

GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION

AGENDA

JANUARY 9, 2025

6:00 p.m.

I. COMMISSION BUSINESS

- A. Approval of December invoices
- B. Approval of December 12, 2024 minutes
- C. Approval of January 9, 2025 agenda
- D. Items for postponement or withdrawal
- E. Consent Agenda

II. OLD BUSINESS

- A. PSP-2024-43 Cherry Blossom Village, Ph 11, Tract II-B – Preliminary Subdivision Plat for 52 single-family lots, 5 open space lots, and new public street construction located at southern terminus of Kingston Drive and Sunningdale Drive. (Parcel 189-20-179.002)
- B. PDP-2024-56 Community Mental Health Center – POSTPONED
- C. FDP-2024-63 Amerson Commercial – Final Development Plan for multi-phased commercial development including seven (7) mixed commercial buildings with associated parking and landscaping located Amerson Way, School House Road, Peach Tree Lane and McClelland Circle (192-10-002.002 & 192-10-002.003)

III. NEW BUSINESS

- A. FSP-2024-65 Allen Property – Final Subdivision Plat to divide one 10.83-acre parcel into two tracts measuring 5.83 acres and 5.00 acres with no remainder located at 327 Double Culvert Road.
- B. FSP-2024-66 Leaverton Property – Final Subdivision Plat to divide one 126.274-acre parcel into four parcels of 26.919 ac, 5.973 ac, 46.705 ac, and 46.667 ac located at 735 Salem Road.
- C. PDP-2024-67 Worldwide Equipment – Preliminary Development Plan for a 60,000 square foot building, with 203,937 square feet of associated VUA and parking and 93,598 square feet of gravel storage area located on West Yusen Way. (Parcel 161-20-007.000)
- D. ZMA-2024-68 Gaines Farm Property – Zoning Map Amendment for 182.44 acres from A-1 (Agricultural) to B-4 PUD (Community Commercial), R-2 PUD (Medium Density Residential), and C-1 (Conservation) located at 1367 Paynes Depot Road. - PUBLIC HEARING

IV. OTHER BUSINESS

- A. Zoning Code Text Amendments – PUBLIC HEARING

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
December 12, 2024**

The regular meeting was held in the Scott County Courthouse on December 12, 2024. The meeting was called to order by Chairman Charlie Mifflin at 6:00 p.m. Present were Commissioners James Stone, Dann Smith, Duwan Garrett, Brad Green, and Director Holden Fleming, Planners Elise Ketz and Rhett Shirley, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent were Commissioners Jessica Canfield, Mary Singer, David Vest, and Harold Dean Jessie.

Motion by Smith, second by Stone to approve the November invoices. Motion carried.

Motion by Smith, second by Stone to approve the November 14, 2024 minutes. Motion carried.

Motion by Smith, second by Garrett to approve the December agenda. Motion carried.

Postponements/Withdrawals

Chairman Mifflin stated that the application for Community Mental Health Center (PDP-2024-56), Cherry Blossom Village, Ph 11, Tract II-B (PSP-2024-43) and Amerson Commercial (FDP-2024-63 have been postponed until the next regularly scheduled meeting.

All those intending to speak before the Commission were sworn in by Mr. Perkins.

Consent Agenda

A representative of Traylor Property (FSP-2024-59) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Garrett, second by Smith, to approve the application. Motion carried unanimously.

FSP-2024-60 Romano Property - Final Subdivision Plat to divide one 54.884-acre parcel into three tracts: measuring 17.79 ac, 15.949 ac, 20.099 ac Surveyed acreage totals 53.838 acres located at 3112 Cincinnati Pike (US 25).

Mr. Shirley stated the piece of property adjoins the lake in Harbor Village subdivision. He stated the property is zoned R-3 and was subdivided in 2016.

He stated there are two entrances to the property, one in the north and one in the south. There is an existing house on the property. Entrance from tract 1 will also serve tract 2. He stated there is a sewer easement running along the front of the property along US 25. He stated sanitary sewer is not available for the lots.

He stated staff would like to see the setback along the lake frontage increased to 25 feet. He stated a house, or duplex would not need Planning Commission approval to build, but 3 or more units would.

Chairman Mifflin questioned if the existing house is connected to sewer. Scott Romano, applicant, stated the house has septic.

Amanda Bailey, Harbor Village HOA President, stated the HOA owns the lake. She stated trees have been removed from the adjoining property. She stated the HOA wants to keep the lake private for homeowners.

Mr. Romano stated tree removal is more of a civil matter. He stated Kentucky Fish & Wildlife have been to the property. He stated trees that were removed were on his land. He stated a new survey had been completed and if any further trees are removed, they will make sure they are on their property and not the HOA's.

Chairman Mifflin questioned how staff determines who owns the trees. Attorney Perkins stated the Planning Commission does not get involved unless a tree conservation area is recorded or required.

After further discussion, **Motion by Garrett, second by Smith, to approve FSP-2024-60 subject to 7 conditions of approval. Motion carried unanimously.**

Consent Agenda

A representative of Bluegrass Storage (PDP-2024-62) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Green, second by Smith, to approve the application. Motion carried unanimously.

ZMA-2024-49 The Paddocks at Jennings Farm – Zoning Map Amendment for 216.51 acres from A-1 (Agricultural) to B-5 PUD (General Commercial Park, C-1 (Conservation), R-1C PUD (Single-Family Residential), and R-3 PUD (High-Density Residential) located at 1376, 1378, 1402, 1426, and 1530 Paynes Depot Road.

Chairman Mifflin opened the public hearing.

Ms. Ketz stated after discussion at workshop, one of the owner's requested to be removed from the rezoning application. She stated the acreage for the presentation and staff report will not match. She stated the requested rezoning is still for more than 200+ acres.

She stated the site aligns with the Future Land Use Map part of the Comprehensive Plan.

She stated the traffic study showed 583 trips in the morning and 1,860 trips in the afternoon. She stated the traffic study recommended that Paynes Depot Road and the frontage road be upgraded to a three-way intersection and eventually a traffic light would be installed at KYTC discretion. She stated the traffic

study recommended Seminole Trail should be upgraded to a four-way intersection at full build-out and a light be installed at KYTC discretion. She stated the proposed new road to the multi-family area, the traffic study did not make a conclusion. She stated KYTC would make the decision if another road cut can be made.

She stated the concept plan proposes the site being divided into five sections. She stated in the B-5 PUD area commercial outlots would be available with an anchor tenant located in the center. She stated the floodplain area would be designated C-1. She stated along South Crossing the multi-family development will be along the road with the single-family development behind it. She stated through the property is a stream and development is not recommended in the stream area and to rezone it to C-1. She stated the concept plan shows a walking path and water feature. She stated a stream study is required prior to Georgetown City Council could read the ordinance for rezoning or annexation.

She stated condition of approval four was added that states total site development shall have a minimum of 10% of the area as usable open space. She stated condition of approval seven is to ensure that the development is finished by stating that if the Final Development Plan is not approved within 3 years of the Preliminary Development Plan approval the Planning Commission may initiate a rezoning of the property back to A-1.

Commissioner Garrett questioned the number of proposed stoplights. Ms. Ketz stated there are two proposed stoplights. She stated one being at McClelland Circle and Seminole Trail and one at Paynes Depot and the frontage road.

Chairman Mifflin clarified open space designation and questioned the size of the road running through the development. Ms. Ketz stated they would have to meet commercial and residential subdivision regulations.

Scott Schuette, representing Limestone Farms, along with Daniel Rehner and Charlie Hall from Thoroughbred Engineering stated they have reconfigured the commercial areas along McClelland Circle. He stated the applicant has matched the single-family area to the single-family area near Ball Homes. He stated the C-1 area is along the farms on Paynes Depot Road and provides a buffer for commercial use. He stated there are 3 variances requested that will be heard during the preliminary development plan application.

He stated the application aligns with the Future Land Use map. He stated the applicant will follow the traffic study and make the required road improvements recommended by KYTC.

Chairman Mifflin questioned the proposed entrance at the location where the Robinson's withdrew their application. Mr. Schuette stated it would be following the existing road and going around their property.

Caroline and Cate Greathouse, 527 Pea Ridge Road, questioned where the entrance would be. Chairman Mifflin stated where the current entrance is located. She questioned the safety of her

property when the green space leads directly to her property. She stated concern about traffic, lighting, and loss of small-town feel.

Cate Greathouse questioned how the development will impact the schools in the community. Mr. Shirley stated staff met with the schools that morning to discuss the location of future schools in that area.

Mr. Schuette questioned how many people from the residential area would walk across Paynes Depot Road to the Greathouse farm.

After further discussion regarding traffic, Ms. Ketz stated the traffic study only looks at current and proposed conditions at a project site, not offsite and offsite traffic concerns should be directed to KYTC.

Chairman Mifflin questioned the timeline of the development. The applicant, Darrin Dillow, stated the residential part will probably be first. He stated it is a costly project and there are only 2 other applicants besides him.

Ms. Greathouse questioned stormwater runoff from the site. Mr. Rehner stated there are stormwater regulations that must be met to develop the site.

Chairman Mifflin closed the public hearing.

After further discussion, **Motion by Smith, second by Stone, to recommend approval of the rezoning request (ZMA-2024-49) on the basis of staff recommendation that it complies with the comprehensive plan. Motion carried unanimously.**

PDP-2024-50 The Paddocks at Jennings Farm – Preliminary Development Plan for eight 36-unit apartment buildings and 6 townhome buildings, totaling 318 residential units located at 1538 Paynes Depot Road.

Ms. Ketz stated this is the 21-acre portion of the area that is proposed to be rezoned to R-3 PUD. She stated the applicant is requesting one variance for the building height to be 45 feet.

She stated the property has frontage on McClelland Circle and adjacent to the South Crossing residential area. She showed the change to the road, and it is following the right-of-way of the property.

She stated the applicant is requesting the variance for the building height to be able to go up and leave more green space. She stated staff recommended approval of the request. She stated staff will require roads and infrastructure to be in before occupancy.

She stated pedestrian walkways should be provided in the residential area and to the commercial phases.

She stated they have proposed more parking spaces than are required for the residential area.

She stated that along McClelland Circle would require landscaping as well along vehicle use areas. She stated a 20% tree canopy would be required.

Ms. Greathouse questioned if all trees would be removed from the property.

Mr. Dillow stated they are planting over a million dollars just in trees.

Mr. Schuette stated the applicant accepts the conditions of approval. He questioned if staff want the full roads constructed or just the portion that accesses the residential area. Mr. Krebs stated he thinks a revised traffic study would be needed to determine what is needed to support the residential area. Mr. Dillow stated he would prefer to do the traffic study instead of paying for more roads that might get damaged during construction.

Mr. Rehner stated that instead of the 16 units per acre they are proposing 15, which will allow extra green space.

Ms. Ketz stated that the development will be a PUD and will have some flexibility.

After further discussion, **Motion by Stone, second by Smith, to approve PDP-2024-50 subject to 17 conditions of approval and one variance. Motion carried unanimously.**

PSP-2024-64 The Paddocks at Jennings Farm – Preliminary Subdivision Plat for 103 single-family residential lots (measuring 0.295 to 1.521 ac) and new road construction located at 1538 Paynes Depot Road.

Ms. Ketz stated this is the 48.5-acre portion of the area that is proposed to be rezoned R-1C PUD. She stated two variances are requested. She stated reducing front building setback and section 6.14 of the landscape ordinance.

She stated a traffic study was done as part of the zone change request. She stated the roads would be built to city standard with the intent to have them adopted by the city. She stated an existing pump station for GMWSS is located on the property.

She stated trees are proposed to be located on the other side of the sidewalk instead of the side with utility easements. She stated pedestrian sidewalks are proposed on all sides of the lots.

She stated the proposed street would not allow street parking.

She stated the applicant requested a waiver to the buffering between the A-1 and C-1 property due to the planned use of the C-1 property within the development. She stated staff recommended in favor of the request. She stated the walking trail is proposed in the C-1 area but staff is recommending additional connectivity points to increase the usability of the trail.

She stated when South Crossing was developed staff recommended a greenbelt area. She stated staff recommend connecting the two areas and establishing a trail easement at the greenbelt boundary for future trail development.

Chairman Mifflin requested clarification regarding fence between C-1 and A-1.

Mr. Schuette requested clarification of condition of approval number ten. Ms. Ketz explained it is to make sure the trail is installed with access points. Mr. Dillow stated his father-in-law still runs cattle on the property and wants to continue to do so as long as possible. He stated he does not want to build the loop part of the trail until they are ready to no longer have the cattle on the land. Ms. Ketz stated the condition was for the loop to be built along with the roads. Mr. Fleming stated to let the Planning Commission know which phase the applicant would like the trail to be completed in. Mr. Dillow stated he would prefer with the commercial. Mr. Schuette requested the condition be removed and added prior to completion of the site on the final development plan.

Mr. Perkins questioned if requiring access to the trail is necessary. He stated over the years that trails have not worked. Mr. Fleming stated he has seen trail connections be successful in other communities. Mr. Perkins stated homeowners question security and over time access has been removed. Chairman Mifflin mentioned having the HOA maintain the accesses. Mr. Krebs stated keeping HOA's maintaining accesses has been the problem. Mr. Fleming stated staff will work with the applicant and modify the condition if necessary. Ms. Ketz stated if the area is paved with signage/fencing instead of just an easement it seems to function better.

After further discussion, **Motion by Smith, second by Green to approve PSP-2024-64 subject to 16 conditions of approval and two variances with condition 10 being amended to prior to the final development plan for the commercial area. Motion carried unanimously.**

Other Business

2025 Application Meeting Schedule Deadlines

Motion by Garrett, second by Smith to approve the 2025 Application Meeting Schedule Deadlines. Motion carried unanimously.

Zoning Code Amendments Discussion

Mr. Fleming stated R-3 zones are the highest density residential zone. He stated the variance requested earlier tonight is a common variance that is requested. He stated it would make the application process easier to allow 3 stories and 50 feet in height for any multi-family development. He stated staff would like to have an open hearing in January to discuss the change.

He stated the second proposal is related to density. He stated he had proposed 20 dwelling units per acre but after reviewing he decided that it might be premature. He stated during the agricultural stakeholders meeting that staff have been having there was talk of transfer of development rights. He stated staff are discussing identifying prime farmland and if a developer wants to go more than 16 dwelling units having to purchase dwelling unit credit. He stated more research is needed regarding increasing density.

He stated staff would like to clean up the language related to PUD's.

He stated staff are also reviewing B-1 neighborhood commercial zone and B-4 community commercial zone. He stated the goal is to modify PUD's within the zones to allow more flexibility. He stated staff would like to encourage a wide variety of mixed uses. He stated one of the proposals is to allow commercial on the first floor and residential above in the B-4 zone.

Mr. Fleming stated staff is close to identifying a downtown entertainment district. He stated if a district is identified it could help draw people to events.

He stated staff are also looking at the BP-1 use table. He stated our business park zone needs to be looked at to make sure we are attracting the types of businesses we want.

