

CITY OF GEORGETOWN

ORDINANCE NO. 2023 -10

AN ORDINANCE AMENDING OR CREATING CERTAIN SECTIONS OF THE GEORGETOWN SCOTT-COUNTY ZONING ORDINANCE AND LANDSCAPE AND LAND USE BUFFERS ORDINANCE.

SUMMARY

1. Amends Section 4.19(c) of the Georgetown/Scott County Zoning Ordinance to provide the minimum setback of fifty (50) feet for Secondary Structures from land zoned A-1.
2. Amends Section 6.10 of the Landscape and Land Use Buffers Ordinance to establish that no single tree species may be used for more than one-third (1/3) of the plantings to meet the requirements of Section 6.12 or 6.13.
3. Amends Section 6.12 of the Landscape and Land Use Buffers Ordinance to create consistency between the “property perimeter requirements” chart and Section 6.10 and to provide limitations on trees and fencing within the buffer space.
4. Creates Section 6.14 of the Landscape and Land Use Buffers Ordinance to establish agricultural buffering requirements.
5. Provides for repeal of inconsistent ordinances, severability of provisions and an effective date upon passage and publication.

The full text of Ordinance 2023 - 10 is available for examination in the City Clerk’s Office, 100 North Court Street, Georgetown, Kentucky 40324 or at www.georgetownky.gov.

INTRODUCED AND PUBLICLY READ FIRST TIME: May 8, 2023

PUBLICLY READ SECOND TIME AND PASSED: May 25, 2023

APPROVED: *Burney Jenkins*
Burney Jenkins (May 30, 2023 14:01 EDT)

Burney Jenkins, Mayor

ATTEST: *Tracie Hoffman*
Tracie Hoffman (May 31, 2023 13:51 EDT)

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 2023 - 10, of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9) and is a true and accurate summary of the contents of said Ordinance.



Devon E. Golden

ORDINANCE 2023-10

AN ORDINANCE AMENDING OR CREATING CERTAIN SECTIONS OF THE GEORGETOWN SCOTT-COUNTY ZONING ORDINANCE AND LANDSCAPE AND LAND USE BUFFERS ORDINANCE.

Sponsors: Todd Stone and Mark Showalter

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

SECTION ONE

Article IV, Section 4.19, subsection C. of the Georgetown/Scott County Zoning Ordinance is amended as follows:

4.19 Dimension and Area Regulations

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.

The minimum setback for Secondary Structures from land zoned A-1 shall be 50 feet.

SECTION TWO

Article VI, Section 6.10 of the Landscape and Land Use Buffers Ordinance is amended as follows:

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. **No single tree species shall be used for more than one-third (1/3) of the plantings to meet the requirements of Section 6.12 or 6.13.**

SECTION THREE

Article VI, Section 6.12 of the Landscape and Land Use Buffers Ordinance is amended as follows:

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 residential , commercial, office or industrial zone	Any agricultural zone *8	50' [15'] adjacent to all common boundaries except street frontage [*6] *12	1 tree/40' of linear boundary, OFT *2 from Group A. Trees must be planted at least 35 feet from the property line. *11 [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.
- *11 No species of trees or other plantings shall be planted in the buffer that are known to be invasive or harmful to livestock.**
- *12 Residential fences are prohibited within the 50’ buffer. The developer is encouraged to use the buffer area for additional public amenities such as trails, utility easements, stormwater structures, etc. Roads shall not be constructed within the buffer.**

SECTION FOUR

Article VI, Section 6.14 of the Landscape and Land Use Buffers Ordinance is created to read as follows:

6.14 Agricultural Buffering

The minimum setback for all buildings, structures, pools, etc., when adjoining the A-1 zoning district, is 50 feet.

When land zoned anything except A-1 or C-1 is developed, the developer shall construct a 6-ft. minimum height fence of diamond mesh wire or equivalent no-climb wire. The fence may not be bonded. If an existing tree line is present, then adequate measures shall be required to remove the vegetation to place the fence on the property boundary line. The cost of the fence installation shall be at the expense of the developer.

Property boundary fencing, as described above, shall be required for all parcels adjoining A-1 zoned land, regardless of the subject property’s zone, when there is an approved change of use, either through the conditional use, variance, or development plan approval process to a

use other than agricultural or single-family residential use.

SECTION FIVE

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 SIX

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

SECTION SEVEN

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

PUBLICLY INTRODUCED AND READ FIRST TIME: May 8, 2023

PUBLICLY READ SECOND TIME AND PASSED: May 25, 2023

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Burney Jenkins (May 30, 2023 14:01 EDT)
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