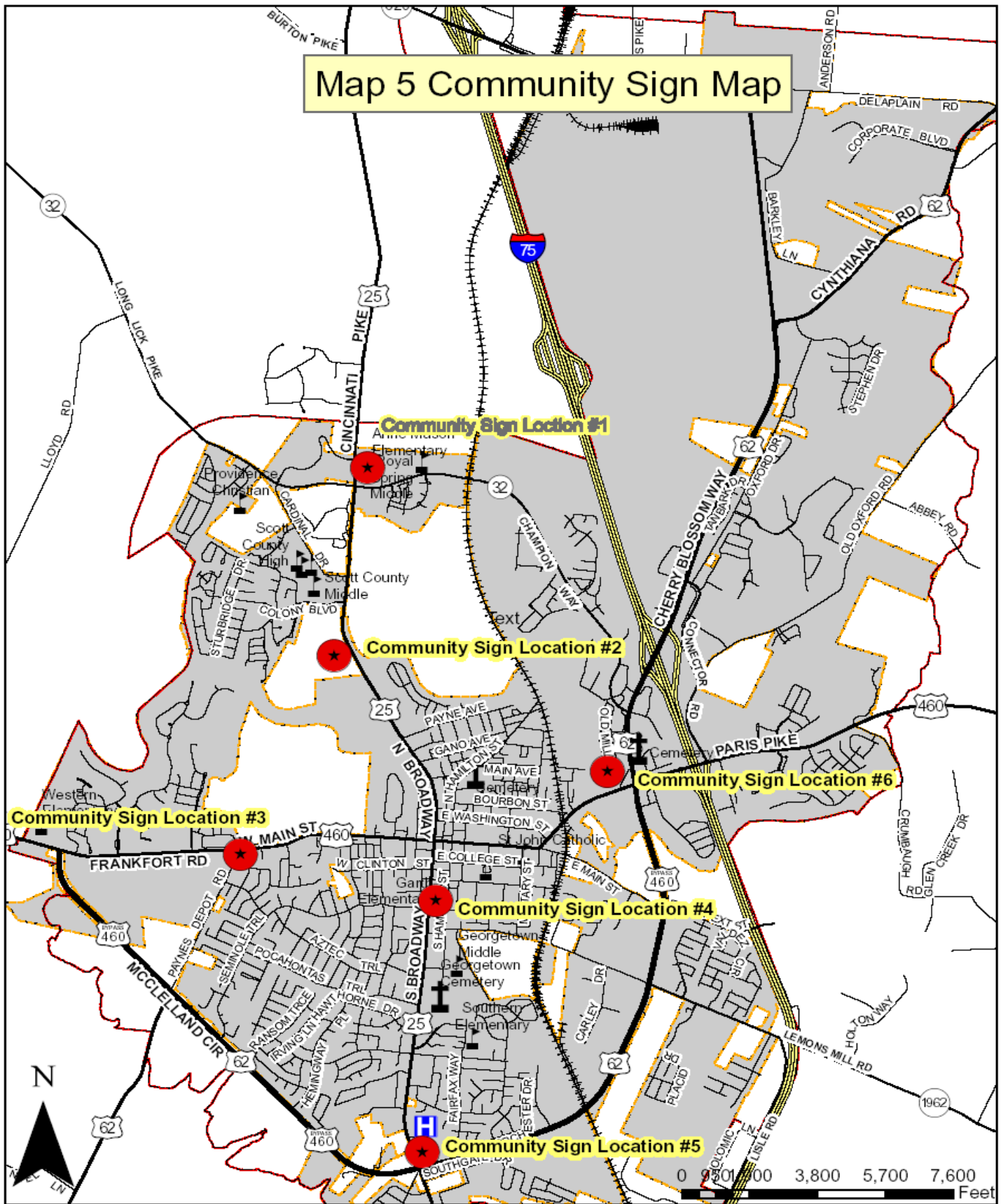
Marquee Sign

1. The permanently-affixed copy area of canopy shall not exceed an area equal to 25% of the face area of the canopy marquee or architectural projection upon which such sign is affixed or applied.
2. Graphic striping patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

Community Information Signs Areas

1. City of Georgetown Public Works or Scott County Public School System shall maintain the Community Information Sign Areas.
2. The location and identification number for each Community Information Sign Areas are detailed on the map to which shows the permitted areas.
3. The signs are to be used to advertise and promote any appropriate Council and/or community event and/or activity.

Map 5 Community Sign Map



Section 13 – Master Sign Plans

Intent of Master Sign Plan – A Master Sign Plan is intended to promote consistency among signs within a development and enhance the compatibility of signs with the architectural and site design features within a development.