After further discussion of future changes and Planning Commission discussion, motion by Smith, second by Green to go into closed session to discuss litigation.

Motion by Smith, second by Green, to accept the judgment of Scott Circuit Court case number 24-CI-00855.

Chairman Mifflin adjourned the meeting.

Attest:

Charlie Mifflin, Chairman

Charlie Perkins, Secretary

**CHERRY BLOSSOM VILLAGE PHASE 11, TRACT 11-B
PRELIMINARY SUBDIVISION PLAT**

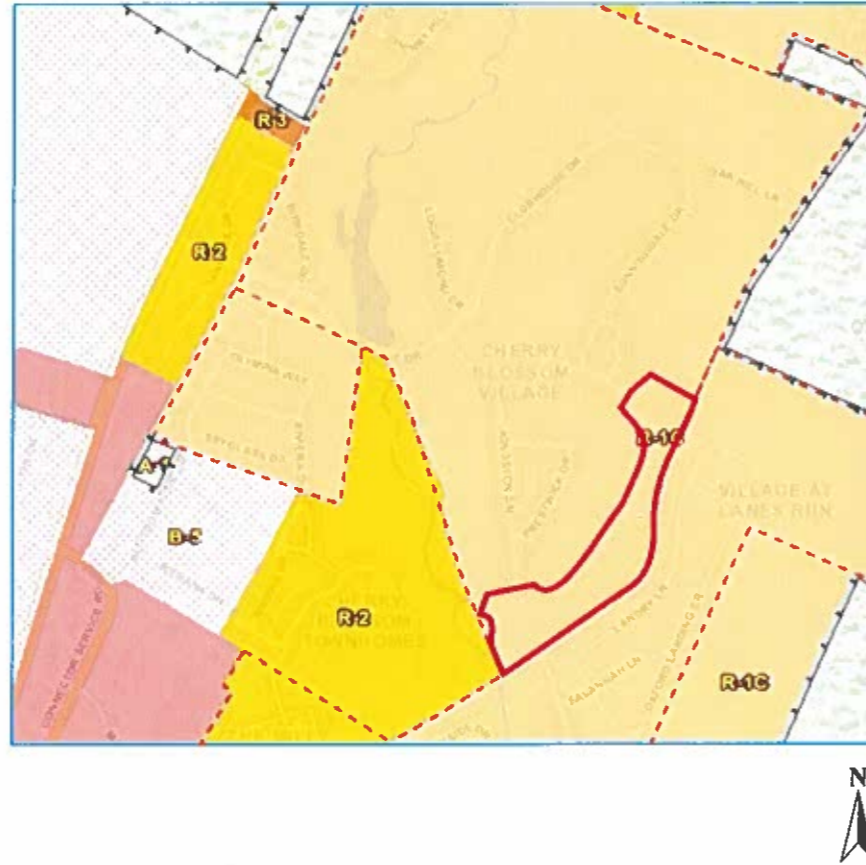
**Staff Report to the Georgetown-Scott County Planning Commission
January 9, 2025
(postponed 10/10/2024, 11/14/2024, & 12/12/2024)**

FILE NUMBER: PSP-2024-43

PROPOSAL: Preliminary Subdivision Plat for 52 single-family lots, 5 open space lots, and new public street construction

LOCATION: Parcel ID: 189-20-179.002
At southern terminus of Kingston Drive and Sunningdale Drive

OWNER: Cherry Blossom Development Co LLC
Jas Sekhon (member)



APPLICANT & CONSULTANT: Rory Kahly, EA Partners

STATISTICS:

Zone:	R-1C PUD (Single-Family Residential)
Surrounding Zones:	R-1C PUD: North, South, West, & East R-2 PUD (Medium Density Residential): South & West
Site Area:	22.197 ac
Number of Dwelling Units [Density]:	52 DU [2.34 DU per gross ac]
Proposed Development:	52 Single-Family Detached Dwellings
New Street Required:	Yes, 2,674 linear feet of new roadway

Access: Access to Old Oxford Road through extension of Sunningdale Drive
Access to Oxford Drive/Cherry Blossom Way [US-62] through existing roads with approximate 29-foot-wide ROW

Variations: Continuation of R-1C PUD Reductions:
1. Front & side yard setback variations

BACKGROUND:

The Project Site is a 22.197-acre portion of the Cherry Blossom Village property between holes 2, 3, and 4 of the golf course. It is west of Old Oxford Road and has 2,646 feet of frontage on Old Oxford Road. The property is zoned R-1C PUD, Single Family Residential. Access is proposed from Sunningdale Drive, a local continuous street, 29-foot-wide in a 60-foot-wide right-of-way, and from Kingston Drive, a local continuous street measuring 32-foot-wide in a 60-foot-wide right-of-way.

The Project Site was zoned in 1999 as part of overall Cherry Blossom Village rezoning. The residential lots were approved as part of Preliminary Master Plan (PDP-2000-19). Any subdivision of this property must comply with the conditions of approval from the rezoning of this area and any subsequent Master Development Plan. The Preliminary Master Plan shows a road connection to Old Oxford in this location.

Road Conditions

A condition of approval of the Master Plan (PDP-2000-19) and the rezoning of the property, was that two road connections from the neighborhood to Old Oxford Road be installed and road improvements be made to Old Oxford Road, the length of the subdivision frontage, to bring the road up to current standards, with acceleration and deceleration lanes at the proposed entrances.

In an analysis of traffic collisions from 2016 to 2023, the Cherry Blossom Way, Connector Road, and Osborne Way area intersections were identified as having the second highest instances of traffic collisions within the Georgetown City Limits. This is second only to the Bypass and Paris Pike intersections. Directing additional residents to an area that has been recognized to have this many traffic collisions is unsafe, and an alternative way for residents to get to their properties should be prioritized.

The Applicant proposes an extension of Kingston Drive to Old Oxford Road and improvements made to the road. The plat includes a note that Kingston Drive be gated at Lots 2 and 50 to prevent cut-through traffic but does not gate Sunningdale Drive. Kingston Drive is the main road to the core of the neighborhood, while Sunningdale Drive is winding and takes far longer to get to Oxford Drive and Cherry Blossom Way. The note pertaining to the gate states that the gate is temporary until the Lexus Way connection to Old Oxford is constructed and dedicated. Having an alternative exit onto a less congested area would alleviate the pressures of the Cherry Blossom Way and Connector Road intersections. The gated entrance should allow access for residents, government vehicles, and utility companies.

The improvement of and connection to Old Oxford Road is essential for the road connectivity needed for emergency services and to allow for local traffic dispersion in the area. Staff does not support approval of this application without the condition that the connection to Old Oxford Road and improvements (including widening) of Old Oxford Road be made prior to approval of the final plat or development plan for the property. By requiring completion of roadway improvements prior to subdivision or development,

construction traffic can be directed away from the existing community, reducing traffic through the neighborhood to the phase 11 area.

SITE PLAN REVIEW

The plat shows fifty-two (52) detached single-family residential lots and extension of Sunningdale Drive to Kingston Drive. The minimum lot width would be 70 feet wide and minimum lot size would be 8,400 SF. The phase would be developed at a density of 2.34 DU per acre. Lots 50, 51, and 52 shall be non-buildable until a study amending the floodplain boundaries is approved by FEMA. Furthermore, lots 15, 16, 17, 30, and 31 require a geotechnical study prior to issuance of building permits.

The Applicant requests continued PUD setback variances which would be for a 25-foot-wide front yard setback and 7.5-foot-wide side yard setback. The development is a Planned Unit Development, so variances to the underlying zoning setback, lot width, and area requirements is permissible, provided the variance(s) do not adversely affect the public health, safety or welfare and will not alter the essential character of the general vicinity. Besides the items noted below, the proposed lots would follow the standards for the R-1C zone.

The Applicant has not yet adequately addressed how stormwater quality and quantity will be handled with this development. Previous phases of the single-family development had stormwater being handled through an area wide stormwater plan and easements. The stormwater management plan shall be approved by the Planning Commission Engineer. A homeowners' association will be required for the maintenance of common areas and facilities.

RECOMMENDATION:

Staff recommends **Approval** of the Preliminary Subdivision Plat for Cherry Blossom Village Phase 11 Tract 11B with the following variances, waivers and conditions of approval:

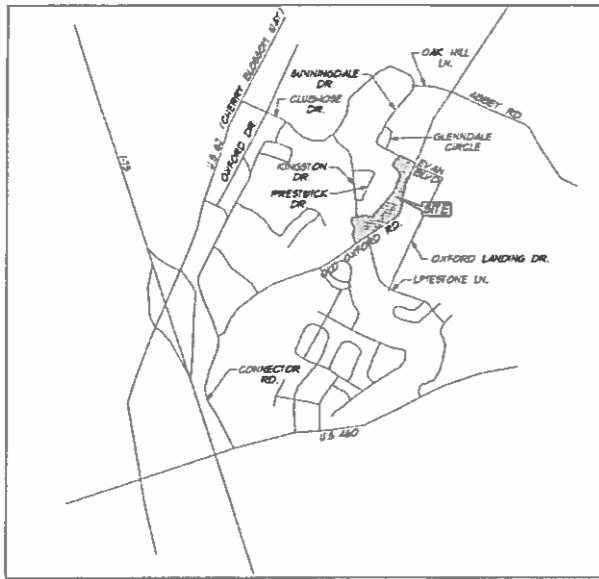
Variances & Waivers:

1. Variance to front yard setback from 30 feet to 25 feet.
2. Variance to side yard setback from 10 feet to 7.5 feet.

Conditions of Approval:

1. All applicable requirements of the *Zoning Ordinance and Subdivision & Development Regulations*.
2. Any revisions or amendments to the approved Preliminary Subdivision Plat shall be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
3. Prior to (as part of) the Final Subdivision Plat approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved plat.
4. This Preliminary Subdivision Plat approval is valid for two years, subject to the requirements of Article 306 section A of the *Subdivision and Development Regulations*.
5. All requirements of GMWSS regarding sanitary sewer services.
6. All requirements of Georgetown Fire Department regarding fire hydrant locations and emergency vehicle accessibility.
7. Prior to Final Subdivision Plat approval providing the City Engineer with a street lighting plan in accordance with the adopted ordinance.
8. HOA documents shall be submitted for review and be recorded with the Final Subdivision Plat.

9. There shall be no grading or construction on the site until required plans (i.e., drainage plans) including Construction Plans and Final Development Plans have been reviewed and approved by all parties and agencies.
10. The applicant shall be responsible for all offsite road and public water and sewer improvements required to serve the proposed development.
11. The Applicant shall make the connection and improvements to Old Oxford Road as part of this phase of development in accordance with the previous phases agreed upon conditions and Article X of the *Georgetown-Scott County Subdivision and Development Regulations*. The connections and improvements to Old Oxford Road shall be completed prior to the recording of the final subdivision plat.



VICINITY MAP
(NOT TO SCALE)

STREET CENTERLINE CURVE DATA

CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	100.00'	18.57'	18.57'	S 84° 42' 00" E
C2	100.00'	18.57'	18.57'	S 84° 42' 00" E
C3	100.00'	18.57'	18.57'	S 84° 42' 00" E
C4	100.00'	18.57'	18.57'	S 84° 42' 00" E
C5	100.00'	18.57'	18.57'	S 84° 42' 00" E
C6	100.00'	18.57'	18.57'	S 84° 42' 00" E
C7	100.00'	18.57'	18.57'	S 84° 42' 00" E
C8	100.00'	18.57'	18.57'	S 84° 42' 00" E

UTILITY EASEMENT DESCRIPTION

EASEMENTS GRANT AND CONVEY TO THE KENTUCKY UTILITIES COMPANY (KUC) AND THE KENTUCKY POWER COMPANY (KPC) THE BARBER CABLE, COLEMAN GAS OF KENTUCKY INC. (KCI), AND THEIR SUCCESSORS, ASSIGNS AND LEASEES, THE RIGHT TO LAY, REPAIR, MAINTAIN, OPERATE AND CONSTRUCT AND MAINTAIN FACILITIES LOCATED ON THE EASEMENTS OR IN SUCH PROXIMITY THEREBY THAT IN FALLING THEY WOULD INTERFERE WITH THE OPERATION AND MAINTENANCE OF SAID FACILITIES OR BUILDING OR OTHER STRUCTURE SHALL BE ERECTED, AND NO LANDFILL OR EXCAVATION OR OTHER CHANGE OF GRADE IN EXCESS OF 6" SHALL BE PERFORMED UPON SAID EASEMENT AFTER INSTALLATION OF FACILITIES. IT IS ALSO GRANTED THAT THE RIGHT OF INTEREST AND EGRESS BE GRANTED TO OWNERS OF THE UTILITY EASEMENT AS REQUIRED TO CONSTRUCT, OPERATE, MAINTAIN, REPLACE AND REPAIR FACILITIES WITHIN SAID EASEMENTS.

DRAINAGE EASEMENT DESCRIPTION

DRAINAGE EASEMENTS GRANT AND CONVEY TO THE KENTUCKY UTILITIES COMPANY (KUC) AND THE KENTUCKY POWER COMPANY (KPC) THE BARBER CABLE, COLEMAN GAS OF KENTUCKY INC. (KCI), AND THEIR SUCCESSORS, ASSIGNS AND LEASEES, THE RIGHT TO LAY, REPAIR, MAINTAIN, OPERATE AND CONSTRUCT AND MAINTAIN FACILITIES LOCATED ON THE EASEMENTS OR IN SUCH PROXIMITY THEREBY THAT IN FALLING THEY WOULD INTERFERE WITH THE OPERATION AND MAINTENANCE OF SAID FACILITIES OR BUILDING OR OTHER STRUCTURE SHALL BE ERECTED, AND NO LANDFILL OR EXCAVATION OR OTHER CHANGE OF GRADE IN EXCESS OF 6" SHALL BE PERFORMED UPON SAID EASEMENT AFTER INSTALLATION OF FACILITIES. IT IS ALSO GRANTED THAT THE RIGHT OF INTEREST AND EGRESS BE GRANTED TO OWNERS OF THE UTILITY EASEMENT AS REQUIRED TO CONSTRUCT, OPERATE, MAINTAIN, REPLACE AND REPAIR FACILITIES WITHIN SAID EASEMENTS.

PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTENANCE OF THE DRAINAGE EASEMENTS ON THEIR PROPERTY. INDIVIDUAL PROPERTY OWNERS ARE NOT RESPONSIBLE FOR MAINTENANCE OF THE DETENTION BASIN.

CERTIFICATION OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN/PLAN OF THE DEVELOPMENT WITH MY (OUR) FREE CONSENT, ESTABLISH THE HIGHWAY, BUILDING, RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, EASES, RIGHTS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS SHOWN, IN ACCORDANCE WITH THE GEORGETOWN-SCOTT COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS, UNLESS OTHERWISE NOTED.

