

CITY OF GEORGETOWN
ORDINANCE NO. 2020-05

AN ORDINANCE AMENDING THE GEORGETOWN SCOTT-COUNTY ZONING ORDINANCE, INCLUDING CERTAIN DEFINITIONS IN ARTICLE II SECTION 2.1, ARTICLE II SECTION 2.58 IN ITS ENTIRETY AND SECTION 4.37, PERTAINING TO GROUP HOMES.

SUMMARY

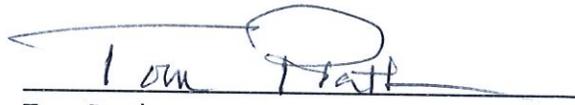
1. Amends the Georgetown-Scott County Zoning Ordinance to repeal all group home regulations in the City of Georgetown.
2. Provides for an effective date upon passage and publication.

The full text of this Ordinance is available for examination in the City Clerk's Office, 100 North Court Street, Georgetown, Kentucky 40324 or at www.georgetownky.gov.

PUBLICLY INTRODUCED AND READ FIRST TIME: January 13, 2020

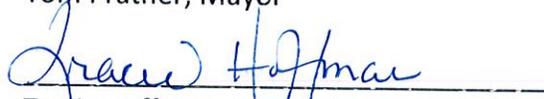
PUBLICLY READ SECOND TIME AND PASSED: January 27, 2020

APPROVED:



Tom Prather, Mayor

ATTEST:



Tracie Hoffman, City Clerk

I, Devon E. Golden, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 2020-05 of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 33A.060(9) and is a true and accurate summary of the contents of said Ordinance.



Devon E. Golden

ORDINANCE 2020-05

AN ORDINANCE AMENDING THE GEORGETOWN SCOTT-COUNTY ZONING ORDINANCE, INCLUDING CERTAIN DEFINITIONS IN ARTICLE II SECTION 2.1, ARTICLE II SECTION 2.58 IN ITS ENTIRETY AND SECTION 4.37, PERTAINING TO GROUP HOMES.

Sponsor: Council Members Connie Tackett, Tammy Lusby-Mitchell and Todd Stone

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

SECTION ONE

Article II Section 2.1 of the Georgetown/Scott County Zoning Ordinance is amended as follows:

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.

Kennel: A commercial business for the sale or temporary boarding of three (3) or more dogs

over the age of six (6) months, not including those owned by the resident or property owner. (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/privately 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.

SECTION TWO

Article II Section 2.58 of the Georgetown/Scott County Zoning Ordinance is amended as follows:

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)]~~

SECTION THREE

Article IV Section 4.37 of the Georgetown/Scott County Zoning Ordinance is amended as follows:

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.]~~ B. Churches and other places of worship; public libraries; schools offering general educational courses; public parks and non-commercial public recreational facilities; municipal

county, state, or federal use; public utilities (in conformance with Chapters 100.324); funeral homes; cemeteries; hospitals for human care, philanthropic institutions; clubs (except a club the chief activity of which is customarily carried on as a business). The Board of Adjustment may attach conditions to its approval which it feels are necessary requirements in order to carry out the intent of this ordinance to preserve and protect the character of the district in which the proposed use would locate.

[D.] C. The uses conditionally permitted in sub-paragraph [E] B 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.
6. 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 4.37[E] C amendment dated 1/26/88)

SECTION FOUR

If any section, subsection, paragraph, sentence, clause, phrase, or a portion of this ordinance is declared illegal or unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof.

SECTION FIVE

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION SIX

This Ordinance shall be in full force and effect upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: January 13, 2020

PUBLICLY READ SECOND TIME AND PASSED: January 27, 2020

APPROVED:



Tom Prather, Mayor

ATTEST:



Tracie Hoffman, City Clerk