1. Master Sign Plan Required – A Master Sign Plan shall be required for all projects which are required to file a development plan, including but not limited to:
 - a. Multifamily dwelling project
 - b. Residential Subdivision 5 lots or more
 - c. Commercial Retail Centers
 - d. Planned Unit Development
 - e. Business/Office Park
 - f. Industrial Park
2. A Master Sign Plan shall be filed and approved prior to the erection, location, or placement of any sign for such project or development.
3. Master Sign Plan Optional – A Master Sign Plan is encouraged to be submitted by an owner for any other projects not requiring a development plan.
4. Record of Master Sign Plans – An approved Master Sign Plan shall be retained in the Georgetown-Scott County Planning Commission office (as part of the file for the project, subdivision or development) and a Copy shall be retained at the Georgetown-Scott County Building Inspection Department.

Section 14 – Georgetown Business Park

As it appears in the Section 4.46 of the Zoning Ordinance; reprinted here for convenience.

Signage shall be in accordance with the following standards:

1. Each development or lot shall be limited to one (1) Freestanding Sign, not to exceed 100 square feet and six (6) feet in height; for developments o corner or double frontage lots, the maximum number of permitted ground mounted signs shall be increased to two (2) with a maximum combined size of 150 square feet. In no case shall any one sign be greater than the maximum 100 square feet.
2. One (1) wall mounted sign shall be permitted per building at one (1) square foot per lineal foot of building road frontage up to a maximum of 100 square feet. Developments that include double frontage or corner lots, as defined by the Zoning Ordinance, may have one (1) wall mounted sign per road frontage with a maximum of 100 square feet per sign. In no case shall the maximum amount of square footage for wall mounted signs be combined into one or more signs.
3. Wall mounted signs shall not extend or project above the parapet wall more than twelve (12) inches.
4. No sign shall have flashing, intermittent or animated illumination, including message board or scrolling type signs.

5. All signs are to be externally illuminated; no internal illumination or molded sheet plastic, fully illuminated signs are permitted.
6. In BP-1 developments exceeding 50 acres, a monument sign may be permitted at the entrance to the park identifying the businesses, manufacturers, or research facilities, not to exceed 300 square feet and 30 feet in height. Monument signs located at the 84 entrance to the park shall be set back a minimum of 25 feet from the right-of-way and shall be used for identification purposes only. Monument signs greater than 300 square feet may be approved by the Planning Commission as part of the development plan approval process. For developments that provide two or more primary entrances, the development may propose one additional monument sign not to exceed 200 square feet, subject to review and approval by the Planning Commission. The primary entrance(s) shall be designated as part of the master plan for the BP-1 park.
7. Roof top signs shall not be permitted.
8. For sites with multiple tenants in one building, the maximum allowable signage shall be calculated based on the length of the building and not based on each tenant. Multiple tenants shall be listed on one sign.
9. Directional and/or regulatory signs may be installed as needed throughout the development, specifically at road intersections, service entrances and parking areas. In no case shall these signs be used or substituted for any ground mounted or advertising signs.
10. Permanent street signs and traffic control signs shall be installed by the developer prior to certification and approval of either the final subdivision plat or final development plan. All street signs and traffic control signs shall conform with state regulations or the requirements specified in the Manual on Uniform Traffic Control Devices for Streets and Highways.

A Master Sign Plan which may be a written document or drawings adequate to depict the proposed signs shall include:

- a. Narrative –description of the common them for signage within the development how it relates to architectural and/or landscaping elements of the development, and how the master sign plan relates to each of the criteria set for in this section
- b. General Location of Signs – The Master Sign Plan shall provide the proposed general locations all proposed permanent signs.
- c. Types of Signs – The Master Sign Plan shall include an indication of the types of signs proposed at each location.
- d. Materials – The Master Sign Plan shall include a listing of the materials proposed for all sign structures and sign surfaces.
- e. Size and Number of Signs – The Master Sign Plan shall indicate the maximum number and maximum size of proposed sign using calculations consistent with the requirements of this Ordinance.
- f. Style and Color – The Master Sign Plan shall indicate the proposed style and color pallet for all signs.

- g. Illumination – The Master Sign Plan shall indicate the type of illumination, if any proposed for all signs.
 - h. Ornamental Structures – The Master Sign Plan Shall include a description of any ornamental structure upon which a sign face is proposed to be placed.
 - i. Landscaping – The Master Sign Plan shall include, at a minimum, a typical landscape plan for Freestanding Signs consistent with the requirements.
5. Master Sign Plan Amendments
- a. Minor Amendment – Applications for amendments to master sign plan on sign color, style, or copy shall be reviewed by the Planning Commission Staff and considered minor amendments. The Planning Commission staff may approve the changes without further public hearing, so long as the changes will meet each of the following:
 - 1. The sign modification meets all other standards or requirements set forth in this section
 - 2. The sign modification conforms to the information included with the original master sign plan application to satisfy the requirements of this section
 - 3. The changes will not increase the number of ground signs, except directional signs, in the Master Sign Plan
 - b. Other Amendments – Except as provided in this section, applications for amendments to the Master Sign Plans shall be processed in the same way as an original application.