M

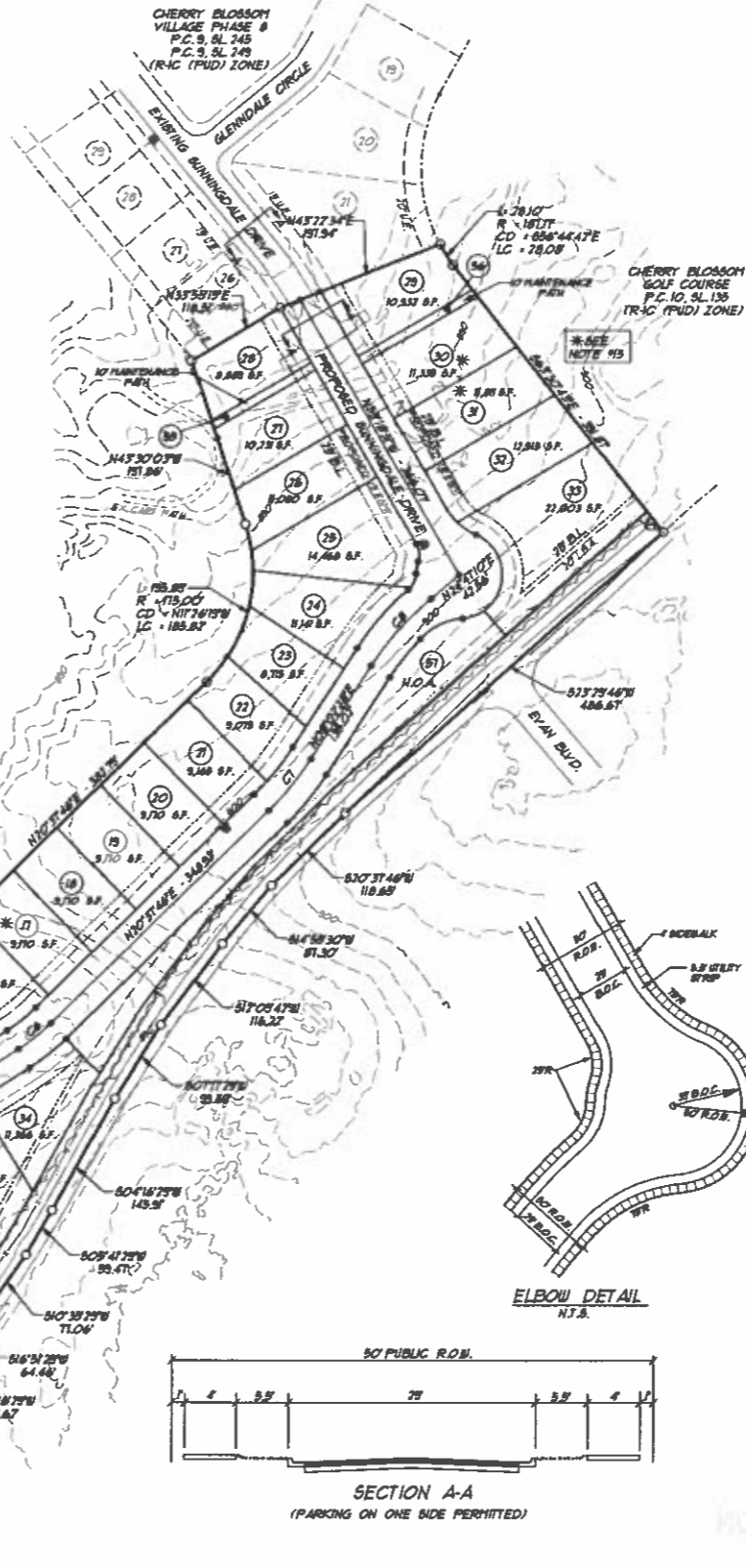
SIGNATURE OF OWNER OR OWNERS

CERTIFICATION OF PRELIMINARY PLAN APPROVAL

I HEREBY CERTIFY THAT THE PRELIMINARY SUBDIVISION PLAN SHOWN HEREON HAS BEEN FOUND TO CONFORM WITH THE SUBDIVISION AND DEVELOPMENT REGULATIONS FOR GEORGETOWN AND SCOTT COUNTY, KENTUCKY, WITH THE EXCEPTION OF SUCH VARIANCES IF ANY, AS ARE NOTED IN THE NOTES OF THE PLANNING COMMISSION. THIS APPROVAL DOES NOT CONSTITUTE APPROVAL TO BEGIN CONSTRUCTION OR OBTAIN A BUILDING PERMIT.

M

DIRECTOR, GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION



DEVELOPMENT NOTES:

- All applicable requirements of the subdivision regulations shall be met.
- All requirements of Georgetown Municipal Water and Sewerage shall be met for service.
- Landscaping shall conform to the Georgetown-Scott County Zoning Ordinance pertaining to the requirements for R-1C(PUD) Zoning.
- Construction documents shall be approved prior to any construction.
- Utility locations shown are subject to further review by utility companies and shall be revised as their direction on Final Subdivision Plat.
- Five hydrant locations to be approved by the Georgetown Fire Department prior to approval of Final Subdivision Plat. Proposed locations are shown hereon.
- Lot backing up to a detention area shall have a finished floor elevation 1' higher than flood stage. This will be denoted on final subdivision plat.
- Street layout and bond is required with city engineer prior to final subdivision plat approval. Tranching and conduit will be provided by the developer for installation of street lights.
- Access shall be limited as indicated on this plan.
- Storm sewers and storm water retention basins shall meet the specifications and approval of the planning commission engineer.
- All areas that have been disturbed by grading shall have temporary vegetative cover provided. Such cover shall consist of annual grasses or soil grain. Slopes exceeding 4:1 shall have additional provision of adequate mulching or seed in order to prevent erosion.
- There are no significant areas of tree clusters remaining on this property. All efforts shall be made to preserve existing trees along Old Oxford Road.
- The gated access is for city vehicles and residents only. Proposed gate is temporary until the Lexington Drive connection to Old Oxford Road is constructed and dedicated.
- No double frontage lots shall have access to Old Oxford Road.
- Lots 15, 16, 17, 30 & 31 require a geotechnical report performed prior to the issuance of building permits.
- Lots 50, 51 & 52 shall be non-buildable until a LOPTR is accepted by FEMA. Grading and construction of Kingston Drive connection to Old Oxford Road will affect the same floodplain.
- The Owner/Developer will work with engineering on future traffic calming features within the development.
- Lot #49 shall have vehicular access from Binningdale Drive only.
- The golf cart pass-way will require concrete aprons to the public right-of-way and street signage.

SITE STATISTICS:

ZONE = R-1C (PUD)
 AREA = 22.20 ACRES
 NO. OF LOTS = 51
 (52 BUILDABLE LOTS, R.O.B. & 1 H.O.A./GOLF COURSE LOT)
 AREA OF R.O.B. = 5.15 ACRES
 TYPICAL LOT SIZE = 10,110 S.F.
 LENGTH OF STREET = 1,814'
 DENSITY = 2.34 BUILDABLE LOTS/ACRE
 MINIMUM LOT SIZE = 8,400 S.F.
 SMALLEST LOT SIZE = 8,715 S.F. (LOT 23)
 LARGEST LOT SIZE = 22,003 S.F. (LOT 33)

PURPOSE OF PLAN:

TO REFLECT DEVELOPMENT OF 52 SINGLE FAMILY LOTS, 5 OPEN SPACE LOTS AND THE PUBLIC STREET. THE OPEN SPACE LOTS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION OR INCORPORATED INTO THE COUNTRY CLUB PROPERTY.

R-1C (PUD) REQUIREMENTS:

MINIMUM LOT SIZE = 8,400 S.F.
 MINIMUM LOT WIDTH = 10' L.F.
 FRONT YARD = 25' L.F.
 REAR YARD = 25' L.F.
 SIDE YARD = 15' L.F.

OWNER/DEVELOPER:
 CHERRY BLOSSOM
 GOLF COURSE
 150 CLUBHOUSE DR.
 LEXINGTON, KY 40505

EA Partners, PLLC
 CIVIL ENGINEERING • LAND SURVEYING • LANDSCAPE ARCHITECTURE
 LEXINGTON, KENTUCKY 40513
 PHONE: 606.259.2800
 FAX: 606.259.2807

PRELIMINARY SUBDIVISION PLAN
CHERRY BLOSSOM VILLAGE
 PHASE 10, TRACT 11-D
 GEORGETOWN, SCOTT COUNTY, KENTUCKY

DRAWN: DKB
 DATE: 01/02/24
 CHECKED: REW
 REVISION: 09/03/24
 12/26/24

SHEET
1
 PSP-2024-01

1/23/24 per Photo Sketch Plan page

**AMERSON COMMERCIAL
FINAL DEVELOPMENT PLAN**

**Staff Report to the Georgetown-Scott County Planning Commission
January 9, 2025
(postponed 12/12/2024)**

FILE NUMBER: FDP-2024-63

PROPOSAL: Final Development Plan for multi-phased commercial development including seven (7) mixed commercial buildings with associated parking and landscaping

LOCATION: Amerson Way, School House Road, Peach Tree Lane and McClelland Circle (192-10-002.002 & 192-10-002.003)

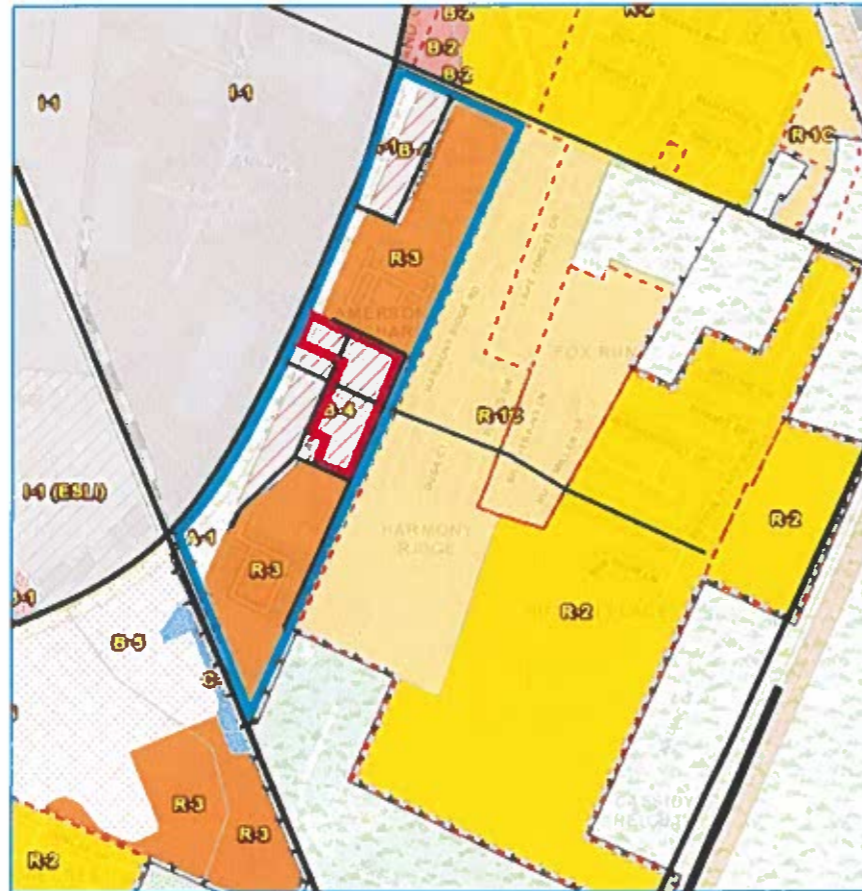
OWNER: Anderson Amerson LLC, Dennis Anderson (member)

APPLICANT: Anderson Amerson LLC, Mike Craft (Member)

CONSULTANT: Clay Johnson, Tarr Group

STATISTICS:

Zone: B-4 PUD (Community Commercial)
Surrounding Zones: B-4 PUD: West
R-1C PUD (Single-Family Residential): North, South, & East
R-3 PUD (High Density Residential): North & South



Site Area:	10.94 ac, across 8 proposed lots (0.76 ac to 3.03 ac)
Proposed Development:	Mixed Use Commercial
Proposed Development Area [Total]:	7 Commercial Buildings (3,200 SF to 14,442 SF) [54,688 SF]
Proposed Building Lot Coverage:	11.47%
Parking Required [Metric]:	219 spaces (31 ADA) [One space per 250 SF GFA]
Parking Proposed:	741 spaces (24 ADA)
Access:	Existing Private Street to Existing Public Street to McClelland Circle
Variances:	<ol style="list-style-type: none"> 1. Variance to parking along lot frontage 2. Variance to building maximum setback from road.

BACKGROUND:

The Project Site a multi-lot area measuring 10.94 acres in total that is zoned B-4 located central to the Amerson Farms Commercial area at the intersection of McClelland Circle and Pleasant View Drive. The area is shown as eight (8) lots for the purposes of phasing the development, 7 of which having buildings and parking and one of which being parking only. Properties along McClelland Circle are already developed with a mix of commercial, single-family and multi-family residential properties and uses.

An application to rezone the larger 91.7-acre Amerson Farm was filed and approved in 2009 from A-1 Agricultural to R-3 PUD (High Density Residential) and B-4 PUD (Community Commercial). Since rezoning, there are multiple previous Preliminary Development Plans/Subdivision Plats filed for the property. Commercial development was approved in phases in 2013, 2014, 2017, 2018, and 2021.

The plans in 2013 (PDP/PSP-2013-25 & 26), 2017 (PDP/PSP-2017-20), and 2018 (PDP-2018-51) depict development of the Project Site, with the 2013 plan being those lots with frontage onto McClelland Circle, 2017 plan being all lots shown presently, and 2018 being the total area master plan. The 2013 and 2014 plans predated the sunset clause and therefore are still considered "active" PDPs/PSPs, however the 2017 plan was approved after the sunset clause and without action taken it is no longer considered active. The Applicant has submitted the current plans that are identical to those submitted in 2017 for reapproval of the preliminary development plans.

SITE PLAN REVIEW

The proposal is to construct seven (7) new commercial buildings across the 10.94-acre site area. Building sizes range from 3,200 SF (Lot 4) to 14,442 SF (Lots 1A & 2A). The total building coverage is 11.47% of the total lot area, which is well below the 35% maximum for the zone. Depending on the location on site, lots may be considered single, double, or triple frontage. The development is within the setback requirements for the B-4 zoning district, which are as follows:

- 35-foot maximum front yard setback to roads interior to the zone
- 0-foot side yard setback
- 0-foot rear yard setback
- 50-foot setback from B-4 zone perimeter (on any side)

The Applicant is requesting two variances to lot layout; the first being to the maximum setback from roadway and the second being the placement of parking in front of the buildings, or between the

buildings and the road, for Lots 1B, 1C, 2B, 2C, & 4 (all of which with access/frontage onto Amerson Way). The variance requests would result in the buildings on Lots 1B, 2C, and 4 being 90 feet from the edge of pavement and the buildings on Lots 1C & 2B being 86 feet from the edge of pavement of Amerson Way and for parking spaces to be between the buildings and the roadway. As a PUD, the Applicant is afforded additional accommodation if they can demonstrate that the layout and development meet the expectations and requirements of a planned commercial area.

In keeping with the intent of the B-4 zoning district, Staff would prefer to see the main commercial street be lined with buildings, not personal vehicles or empty parking spaces. The project may be best served by creating a walkable streetscape and allowing for more suburban design of the out lots on the secondary street. As shown, the first section of the block (Lots 1A and 2A) is fronted with interior parking lots. Buildings at the corner of the Amerson Way and Pleasant View Drive intersection is important to anchor the block.

One of the lots which received preliminary development plan approval as part of the 2017 plans did submit final development plan approval and has been built with the orientation of vehicles between the road and the building frontage. In the interest of retaining consistent lot and building layout, Staff recommends approval of the requested variances.

Open Space Requirements

The conditions of the zone change in 2009 explicitly required "a minimum least 10% of the gross area of the development shall be provided in usable open space". An inventory of "usable open space" must be provided to ensure compliance with this condition. Staff recommends keeping this condition of approval and the Applicant be required to submit an open space plan to ensure continued compliance with this condition.

In this instance, it may be beneficial to slide the buildings on lot 1B and 1C to the west to occupy the corner of the lot and provide some outdoor seating or public space on the east side of those lots nearer the traffic circle/centerpiece. There is already an overabundance of surface parking (discussed below) and the spaces besides areas of commercial activity would be the prime locations for thoughtfully designed usable outdoor public space that is accessible to the pedestrians using the commercial area serves rather than the motoring public's surface parking.

Trip Generation

Staff requested an updated traffic analysis with trips generated from the proposed use to compare against the Amended Traffic Study submitted in 2014 for the Amerson Apartments PDP (PDP-2014-22). In summary, the analysis found that the AM commercial trips changed from 200 trips in 2014 to 323 trips in 2024 and the PM commercial trips changed from 818 trips in 2014 to 733 trips in 2024. The increase in morning trips can also be attributed to the bank that was built in 2021, which often maintain different operating hours from a traditional shopping center.

Access & Circulation

Primary access through the site is from a public roadway, Pleasant View Drive, which has a short segment of private access easement between Lots 1A and 1C and Lots 2A and 2B before becoming public again at the School House Road intersection. The segment of Pleasant View Drive that is a private access easement has space for diagonal parking in front of the buildings. Public roads encircle the

central area proposed for development (with exception for Lot 4) that have been built with the intent of adoption into the public roads system.

The signalization of the main intersection of Pleasant View Drive at McClelland Circle has been a longstanding concern as this property and others have developed over time. KYTC requires a warrant study that shows that traffic volume is sufficient enough to warrant a light before a light could be approved. While outside of local control, Staff recommends conditioning that all traffic control improvements be installed at the cost of the Applicant/developer.

Pedestrian Improvements

Pleasant View Drive is shown with a 10' sidewalk in front of the buildings, which is similar to what is found in downtown Georgetown. Curb ramps and crosswalks should be provided where necessary on the Final Development Plan. Per the *Subdivision & Development Regulations*, pedestrian walkways should be provided on all sides of proposed lots that abut private or public rights-of-way. Sidewalks should be provided to and through the proposed commercial areas to all existing residential and commercial areas. These pedestrian walkways should be landscaped and kept in good repair. Walkways should be of a material different than that used for vehicles to differentiate the different users.

In the 2017 plan, the Applicant to enhance pedestrian access and circulation by widening the sidewalk to 6-foot-wide on Amerson Way and providing pedestrian crossing or striping through the parking lots to the main building entrances. Staff recommends continuing to require the Applicant to provide said walkways.

Parking

Per the *Zoning Ordinance*, B-4 developments should be provided on a basis of one space for every 250 SF of floor area, or in this instance 219 spaces across the eight lots. The site plan shows that the site has much more surface parking than what is required by ordinance as the Applicant proposes the construction of 741 spaces, with 24 ADA accessible spaces. Staff recommends converting some of the parking spaces to usable open space and community amenities.

The applicant has provided sufficient parking on all the individual lots but should provide a cross access and parking agreement prior to Final Development Plan approval, since it is a planned commercial center and cross lot parking is encouraged. While the standard spaces greatly exceed the number required by ordinance, ADA spaces are calculated based upon the number of spaces provided, and an additional 7 spaces must be designated, specifically on lots 1A, 2E and 4.

Landscape & Land Use Buffers

A separate preliminary landscape plan sheet was not submitted with corrections; however, some landscaping has been shown on the overall site plan. Staff has listed all requirements below as a reminder of what is required of the Applicant and will check the final plans for compliance with these requirements. It is understood that some of these requirements may already be satisfied, but given the scale of the document, it is unclear if the plans are in full compliance with the regulations.

Section 6.12: Property Perimeter Requirements

The Landscape & Land Use Buffers Ordinance requires a 20-foot-wide buffer area for double-frontage commercial properties, and for those areas to be populated with 1 medium or large tree per 30 feet of linear boundary plus planting of 6-foot-tall continuous buffer. This requirement would be applicable to the west boundary of Lot 4.

Section 6.13: Vehicular Use Area Perimeter Requirements

The Landscape & Land Use Buffers Ordinance requires a 3 to 5-foot-wide buffer area between a vehicular use area (VUA) and either any property in any zone or an adjoining public or private street, right-of-way, access road or service road, and for those areas to be populated with 1 medium or large tree per 40 feet of linear boundary plus a 3-foot-tall continuous buffer. This is required along all boundaries of the lots.

Section 6.22: Interior Landscaping for Vehicular Use Areas

The Landscape & Land Use Buffers Ordinance requires for open VUAs of 6,000 SF area (or greater) necessitates interior landscaped area 10% the size of the VUA and for those areas to be populated with 1 tree per 250 square feet of interior landscaped area. The development plan shows the construction of 286,869 SF of VUA, which would result in at least 28,686 SF of ILA installed and 137 ILA trees. The preliminary plan states an intent to install 34,170 SF of ILA which satisfies the area requirement. However, the plan does not identify which areas are for ILA nor which trees are ILA trees.

Section 6.2215: Minimum Canopy Requirements

As the area will be completely redeveloped and no existing trees will remain, 24% tree canopy will be required on the property, equivalent to 114,371 SF of canopy. The Applicant proposes the planting of 165 trees of unspecified size.

Additional Considerations

Legacy Trail

The Legacy Trail is proposed to follow McClelland Circle from the railway through the property to Lemons Mill Road. Per the conditions of approval of the Amended Concept Plan (PDP-2018-51), "The Applicant shall coordinate construction of the Legacy Trail through the Project Site with the appropriate local agencies in order to utilize this trail section as local match on federal trail grant applications". Staff recommends including this condition of approval in this development plan and in all future phases of site development.

Open Space Requirement

ZMA-2009-21 included a condition of approval that the larger property maintain a minimum of 10% of site area as "usable open space". Staff recommends keeping this condition of approval and the Applicant be required to submit an open space plan to ensure continued compliance with this condition.

Royal Spring Wellhead Committee

The subject property is partially located in the Royal Springs Aquifer Recharge Area and thus will need approval from the Wellhead Protection Committee. The Wellhead Protection Committee will need to review and approve the project prior to Final Development Plan approval. Any conditions or restrictions determined by the committee will need to be followed prior to Final Development Plan approval.

Stormwater:

There is a master stormwater plan for the project. The Planning Commission Engineer will need to review and approve the stormwater management plan prior to Final Development Plan approval. A Final Stormwater Management Plan must be submitted and approved by the Planning Commission Engineer meeting all requirements of the Georgetown Stormwater Manual prior to approval of the Final Development Plan.

Lighting and Signage:

The photometric plan will be reviewed in detail as part of the Final Development Plan review. Staff recommends that all exterior lighting should be designed to minimize off-site impacts.

RECOMMENDATION:

Staff recommends **Approval** of the Preliminary Development Plat for Amerson Commercial with the following variances, waivers and conditions of approval:

Variances & Waivers:

1. Variance to maximum building setback from Amerson Way from 35 feet to 90 feet for Lots 1B & 2C, & 4 and 35 feet to 86 feet for Lots 1C & 2B.
2. Waiver to allow for parking lots along road frontage from School House Road for Lots 1A, 2A, and 2E, from Peach Tree Lane for Lot 2E, from Amerson Way for Lots 1B, 1C, 2B, 2C, and 4.

Conditions of Approval:

1. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
2. All conditions of approval from ZMA-2009-21, PDP-2017-20, and PDP-2018-51.
3. All conditions of the Wellhead Protection Committee.
4. Any revisions or amendments to the approved Preliminary Development Plan shall be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
5. This Preliminary Development Plan approval is valid for two years, subject to the requirements of Article 406 section A of the *Subdivision and Development Regulations*.
6. Prior to any construction or grading, a Final Development Plan, including all required construction plans, shall be approved by the Planning Commission staff and the applicant shall schedule a Pre-Construction Meeting with the Planning Commission Engineering Department to review construction policies and to establish inspection schedules. This includes a Grading Permit with fee and a Land Disturbance Permit with erosion control surety.
7. Prior to (as part of) the Final Development Plan approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved plan.
8. The Final Development Plan shall comply with all stormwater management requirements according to the current Stormwater Manual including a post-construction stormwater management BMP O&M agreement.
9. A photometric plan shall be submitted and approved as part of the Final Development Plan. The Applicant shall direct lighting away from adjoining property and not have any off-site impact.
10. A species-specific landscape plan shall be included with the Final Development Plan indicating all trees to be preserved during construction.
11. The Applicant shall submit a total site open space plan for review by the Planning Commission Staff for compliance with previous conditions prior to Final Development Plan approval.
12. The Applicant shall coordinate construction of the Legacy Trail through the Project Site with the appropriate local agencies in order to utilize this trail section as local match on federal trail grant applications
13. All requirements of the Georgetown Fire Department regarding fire hydrant locations and emergency vehicle accessibility.
14. All requirements of GMWSS regarding sanitary sewer services.
15. The applicant shall be responsible for all offsite road and public water and sewer improvements required to serve the proposed development.

16. The Applicant shall install all traffic control devices, including a traffic light, at the Applicant's/Developer's expense. The timeline for traffic light installation shall be at KYTC discretion.
17. A sidewalk plan shall be submitted along with the Final Development Plan. Sidewalks shall be kept in good repair and provide safe pedestrian circulation to all the units and off-site parking areas, shared facilities and public streets. Connections from the commercial area shall be made to any and all existing and proposed commercial, conservation, recreation, and residential areas.

Elise Ketz

From: Clay Johnson <clay@tarr-group.com>
Sent: Wednesday, November 27, 2024 10:54 AM
To: Elise Ketz
Cc: Mike Craft; Jacob Walker
Subject: [EXT]Amerson Commercial Reauthorization - Traffic Study Review

Elise,

As part of your TRC comments, you wanted us to look at the change in trip generation numbers from the 2014 Traffic Impact Study, produced by Integrated Engineering (now Prime AE). The table below compares the ITE values from 2014 to the newest edition of the ITE Manual.

Southern Portion of Amerson Farms Development - 2014

ITE Land Use Code	Land Use Description	Ind. Var (X)	Ind. Var. Units	AM Peak Trips Generated (2014)	PM Peak Trips Generated (2014)
210	Single-Family Detached Housing	158	Dwelling Units	123	167
230	Residential Condominium/Townhouse	40	Dwelling Units	24	52
820	Shopping Center	150	1000 sf GLA	200	818
			Total	347	1037

Southern Portion of Amerson Farms Development - Current

ITE Land Use Code	Land Use Description	Ind. Var (X)	Ind. Var. Units	AM Peak Trips Generated (2024)	PM Peak Trips Generated (2024)
230	Residential Condominium/Townhouse	253	Dwelling Units	125	138
820	Shopping Center	150	1000 sf GLA	236	614
560	Church	34.5	1000 sf GLA	23	29
912	Bank	4.3	1000 sf GLA	64	90
			Total	448	871

In summary, the AM peak has increased from 347 trips to 448 trips mainly due to the bank traffic in the morning, however the PM peak has decreased to 871 trips from 1037 trips. This is largely due to the updated studies on Condo/Townhouses and Shopping Centers. It seems less people go to a shopping center after work now than they did in 2014, but this could be due to more people working from home and work flexibility, less people now must go to these places on their way home from work. Overall, the PM peak has been reduced with the new ITE manual, and the morning increase still brings the AM peak well below the 2014 PM peak which was previously approved.

FIRE HYDRANT

ZONE: R-1C

FIRE HYDRANT

SCHOOL HOUSE ROAD

LOT 1A
2.18 ACRES
(94,899 S.F.)
ZONE B-4 P.U.D.

LOT 2A
2.13 ACRES
(92,783 S.F.)
ZONE B-4 P.U.D.

LOT 1B
1.02 ACRES
(44,503 S.F.)
ZONE B-4 P.U.D.

LOT 1C
0.89 ACRES
(38,878 S.F.)
ZONE B-4 P.U.D.

LOT 2B
0.88 ACRES
(38,839 S.F.)
ZONE B-4 P.U.D.

LOT 2C
0.78 ACRES
(33,054 S.F.)
ZONE B-4 P.U.D.

ZONE: R-3

AMERSON WAY

SAN PEACHTREE LANE

NOT INCLUDED IN
FDP
PDP 2021-28
FDP APPROVED:
2/27/2022

AREA NOT INCLUDED IN FDP

BAPTIST
MCLELLAND CIR
DB 446 PG 772

BAPTIST
MCLELLAND CIR
DB 446 PG 772



GRAPHIC SCALE

NOT INCLUDED IN FDP
PDP 2017-56
FDP APPROVED:
1/3/20

NOT INCLUDED IN FDP
PDP 2017-20
FDP APPROVED:
10/16/2018

50' SETBACK

50' SETBACK

160

LOT 1A

PROPOSED USE: MIXED COMMERCIAL

LOT STATISTICS:

94,899 SQ. FEET
2.18 ACRES

BUILDING STATISTICS

SIZE ALLOWED: 33,215 SF
SIZE PROPOSED: 14,442 SF
PARKING SPACES REQUIRED: 58
PARKING SPACES PROPOSED: 173
ADA PARKING SPACES REQ'D/PROPOSED: 5

VUA: 49,395 SF

10% INTERIOR VUA REQUIRED: 4,939 SF
INTERIOR VUA PROPOSED: 5,499 SF

LANDSCAPING:

CANOPY REQUIRED (24%): 31 TREES
CANOPY PROPOSED (24%): 31 TREES
3' AVG. HEIGHT CONTINUOUS HEDGE.

LOT 2B

PROPOSED USE: MIXED COMMERCIAL

LOT STATISTICS:

38,839 SQ. FEET
0.89 ACRES

BUILDING STATISTICS

SIZE ALLOWED: 13,594 SF
SIZE PROPOSED: 5,302 SF
PARKING SPACES REQUIRED: 21
PARKING SPACES PROPOSED: 54
ADA PARKING SPACES REQ'D/PROPOSED: 3

VUA: 21,334 SF

10% INTERIOR VUA REQUIRED: 2,133 SF
INTERIOR VUA PROPOSED: 2,951 SF

LANDSCAPING:

CANOPY REQUIRED (24%): 13 TREES
CANOPY PROPOSED (24%): 13 TREES
3' AVG. HEIGHT CONTINUOUS HEDGE.