Section 15 – Georgetown Historic Main Street Business Zone

The necessity of signs is recognized for identification and successful conduct of a business service, or profession and to direct and control traffic on the street and to note points of public interest. Use and control of signs are of great importance. Therefore the purposes of these regulations are to promote the intended to protect property values, create a more attractive economic and business climate, preserve the dignity and architectural significance of the district, preserve its scenic and natural beauty, and provide a more enjoyable and pleasing community for its residents.

A. Exempted Signs

In addition to those signs exempted in Section F of this Ordinance, the following signs are exempted in the Georgetown Historic Main Street Business Zone:

- 1. Government Signs
- 2. A-frame signs, provided such signs remain within twenty-four (24) inches from the base of the building in cases where the sidewalk abuts the building, or on the grass and off the sidewalk where the sidewalk is detached from the building, and are removed from the public right-of-way when the business is closed. A-frame signs may be used off-premise as a wayfinding sign, provided that such a sign is removed from the public right-of-way

when the business is closed. If such signs are not removed at the close of the business day, then law enforcement or code enforcement officials are hereby authorized to confiscate them.

3. Traffic Control Signage
4. Flags, banners, or emblems identifying the political, civic, philanthropic educational or religious organizations located on the premises.
5. Memorial plaques, cornerstones, historic tablets, markers,
6. Signs posted in conjunction with doorbells or mailboxes
7. Signs display strictly for the direction, safety, or convenience of the public including signs which identify restrooms, parking area entrances or exits, and the like.
8. Address signs showing only the numerical address designations of the premise upon which they are situated, street names, "No Trespass" and other warning signs, up to ninety-six (96) square inches in surface area.
9. Temporary real estate signs not exceeding ten (10) square feet per face in area. Such a sign shall not be illuminated.
10. Temporary construction site sign erected on the site during the period of construction to announce the name of the owner or developer, contractor architect, or engineer. Such a sign shall not be illuminated.

B. Allowable Signs types: Permit required.

In addition to the standards elsewhere in this ordinance, the following standards apply for these signs in the Main Street Business Area.

1. Wall Signs
 - a. There shall be a limit of one sign per establishment per street frontage.
 - b. The length of each sign shall not exceed two-thirds (2/3) of the width of the narrowest building face and the height shall not exceed 20% of the length unless otherwise approved by Historic Georgetown.
 - c. Such Wall Sign may be illuminated using external lights shining back onto the sign provided that no light from such a source be allowed to shine into any roadway.
 - d. A dimensional Wall Sign may be erected in the place of a typical Wall Sign. If so erected, a dimensional Wall Sign shall be contained in a three-dimensional rectangle whose top side does not exceed the second (2) level window sills, and shall have a minimum clearance of eight (8) feet above the line of the sidewalk.
2. Awning signs
 - a. There shall be a limit of one (1) sign per awning.

- b. There maximum height of lettering on awnings shall be 24 inches. Symbols will be permitted provided the total area of any symbol and any lettering comprise no more than one-third of the awning area.
- c. Awnings will only be permitted at the ground level of a building.
- d. The bottom of any awning shall be at least eight (8) feet above the sidewalk.

C. Prohibited sign types

- 1. All signage that is outlined in Section 5 (Prohibited Signs) in this Ordinance
- 2. All Freestanding Signs greater than four (4) feet in height
- 3. Any off-premises advertising signs except for A-frames as defined in this Section

D. Other provisions

- 1. No sign, device, awning, canopy, or other apparatus pertaining to signs shall be kept or maintained by supports of permanent posts or poles between the property line and curb. For buildings on Main Street, no sign, device, awning, canopy, or other apparatus pertaining to signs shall be kept or maintained by supports of permanent post or poles between the front of a building and curb.
- 2. The method of attachment should respect the architectural integrity of the structure and related to or become an extension of the architecture. No sign shall conceal architectural details, except for Awning Signs.
- 3. No sign shall be erected on constructed that is unsafe, insecure, a fire hazard, and a wind hazard, a barrier to needed light or air or is in any way a menace to public safety and welfare.
- 4. The color and materials of any permanent sign shall be harmonious with color and materials of the building identified by the sign, as judged by the Main Street Design Committee. Materials such as wood, wrought iron, steel, metal, grillwork, and so forth, which were used in the nineteenth century, are encouraged. Materials such as extruded aluminum and plastics may not be appropriate.