LOT 4

PROPOSED USE: MIXED COMMERCIAL

LOT STATISTICS:

55,321 S.F.
1.27 ACRES

BUILDING STATISTICS

SIZE ALLOWED: 17,891 SF
SIZE PROPOSED: 3,200 SF
PARKING SPACES REQUIRED: 13
PARKING SPACES PROPOSED: 38
ADA PARKING SPACES REQ'D/PROPOSED: 1

VUA: 24,751 SF

10% INTERIOR VUA REQUIRED: 2,475 SF
INTERIOR VUA PROPOSED: 3,038 SF

LANDSCAPING:

CANOPY REQUIRED (24%): 17 TREES
CANOPY PROPOSED (24%): 17 TREES
3' AVG. HEIGHT CONTINUOUS HEDGE.

LOT 1B

PROPOSED USE: MIXED COMMERCIAL

LOT STATISTICS:

44,503 SQ. FEET
1.02 ACRES

BUILDING STATISTICS

SIZE ALLOWED: 15,576 SF
SIZE PROPOSED: 6,000 SF
PARKING SPACES REQUIRED: 24
PARKING SPACES PROPOSED: 54
ADA PARKING SPACES REQ'D/PROPOSED: 3

VUA: 24,191 SF

10% INTERIOR VUA REQUIRED: 2,419 SF
INTERIOR VUA PROPOSED: 2,588 SF

LANDSCAPING:

CANOPY REQUIRED (24%): 15 TREES
CANOPY PROPOSED (24%): 15 TREES
3' AVG. HEIGHT CONTINUOUS HEDGE.

LOT 2C

PROPOSED USE: MIXED COMMERCIAL

LOT STATISTICS:

33,054 SQ. FEET
0.76 ACRES

BUILDING STATISTICS

SIZE ALLOWED: 11,569 SF
SIZE PROPOSED: 6,000 SF
PARKING SPACES REQUIRED: 24
PARKING SPACES PROPOSED: 41
ADA PARKING SPACES REQ'D/PROPOSED: 2

VUA: 18,848 SF

10% INTERIOR VUA REQUIRED: 1,885 SF
INTERIOR VUA PROPOSED: 2,005 SF

LANDSCAPING:

CANOPY REQUIRED (24%): 11 TREES
CANOPY PROPOSED (24%): 11 TREES
3' AVG. HEIGHT CONTINUOUS HEDGE.

LOT 2E

PROPOSED USE: MIXED COMMERCIAL

LOT STATISTICS:

39,204 S.F.
0.90 ACRES

BUILDING STATISTICS

SIZE ALLOWED: 46,153 SF
SIZE PROPOSED: 14,442 SF
PARKING SPACES REQUIRED: 0
PARKING SPACES PROPOSED: 117
ADA PARKING SPACES REQ'D/PROPOSED: 0

VUA: 37,783 SF

10% INTERIOR VUA REQUIRED: 3,778 SF
INTERIOR VUA PROPOSED: 4,551 SF

LANDSCAPING:

CANOPY REQUIRED (24%): 22 TREES
CANOPY PROPOSED (24%): 22 TREES
3' AVG. HEIGHT CONTINUOUS HEDGE.

LOT 1C

PROPOSED USE: MIXED COMMERCIAL

LOT STATISTICS:

38,878 SQ. FEET
0.89 ACRES

BUILDING STATISTICS

SIZE ALLOWED: 13,607 SF
SIZE PROPOSED: 5,302 SF
PARKING SPACES REQUIRED: 21
PARKING SPACES PROPOSED: 53
ADA PARKING SPACES REQ'D/PROPOSED: 3

VUA: 21,337 SF

10% INTERIOR VUA REQUIRED: 2,134 SF
INTERIOR VUA PROPOSED: 2,789 SF

LANDSCAPING:

CANOPY REQUIRED (24%): 13 TREES
CANOPY PROPOSED (24%): 13 TREES
3' AVG. HEIGHT CONTINUOUS HEDGE.

LOT 2D

PROPOSED USE: MIXED COMMERCIAL

LOT STATISTICS:

47,008 SQ. FEET
1.08 ACRES

BUILDING STATISTICS

SIZE ALLOWED: 16,463 SF
SIZE PROPOSED: 6,000 SF
PARKING SPACES REQUIRED: 24
PARKING SPACES PROPOSED: 70
ADA PARKING SPACES REQ'D/PROPOSED: 3

VUA: 29,643 SF

10% INTERIOR VUA REQUIRED: 2,964 SF
INTERIOR VUA PROPOSED: 3,206 SF

LANDSCAPING:

CANOPY REQUIRED (24%): 15 TREES
CANOPY PROPOSED (24%): 15 TREES
3' AVG. HEIGHT CONTINUOUS HEDGE.

VARIANCE REQUESTED

- 1. SECTION 4.444.E. PARKING AND LOT FRONTAGE LOTS 1C, 2B AND 2C
- 2. SECTION 4.444.C. 35 'BUILD TO' LINE. LOTS 1A, 2A, 1C, AND 2B ALONG PLEASANT VIEW DRIVE, AND ALL LOTS FRONTING EMERSON WAY EXCEPT LOTS 8 AND 9

PREVIOUS VARIANCE GRANTED (PDP 2013-26)

10' FRONT BUILDING LINE FOR R-3 ZONE TOWNHOMES
13' REAR SETBACK PART OF PRIVATE ALLEY

ROYAL SPRINGS AQUIFER NOTE

PROJECT APPROVAL GRANTED FROM ROYAL SPRINGS WELLHEAD PROTECTION COMMITTEE ON 11-14-2024 WITH FOLLOWING CONDITION:

- 1. TWO (2) EDUCATIONAL SIGNS SHALL BE PLACED ON THE SITE AT A LOCATION APPROVED BY THE COMMITTEE AT TIME OF SIGN PLACEMENT.

NOTES

- 1. FINAL ENTRANCE LOCATIONS FOR COMMERCIAL PROPERTIES SHALL BE CONFIRMED AT TIME OF FINAL DEVELOPMENT PLAN/CONSTRUCTION PLANS.
- 2. CROSSWALK LOCATIONS SHALL BE CONFIRMED AT THE TIME OF FINAL DEVELOPMENT PLAN.
- 3. COMMERCIAL LANDSCAPING SHALL BE CONFIRMED AT THE TIME OF FINAL DEVELOPMENT PLAN/CONSTRUCTION PLANS.
- 4. PLEASANT VIEW DRIVE IS AN EXISTING PERMITTED ENTRANCE THROUGH TH KYTC. NO OTHER ENTRANCE MAY DIRECTLY CONNECT TO US 460 WITHOUT ADDITIONAL PERMIT.
- 5. PLEASANT VIEW DRIVE SHALL BE CONSTRUCTED FROM US 460 BYPASS TO R "A" AS PART OF THIS PLAN.
- 6. STORM SEWER SHOWN IS PRELIMINARY.
- 7. GRADING SHOWN IS PRELIMINARY.
- 8. STREET LIGHT LOCATIONS SHALL BE DESIGNATED AT TIME OF FINAL PLAN/PI
- 9. DETENTION IS EXISTING AND CONTAINS WATER QUALITY AND GROUNDWATER RECHARGE MEASURES.
- 10. AREAS SHOWN ARE IN THE ROYAL SPRINGS AQUIFER AREA.
- 11. PDP SHALL CONFORM TO ALL PREVIOUS CONDITIONS OF APPROVAL FROM Z 2009-21.
- 12. SANITARY SEWER SHALL BE SERVED BY A PROPOSED PUMP STATION LOCAT ADJACENT TO THE DETENTION BASIN.
- 13. KENTUCKY UTILITIES SHALL HAVE A BLANKET EASEMENT WITH LOCATIONS O UTILITY APPROVED BY OWNER.
- 14. WATER SERVICE CONNECTIONS SHALL BE COORDINATED WITH GMWSS AT T FINAL DEVELOPMENT PLAN/CONSTRUCTION PLANS FOR EACH INDIVIDUAL LC
- 15. SANITARY SEWER TAP CONNECTIONS SHALL BE COORDINATE WITH GMWSS , TIME OF FINAL DEVELOPMENT PLAN/CONSTRUCTION PLANS FOR EACH INDIV LOT.

LANDSCAPING NOTES

- 1. PROPERTY PERIMETER LANDSCAPING IS REQUIRED AS PART OF THIS DEVELOPMENT. LANDSCAPING IS REQUIRED ALONG THE NORTH, SOUTH, WEST, AND EAST PROPERTY LINES. SECTION 6.12.2 STIPULATES THAT A 15-FOOT-WIDE BUFFER AREA IS REQUIRED AT 1 TREE PER 40 FEET OF LINEAR BOUNDARY PLUS 6-FOOT-TALL BUFFER (PLANTING, HEDGE, WALL, FENCE, EARTH MOUND).
- 2. VEHICULAR USE AREA (VUA) PERIMETER LANDSCAPING IS REQUIRED AS PART OF THIS DEVELOPMENT. LANDSCAPING IS REQUIRED ALONG THE NORTH, SOUTH, AND EAST PROPERTY LINES AND FLANKING THE ENTRANCE AND EXITS TO THE PROJECT SITE. SECTION 6.13.1 STIPULATES THAT A 3-5-FOOT-WIDE BUFFER AREA IS REQUIRED AT 1 TREE PER 40 FEET OF LINEAR BOUNDARY PLUS 3-FOOT TALL BUFFER (PLANTING, HEDGE, WALL, FENCE, EARTH MOUNT).
- 3. INTERIOR LANDSCAPING AREAS (ILA) ARE REQUIRED AS PART OF THIS DEVELOPMENT.

**ALLEN PROPERTY
FINAL SUBDIVISION PLAT**

**Staff Report to the Georgetown-Scott County Planning Commission
January 9, 2025**

FILE NUMBER: FSP-2024-65

PROPOSAL: Final Subdivision Plat to divide one 10.83-acre parcel into two tracts measuring 5.83 acres and 5.00 acres with no remainder

LOCATION: 327 Double Culvert Road
Georgetown KY 40324

OWNER: Willie and Robin Allen

CONSULTANT: Heath Land Surveying LLC
Zachary Heath



STATISTICS:

Zone:	A-1 Agricultural
Surrounding Zone:	A-1
Proposed Lot Acreage:	Tract 1: 5.00 acres Tract 2: 5.83 acres
Access (Direct):	Double Culvert Road [KY-620]
Access (Arterial):	US-25

BACKGROUND:

The application before the Planning Commission is a Final Subdivision Plat to divide one 10.83-acre parcel into two tracts measuring 5.83 acres and 5.00 acres with no remainder located at 1327 Double Culvert Road. This application is considered a major subdivision as the Project Site was subdivided from a 23-acre parent tract in July of 2004 (Plat Cabinet 8, Slide 183), and any further subdivisions require Planning Commission Board review and approval.

Plat Review:

The proposed plat shows the appropriate setbacks, lot size, and width requirements. The front building line of each parcel has been established as 25 feet from the centerline of a creek that constitutes a 50 foot wide drainage easement. There are preexisting structures on what will become Tract 2 that lie within this setback along the frontage of Double Culvert Road.

Access:

Tract 2 has an existing entrance noted on the plat. Tract 1 will be served by a 20-foot access easement created by this survey originating from the existing entrance on Tract 2. There is also an access easement originating on Tract 2 that serves the adjoining property to the south. Maintenance agreements for these easements must be noted on the plat before recording. Double Culvert Road is under the jurisdiction of KYTC District 7. Any new entrances will need approval from KYTC.

Utilities:

There are no utility easements impacting the buildable area of these parcels. Space is reserved for utility easements within the front setback line of each parcel along Double Culvert Road, as well as inside the other setback lines within each parcel.

If any parcels are unable to be served by municipal sanitary sewer, Health Department approval is required for the installation of private sewerage systems.

Floodplain and Hydrology:

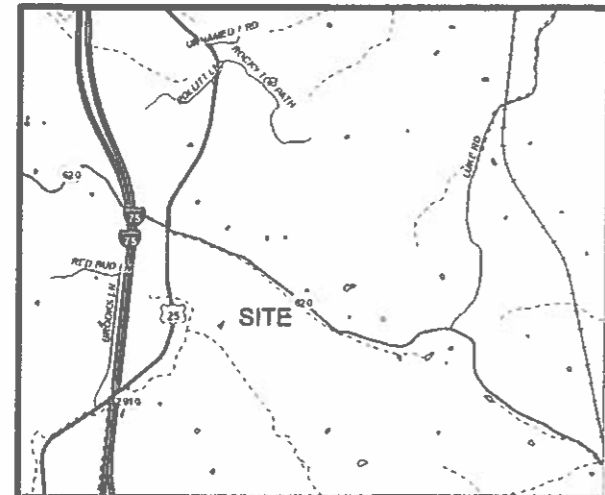
Both tracts are affected by a 50-foot drainage easement running along the frontage of the parcels. The front building line has been established as 25 feet from the centerline of said drainage. This drainage area does not constitute floodplain designation. However, it is noted on the plat that suitable finished floor elevations for any new homes built on the parcels must be established prior to construction. No other areas of significant drainage or other hydrology were identified on the plat.

RECOMMENDATION:

Staff recommends **Approval** of the Final Subdivision Plat. If the Planning Commission approves the application, staff recommends including the following waivers, variances, and conditions of approval:

Conditions of Approval:

1. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
2. Any revisions or amendments to the approved Final Subdivision Plat shall be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
3. Prior to (as part of) the Final Subdivision Plat approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved plat.
4. This Final Subdivision Plat approval is valid for two years, subject to the requirements of Article 306 section A of the *Subdivision and Development Regulations*.



THE INTENT OF THIS PLAT IS TO CREATE TRACT 1 & TRACT 2 AS SHOWN AND TO ESTABLISH THE BUILDING SETBACK LINES & UTILITY EASEMENTS AS SHOWN

LEGEND

- These standard symbols will be found in the drawing.
- ▲ ANGLE POINT IN FENCE
 - 4" DIA. DOUBLE WALNUT TREE FOUND
 - 1/2" DIA. STEEL PIN WITH CAP #2586 FOUND
 - △ POINT IN THE CENTER OF DOUBLE CULVERT ROAD
 - ⊙ 1/2" DIA. X 24" LNG. STEEL PIN WITH CAP #4648 SET
 - 1/2" DIA. STEEL PIN STAMPED WITNESS FOUND
 - ◆ MAG NAIL WITH WASHER STAMPED #4648 SET
 - RIGHT OF WAY LINE OF DOUBLE CULVERT ROAD
 - CENTER OF A 50' WIDE DRAINAGE EASEMENT ALONG A CREEK
 - 50' BUILDING SETBACK AND UTILITY EASEMENT
 - - - APPROXIMATE ADJOINING PROPERTY LINE
 - SUBJECT PROPERTY LINE
 - C/L OF A 20' WIDE ACCESS EASEMENT ESTABLISHED THIS SURVEY

CERTIFICATION OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plat plan of the development with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks, and other open spaces to public or private use as shown, in accordance with the Georgetown-Scott County Subdivision and Development Regulations, unless otherwise noted.

Date: _____

(owner or owners)

CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Georgetown-Scott County Planning Commission and that the monuments have been placed as shown herein to the specifications of the Planning Commission or other authorized officer.

Date: _____

Zachary W. Heath KY PLS #4648

CERTIFICATION OF GIS DEPARTMENT APPROVAL

I hereby certify that the development plan or subdivision plat shown has been reviewed and found to comply with the digital submission requirements set forth in the Subdivision and Development Regulations.

Date: _____

GIS Analyst/Technician, Georgetown-Scott County Planning Commission

FINAL SUBDIVISION PLAT

CERTIFICATION OF PROVISION OF WATER SERVICE

I hereby certify that Kentucky American has reviewed the plans and specs for the proposed water distribution system for the proposed subdivision, that the water distribution system of said development meets the requirements of this agency and all other requirements of the proper distribution of water, and that Kentucky American shall supply said development with water services.

Date: _____

General Manager

Final Development Plans and Final Subdivision Plans - CERTIFICATION OF AVAILABILITY OF UTILITY SERVICES

CERTIFICATION OF AVAILABILITY OF UTILITY SERVICES

I hereby certify that KU shall supply the Allen Division with electric services and that the proposed utility easements of said development meet the requirements of this agency and all other applicable requirements.

Date: _____

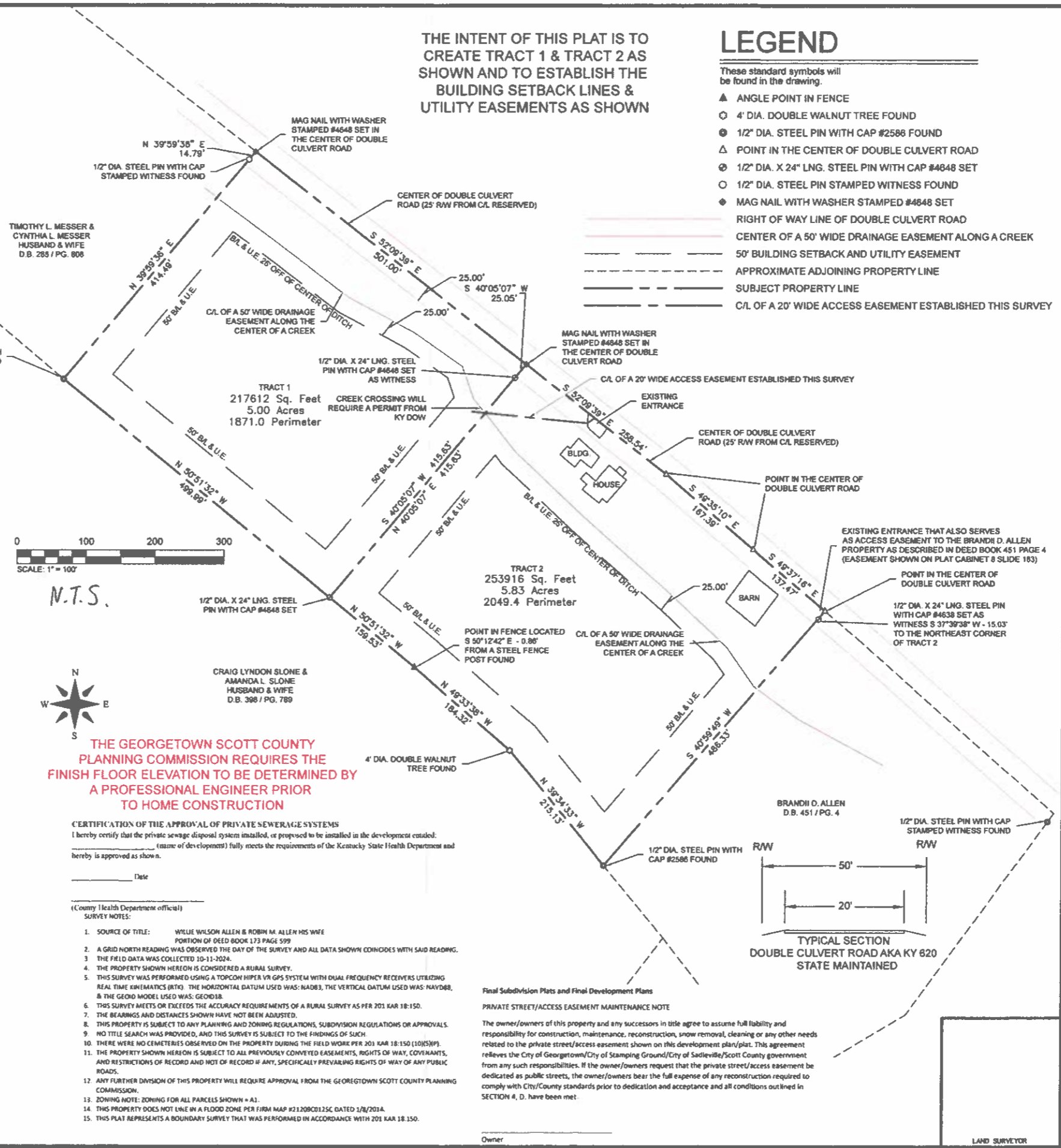
Company representative (title)

Final Subdivision Plat and Development Plan CERTIFICATION OF UTILITY EASEMENT DESCRIPTION

Easements grant and convey to the Kentucky Utility Company, South Central Bell, Georgetown Municipal Water & Sewer Service (GMWSS), Kentucky American Water, their successors, assigns, and lessees, the right to trim or remove any and all trees, structures and obstacles located on the easements or in such proximity thereto that in falling they might interfere with operation and maintenance of said facility. No building or other structure shall be erected, and no landfill or excavation or other change of grade shall be performed, upon the said easement after installation of facilities. The right of ingress and egress is hereby granted to users of the utility easement as required to construct, operate, maintain and reinforce facilities within said easements. All lots lines not having an easement indicated will have 5' easements on them.

Date: _____

CERTIFICATION OF FINAL SUBDIVISION PLAT APPROVAL



HEATH LAND SURVEYING LLC
ZACHARY W. HEATH KY PLS #4648
P.O. BOX 985 GEORGETOWN, KY 40324
CELL: (270) 331-7250
EMAIL: ZACHARY.HEATH@GMAIL.COM

MINOR SUBDIVISION PLAT FOR:
CLIENT / PARCEL OWNER / PARCEL LOCATION:
WILLIE WILSON ALLEN & ROBIN M. ALLEN HIS WIFE
327 DOUBLE CULVERT ROAD
GEORGETOWN, KY 40324

12-16-2024

REV	DATE

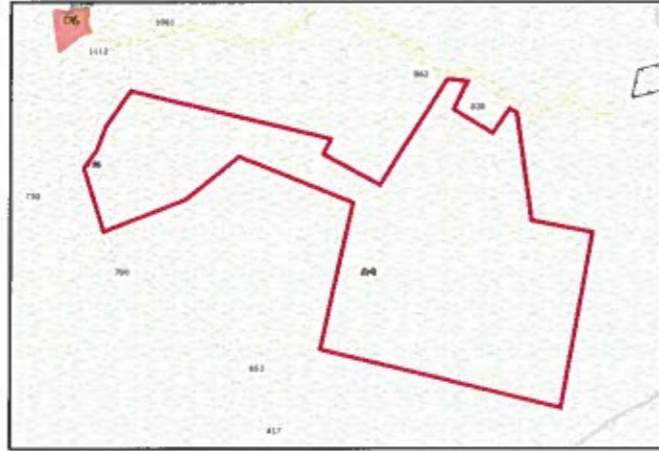
SHEET
1 OF 1

**LEAVERTON PROPERTY
FINAL SUBDIVISION PLAT**

**Staff Report to the Georgetown-Scott County Planning Commission
January 9, 2025**

FILE NUMBER: FSP-2024-66

PROPOSAL: Final Subdivision Plat to divide one 126.274-acre parcel:
Parcel 1: 26.919 ac
Parcel 2: 5.973 ac
Parcel 3: 46.705 ac
Parcel 4: 46.667 ac



LOCATION: 735 Salem Road
Sadieville KY 40370

OWNER: Katherine Gaines Estate

CONSULTANT: Darnell Engineering

STATISTICS:

Zone:	A-1 Agricultural
Surrounding Zone:	A-1
Proposed Lot Acreage:	Parcel 1: 26.919 ac Parcel 2: 5.973 ac Parcel 3: 46.705 ac Parcel 4: 46.667 ac
Access (Direct):	Salem Road / Porter Road (KY-32)
Access (Arterial):	US-25

BACKGROUND:

The application before the Planning Commission is a Final Subdivision Plat to divide one 126.274-acre parcel located at 735 Salem Road into:

Parcel 1: 26.919 ac
Parcel 2: 5.973 ac
Parcel 3: 46.705 ac
Parcel 4: 46.667 ac

Plat Review:

The proposed plat shows the appropriate setbacks, lot size, and width requirements. There are preexisting structures within the established front building setback lines of parcels 1 and 2. Parcels 1 and 2 do have adjusted front building lines due to the right of way of Salem Road encroaching 25 feet onto the property.

Access:

Parcels 1 and 2 have existing entrances along Salem Road. Parcels 3 and 4 have frontage along Porter Road. Porter Road is under the jurisdiction of KYTC District 7. Any new entrances will need approval from KYTC. At this time, no new entrances have been proposed or approved. The final plat shall not be approved or recorded without identification and approval of entrances for parcels 3 and 4, or, the granting of an access easement to these parcels from an adjoining property.

Utilities:

There are no utility easements impacting the buildable area of parcels 1, 2, and 4. Parcel 3 is impacted by a 100-foot-wide overhead electric easement dedicated to East Kentucky Rural Electric Cooperative Corporation that runs east and west through the parcel. Though the easement is of considerable width, the overall size of parcel 3 allows for sufficient buildable area without impediment. Space is reserved for other future utility easements within the front setback line of each parcel along their frontages, as well as inside the other setback lines within each parcel.

A 6 inch water main runs along Porter Road. Given this level of service, and the distance to the nearest fire hydrant from the project site, the Scott County Fire Department must sign the plat prior to final approval and recording ensuring their ability to serve the property, specifically parcels 3 and 4. GIS data shows the nearest hydrants are located at the intersection of Porter and Salem Roads to the west, and along Porter Road to the east near the I-75 interchange.

If any parcels are unable to be served by municipal sanitary sewer, Health Department approval is required for the installation of private sewerage systems.

Floodplain and Hydrology:

Parcel 4 is minimally impacted by floodplain area at its southernmost point. This area does not affect the buildable area on this parcel in any significant manner.

Due to the topography of parcels 3 and 4, there is a ravine that runs roughly along what becomes the southern property line of parcel 4. While this area becomes a significant area of drainage during wet weather, it has not been noted as a drainage easement, nor does it constitute floodplain designation. The overall topography of the area does greatly limit the suitability of building in this portion of parcels 3 and 4. No other areas of significant drainage or other hydrology were identified on the plat.

RECOMMENDATION:

Staff recommends **Approval** of the Final Subdivision Plat. If the Planning Commission approves the application, staff recommends including the following waivers, variances, and conditions of approval:

Conditions of Approval:

1. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
2. Any revisions or amendments to the approved Final Subdivision Plat shall be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
3. Prior to (as part of) the Final Subdivision Plat approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved plat.
4. This Final Subdivision Plat approval is valid for two years, subject to the requirements of Article 306 section A of the *Subdivision and Development Regulations*.
5. Prior to final approval and recording, the Scott County Fire Department must sign the plat ensuring their ability to serve the property.
6. Prior to final approval and recording, entrances for parcels 3 and 4 from Porter Road must be identified and permitted by KYTC, or, access easements must be granted to these parcels from an adjoining property.

CERTIFICATION OF THE APPROVAL OF PRIVATE SEWERAGE SYSTEMS

I hereby certify that the private sewage disposal system installed, or proposed to be installed in the development entitled: Katherine Gaines Estate Property fully meets the requirements of the Kentucky State Health Department and has been approved as shown hereon.

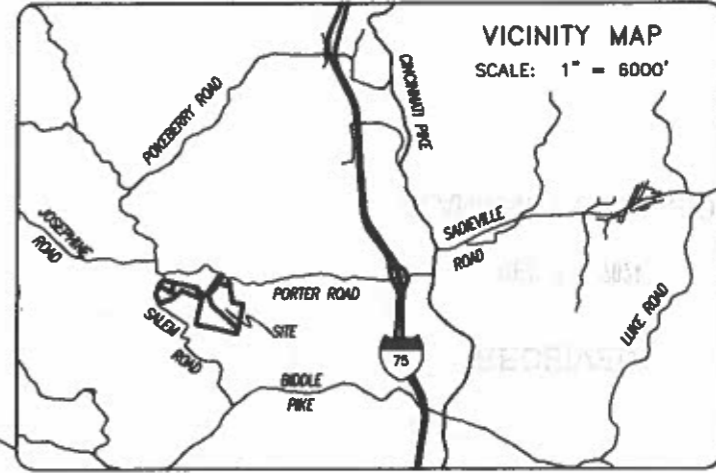
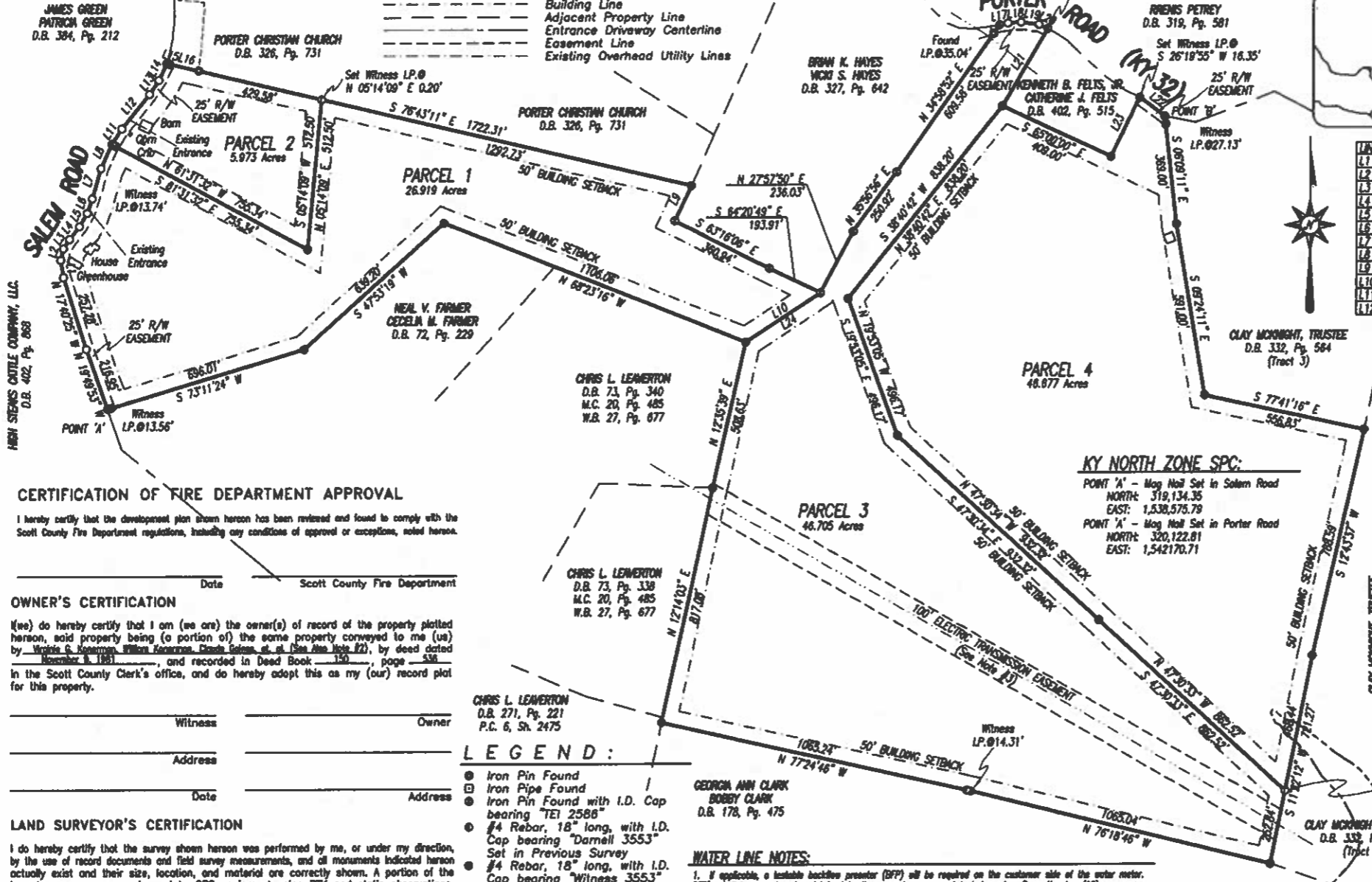
Date _____ Scott County Health Department Official _____

PURPOSE:

The purpose of this plat is to divide the parent tract into four (4) separate and legal tracts or parcels of land shown hereon as Parcel 1, Parcel 2, Parcel 3, and Parcel 4.

LINETYPE LEGEND:

- Survey Boundary
- Road Centerline
- Building Line
- Adjacent Property Line
- Entrance Driveway Centerline
- Easement Line
- Existing Overhead Utility Lines



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 09°17'20" W	59.82	L13	N 35°38'38" E	57.75
L2	N 15°18'01" E	39.71	L14	N 24°44'14" E	63.00
L3	N 33°45'56" E	38.49	L15	S 76°44'13" E	9.99
L4	N 37°48'07" E	54.71	L16	S 76°39'09" E	101.83
L5	N 30°21'59" E	52.89	L17	N 79°29'51" E	28.44
L6	N 18°07'34" E	52.14	L18	N 85°08'28" E	44.94
L7	N 16°14'05" E	106.86	L19	S 82°18'07" E	61.78
L8	N 24°24'29" E	90.45	L20	S 65°46'50" E	32.50
L9	S 25°00'41" W	131.96	L21	S 30°14'00" W	308.00
L10	S 56°41'15" W	304.48	L22	S 53°25'52" E	107.00
L11	N 32°12'16" E	62.14	L23	N 26°00'00" E	223.00
L12	N 36°19'41" E	148.89	L24	N 56°41'15" E	304.48

CERTIFICATION OF FIRE DEPARTMENT APPROVAL

I hereby certify that the development plan shown hereon has been reviewed and found to comply with the Scott County Fire Department regulations, including any conditions of approval or exceptions, noted hereon.

Date _____ Scott County Fire Department _____

OWNER'S CERTIFICATION

I (we) do hereby certify that I am (we are) the owner(s) of record of the property plotted hereon, said property being (a portion of) the same property conveyed to me (us) by _____, and recorded in Deed Book _____, page _____, in the Scott County Clerk's office, and do hereby adopt this as my (our) record plat for this property.

Witness _____ Owner _____
Address _____
Date _____ Address _____

LAND SURVEYOR'S CERTIFICATION

I do hereby certify that the survey shown hereon was performed by me, or under my direction, by the use of record documents and field survey measurements, and all monuments indicated hereon actually exist and their size, location, and material are correctly shown. A portion of the boundary survey was performed by GPS equipment using RTK and static observations. Spectro SP 80 Base and Spectro SP 80 Rover were used for this survey, serial numbers of each are on file in the office of the surveyor. This survey meets or exceeds the accuracy requirements of a "Rural" survey as specified in 201 KAR 18:150 established by the Commonwealth of Kentucky; and bearings are rotated to Kentucky North Zone State Plane.

December 20, 2024 Date _____ P.O. Box 175 Cynthiana, Kentucky 41031

CERTIFICATION FOR WATER ONLY SERVICE - Outside City Limits

I hereby certify that Georgetown Municipal Water & Sewer Service (GMWSS), by and through the City of Georgetown, KY, has the facilities within the water distribution system to supply the property located at 735 Salem Road & Porter Road (Parcel 1, Parcel 2, Parcel 3, and Parcel 4) with water service. Conditions for water service within the City limits of Georgetown, KY is limited to domestic service only. The flow restriction is not guaranteed. Provision of development, construction, and service is conditional upon the developer obtaining a current approval of Capacity Report from the GMWSS Board of Commissioners; and GMWSS review and approval of all plans and specifications for on-site and off-site improvements including but not limited to: retention, elevated storage tanks, booster pump stations, and related appurtenances for the proposed system. Construction of the proposed water distribution system shall be at the cost of the developer without reimbursement by GMWSS and constructed according to GMWSS and Kentucky Division of Water approved plans and specifications. Easements required for the proposed water distribution system shall be acquired by the developer and dedicated to GMWSS.

Date _____ General Manager, GMWSS _____

LEGEND:

- Iron Pin Found
- Iron Pipe Found
- Iron Pin Found with I.D. Cap bearing "TEI 2588"
- #4 Rebar, 18" long, with I.D. Cap bearing "Darnell 3553" Set in Previous Survey
- #4 Rebar, 18" long, with I.D. Cap bearing "Witness 3553" Set this Survey
- #4 Rebar, 18" long, with I.D. Cap bearing "Darnell 3553" Set this Survey
- Mag Nail Set in Road
- Point in Road
- Mag Nail Set in Tree
- Fence Post Found
- ⊗ Address

WATER LINE NOTES:

- If applicable, a backflow preventer (BFP) will be required on the customer side of the water meter. BFP's shall be owned and maintained by the property owner and tested yearly. Properties ten (10) acres or greater are required to install a BFP.
- Owner shall not cause the grade to be less than thirty (30) inches or more than sixty (60) inches. Any grade changes greater than said depths shall have prior written approval from GMWSS.
- When a Water Main relocation is required, it shall be at the cost of the owner.
- Any construction over the existing water main shall maintain proper cover per GMWSS Standard Specifications.
- Each parcel will be limited to a 3/4" residential water meter.

CERTIFICATION OF AVAILABILITY OF UTILITY SERVICES

I hereby certify that Owen Electric shall supply the Katherine S. Gaines Estate Property with electric services and that the proposed utility easements of said development meet the requirements of this agency and all other applicable requirements.

Date _____ Owen Electric Representative _____

CERTIFICATION OF GIS DEPARTMENT APPROVAL

I hereby certify that the Minor Subdivision Plat shown has been reviewed and found to comply with the digital submission requirements set forth in the Subdivision and Development Regulations.

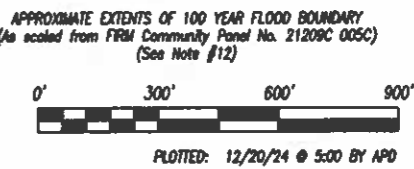
Date _____ GIS Analyst/Technician, Georgetown-Scott County Planning Commission _____

KY NORTH ZONE SPC:

POINT 'A' - Mag Nail Set in Salem Road
NORTH: 319,134.35
EAST: 1,538,575.79
POINT 'A' - Mag Nail Set in Porter Road
NORTH: 320,122.81
EAST: 1,542,170.71

NOTES:

- Parcel 1, Parcel 2, Parcel 3, and Parcel 4 plotted hereon are the same as that remaining portion of that tract or parcel of land described in Deed Book 150, Page 536.
- See also WB Book 27, Page 677 and WB Book U, Page 424.
- Property plotted hereon is subject to a "Transmission Line Right-of-Way Easement" in favor of East Kentucky Rural Electric Cooperative Corporation as recorded in Deed Book 81, Page 297.
- Property plotted hereon is subject to that access easement in favor of William L. Weber & Phyllis Weber as recorded in Deed Book 174, Page 454 and Deed Book 175, Page 91.
- Property plotted hereon is subject to any and all easements or right-of-way of record and in existence at the date of the field survey shown hereon.
- Property plotted hereon is subject to those restrictions set forth by the Georgetown-Scott County Planning Commission for its respective zoning classification.
- Any further division of the property plotted hereon shall require approval of the Georgetown-Scott County Planning Commission.
- Any new entrance created shall require entrance permits granted by the Scott County Road Department or the Commonwealth of Kentucky, Department of Transportation, District Office.
- Allen Patrick Darnell, PE, PLS do hereby certify that there are no recorded utility easements being eliminated by this plat.
- Property plotted hereon is currently zoned Agricultural (A-1), as well as all adjacent properties shown hereon.
- All building setbacks shown hereon are also reserved for utility easements.
- Flood plain indicated hereon is scaled from FEMA FIRM Community Panel 21209C 0050C dated January 8, 2014 and does not represent an actual field survey by Darnell Engineering, Inc. Any dwelling located on this property which is suspected to be in the flood plain should have the finished floor elevation calculated in order to correctly determine if it lies below the 100 year flood elevation. There shall be no development of any type within the flood plain without local and state permit approval.



FINAL SUBDIVISION PLAT
KATHERINE S. GAINES ESTATE
#735 SALEM ROAD & PORTER ROAD

	SCALE 1" = 300'	DATE 08/27/24	DARNELL ENGINEERING, INC. P.O. Box 175 Cynthiana, Kentucky 41031 (859) 234-8957 <small>THIS PLAT OF SURVEY REPRESENTS A BOUNDARY SURVEY AND COMPLES WITH 201 KAR 18:150.</small>
	FILE NO. 24-5859	FILENAME GAINESKAT	
	FIELD CREW JF/WR/CF	JOB FILE GAINESKAT	
	DRAWN BY APD	CHECKED BY APD	

ADDRESS: #735 Salem Road, Sodeville, KY 40370 (Scott County)
OWNERS: Roderick A. Williams, Patricia L. Williams, #735 Salem Road, Sodeville, KY 40370
ZONE: A-1 (Agricultural)

**WORLDWIDE EQUIPMENT
WEST YUSEN WAY
PRELIMINARY DEVELOPMENT PLAN**

Staff Report to the Georgetown-Scott County Planning Commission

January 9, 2025

FILE NUMBER: PDP-2024-67

PROPOSAL: Preliminary Development Plan for a 60,000 square foot building, with 203,937 square feet of associated VUA and parking and 93,598 square feet of gravel storage area.

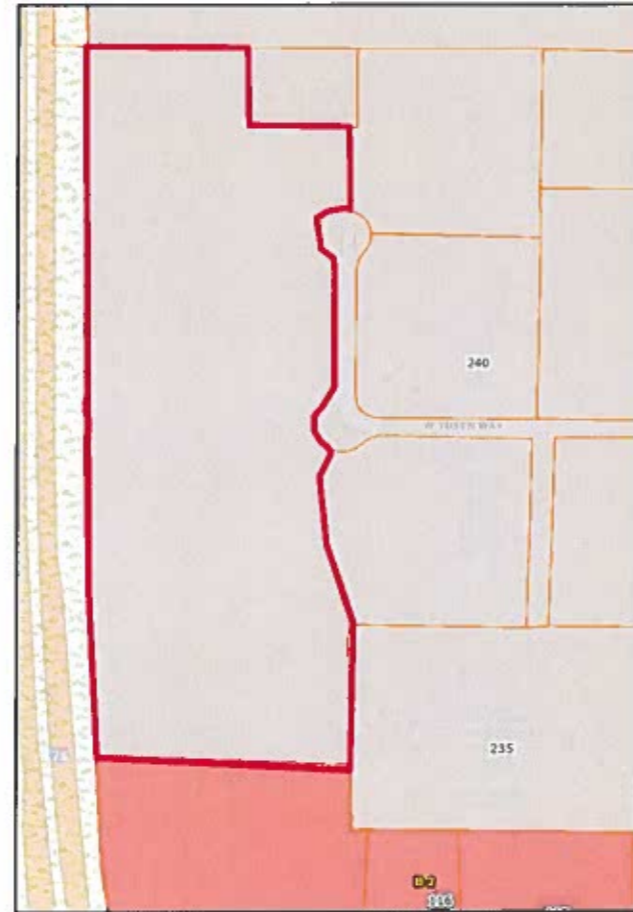
LOCATION: Parcel: 161-20-007.000
West Yusen Way

APPLICANT: World Wide Equipment

CONSULTANT: Bedrock Engineering LLC

STATISTICS:

Current Zone	I-1 (Light Industrial)
Surrounding Zones	I-1, B-2
Site Acreage	29.639 ac
Building Area	60,000 square feet
Max. Building coverage	50%
Building Coverage	4%
Building Height	30'-8"
Parking Required	180 Spaces
Parking Provided	69 - Standard Spaces 36 - 15'-8" x 25' Spaces 105 - Total Spaces
New Street Required	NA
Water/Sewer Availability	Bluegrass Water and Utility
VUA	203,937 sq.ft.
Access	Cherry Blossom Way to Triport Road to West Yusen Way
Variances/Waivers	NA



BACKGROUND:

The application being considered is a Preliminary Development Plan for a 60,000 square foot building, with 203,937 square feet of associated VUA and parking and 93,598 square feet of gravel storage area on a 29.639-acre lot. All proposed structures comply with the required setbacks as mandated in the I-1 zoning district.

Preliminary Development Plan Review:

Traffic Flow:

A Traffic Study was not warranted, based on the applicant's stated peak traffic generation for the proposed use being under the threshold of 100 peak hour trips.

Vehicular Access & Pedestrian Circulation:

Driveways & Access:

The access to the subject property is via two entrances from a county maintained road [West Yusen Way]. Any new entrance along this roadway will require county approval.

Parking Spaces:

The *Subdivision and Development Regulations* provide requirements for parking for specific uses. The following metric was applied by staff:

Type of facility:	Rental of Equipment
Parking metric:	Three spaces per 1000 sq. ft. of gross floor area (60,000 sq. ft. gross area)
Spaces required:	180
ADA spaces:	6

The development plan will provide:

Standard Spaces:	69
15'-8" x 25' Spaces:	36
Total Spaces:	105

At this point, an appropriate amount of parking pursuant to the *Subdivision and Development Regulations* has not been provided. This will need to be addressed before the final development plan is approved.

Sidewalks:

No sidewalks are required as part of this development plan.

Land Use Buffers and Landscaping:

The *Landscape Ordinance* provides standards for Property Perimeter Buffers and Vehicle Use Area Landscaping.

Property Perimeter Requirements; Section 6.12:

When any light industrial zone adjoins any commercial zone (B-2 to the south), a minimum buffer area of 15 feet adjacent to all common boundaries, except street frontage, is required, which will contain this material to achieve opacity required:

1 tree per 40' of linear frontage; plus, either a double row of 6' high hedge, or a 6' high fence, wall, or earth mound.

The landscape sheet provided with this preliminary development plan shows reference to the requirements of Section 6.12, but it is unclear at this time if fencing is shown. This will be clarified during the final development plan stage.

Vehicle Use Area Perimeter Requirements; Section 6.13: Rows 1 and 2:

When any vehicular use area (VUA) on any property adjoins any public or private street right-of-way, access road, or service road, a minimum landscape buffer area of this width is required:

5 feet to edge of pavement, 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, consisting of 1 tree per 40' of boundary of vehicular use area ...; 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.

The current submittal of this PDP does comply with these standards through the provision of appropriate trees and accompanying hedgerow. A completed, specie specific landscape plan will be required for Final Approval.

Interior Landscaping for Vehicle Use Areas; Section 6.22:

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.

This application exceeds the requirements of the ordinance per the following metrics:

Vehicular use area (VUA.):	203,937 sq.ft.
Interior landscape area required:	2,039.37 sq.ft.
Interior landscape area provided:	5,470 sq.ft.
Required interior trees:	1 tree/ 250 sq.ft. = 9 trees
Proposed trees:	13 trees

Section 6.14: Minimum Canopy Requirements

The existing and proposed canopy coverage on the project site currently exceeds the requirements of the ordinance based on the following metrics:

Lot size:	29.639 ac
New tree canopy required:	77,462 sq.ft. (6%)
Total tree canopy provided:	84,816 sq.ft. (6.5%)

A species-specific landscape plan shall be included with the Final Development Plan.

Stormwater:

A Final Stormwater Management Plan must be submitted and approved by the Planning Commission Engineer meeting all requirements of the Georgetown Stormwater Manual prior to approval of the Final Development Plan.

Utilities:

The applicant will be responsible for all off-site improvements necessary to bring all utilities and water and waste disposal to the property, sized for the use proposed.

Adequate fire protection shall be provided, and the Scott County Fire Department shall approve the Final Development Plan. Currently, four hydrants are shown within the project site.

Lighting:

The photometric plan will be reviewed in detail as part of the Final Development Plan review. Staff recommends that all exterior lighting should be designed to minimize off-site impacts.

Signs:

All signage will need to comply with the *Sign Ordinance* including meeting the size requirements and required setbacks.

Floodplain:

Floodplain area runs the length of the eastern portion of the project site as it fronts West Yusen Way. At flood stage, ingress and egress to the property could be inhibited. The development plan does note a minimum finished floor elevation of 884' for the proposed building.

Conclusion:

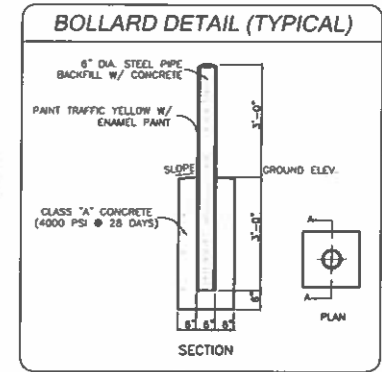
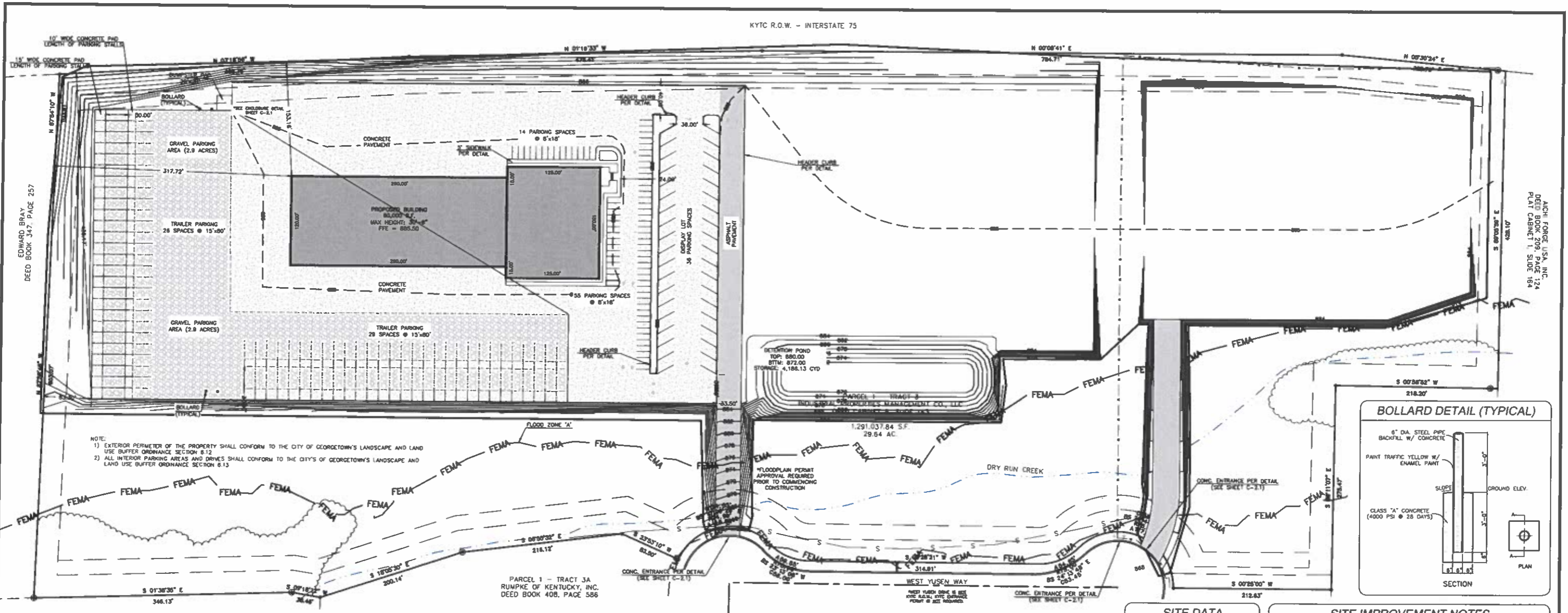
The Preliminary Development Plan as submitted meets the general requirements and intent of the I-1 District.

RECOMMENDATION:

Staff recommends **approval** of the Preliminary Development Plan. If the Planning Commission approves the application, staff recommends including the following waivers, variances, and conditions of approval:

Conditions of Approval:

1. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
2. Any revisions or amendments to the approved Preliminary Development Plan shall be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
3. This Preliminary Development Plan approval is valid for two years, subject to the requirements of Article 406 section A of the *Subdivision and Development Regulations*.
4. Prior to any construction or grading, a Final Development Plan, including all required construction plans, shall be approved by the Planning Commission staff and the applicant shall schedule a Pre-Construction Meeting with the Planning Commission Engineering Department to review construction policies and to establish inspection schedules. This includes a Grading Permit with fee and a Land Disturbance Permit with erosion control surety.
5. Prior to (as part of) the Final Development Plan approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved plan.
6. The Final Development Plan shall comply with all stormwater management requirements according to the current Stormwater Manual including a post-construction stormwater management BMP O&M agreement.
7. A photometric plan shall be submitted and approved as part of the Final Development Plan. The Applicant shall direct lighting away from adjoining property and not have any off-site impact.
8. A species-specific landscape plan shall be included with the Final Development Plan indicating all trees to be preserved during construction.
9. All requirements of the Scott County Fire Department regarding fire hydrant locations and emergency vehicle accessibility.
10. All requirements of entities providing utilities to the project site.
11. The Final Development Plan shall comply with all requirements of the guidelines in the Dry Run Watershed BMP study that are applicable to this site.
12. The Final Development Plan shall provide adequate parking as necessitated by an appropriate metric per the Subdivision and Development Regulations.



SITE DATA

LOT AREA: 29.84 ACRES OR 1,291,037.84 S.F. ±

PORT DEVELOPED IMPERVIOUS AREA

L. BUILDINGS: 60,000 S.F.

M. ASPHALT: 20,278 S.F.

N. CONCRETE: 163,068 S.F.

O. STONE: 93,998 S.F. (27.7%)

TOTAL: 367,335 S.F. (27.7%)

NET CHANGE: 367,335 - 0 = 367,335 S.F. (27.7%)

TRIP GENERATION

BASED ON CLIENT'S INTERNAL DATA FROM PREVIOUS SITES, THE AMOUNT OF TRAFFIC TO THIS SITE IS LESS THAN 50 TRIPS PER DAY. A TRAFFIC STUDY WAS PERFORMED FOR THIS SITE IN FEBRUARY OF 2023. IN CONJUNCTION WITH ANOTHER SITE, CONCLUDED THAT NO IMPROVEMENTS WILL BE NEEDED.

FLOOD INSURANCE NOTE

I HEREBY CERTIFY THAT THE PROPERTY AS SHOWN HEREIN IS PARTIALLY LOCATED IN FLOOD ZONE "A" AS LOCATED BY FLOOD INSURANCE RATE MAP #21299C01120D DATED DECEMBER, 21, 2017

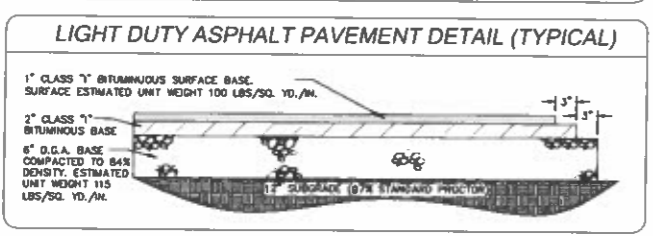
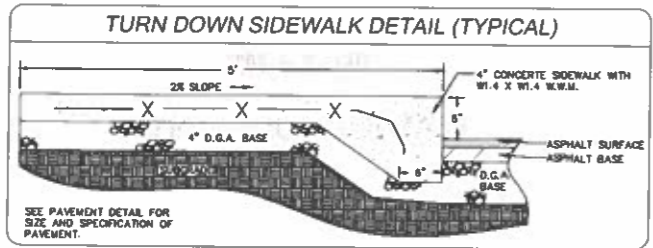
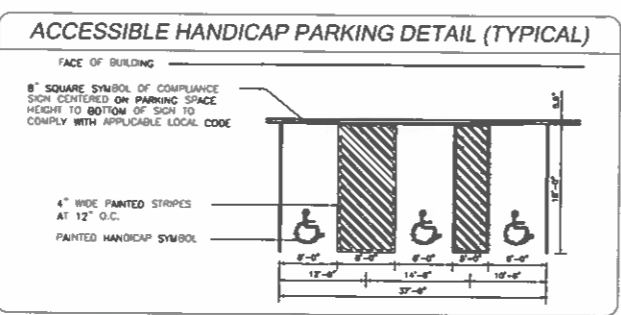
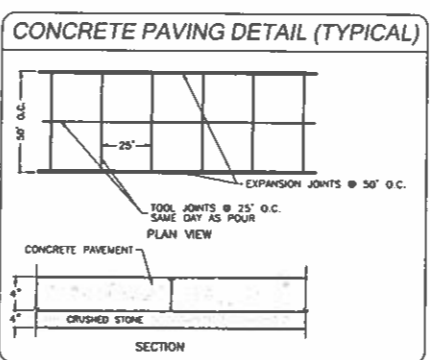
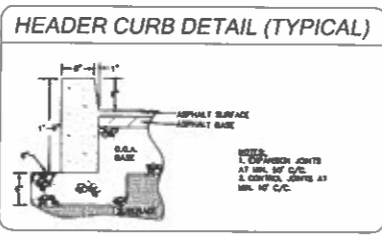
JOB SAFETY NOTES

THE CONTRACTOR IS SOLELY RESPONSIBLE FOR JOB SITE SAFETY DURING CONSTRUCTION. JOB SITE SAFETY IS OUTSIDE THE SCOPE OF WORK OF PRECISION ENGINEERING, LLC. NEITHER THE PROFESSIONAL ACTIVITIES OR THE PRESENCE OF PRECISION ENGINEERING, LLC, EMPLOYEES OR SUBCONSULTANTS AT THE CONSTRUCTION SITE SHALL RELIEVE THE CONTRACTOR OR ANY OTHER ENTITY OF THEIR OBLIGATION, DUTIES, AND RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, CONSTRUCTION MEANS, METHODS, SEQUENCES, TECHNIQUES, TO PROCEDURES NECESSARY FOR PERFORMING, SUPERINTENDING OR COORDINATING ALL PORTIONS OF THE WORK OF CONSTRUCTION IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND ANY HEALTH AND SAFETY PRECAUTIONS REQUIRED BY GOOD CONSTRUCTION PRACTICES OR ANY REGULATORY AGENCIES. ANYONE USING INFORMATION FROM THESE PLANS ACKNOWLEDGES AND WARRANTS THAT PRECISION ENGINEERING, LLC IS NOT RESPONSIBLE FOR SITE SAFETY IN ANY WAY.

UTILITY NOTES

THE UTILITIES ARE SHOWN ON THE DRAWINGS AS ACCURATELY AS THEY HAVE BEEN PROVIDED TO THE DESIGN PROFESSIONAL. THEIR LOCATIONS ARE NOT GUARANTEED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL UTILITY COMPANIES AND TO HAVE ALL UTILITIES FIELD LOCATED, PRIOR TO STARTING CONSTRUCTION. THE UTILITIES SHOWN REPRESENT OBSERVABLE FEATURES ALONG WITH INFORMATION PROVIDED BY THE RESPECTIVE UTILITY COMPANIES, AND IS THEREFORE NOT WARRANTED. PRIOR TO CONSTRUCTION THE CONTRACTOR IS TO FIELD VERIFY ALL UTILITY LOCATIONS, SIZES, TYPE ETC. NEEDED TO COMPLETE THE WORK OF THE CONTRACT.

THE CONTRACTOR SHALL NOTIFY THE DESIGN PROFESSIONAL IF A PROBLEM SHOULD EXIST. IF THE CONTRACTOR PROCEEDS WITHOUT CONTACTING THE UTILITY COMPANIES AND DOES NOT NOTIFY THE DESIGN PROFESSIONAL OF POTENTIAL PROBLEMS HE DOES SO AT HIS OWN RISK.



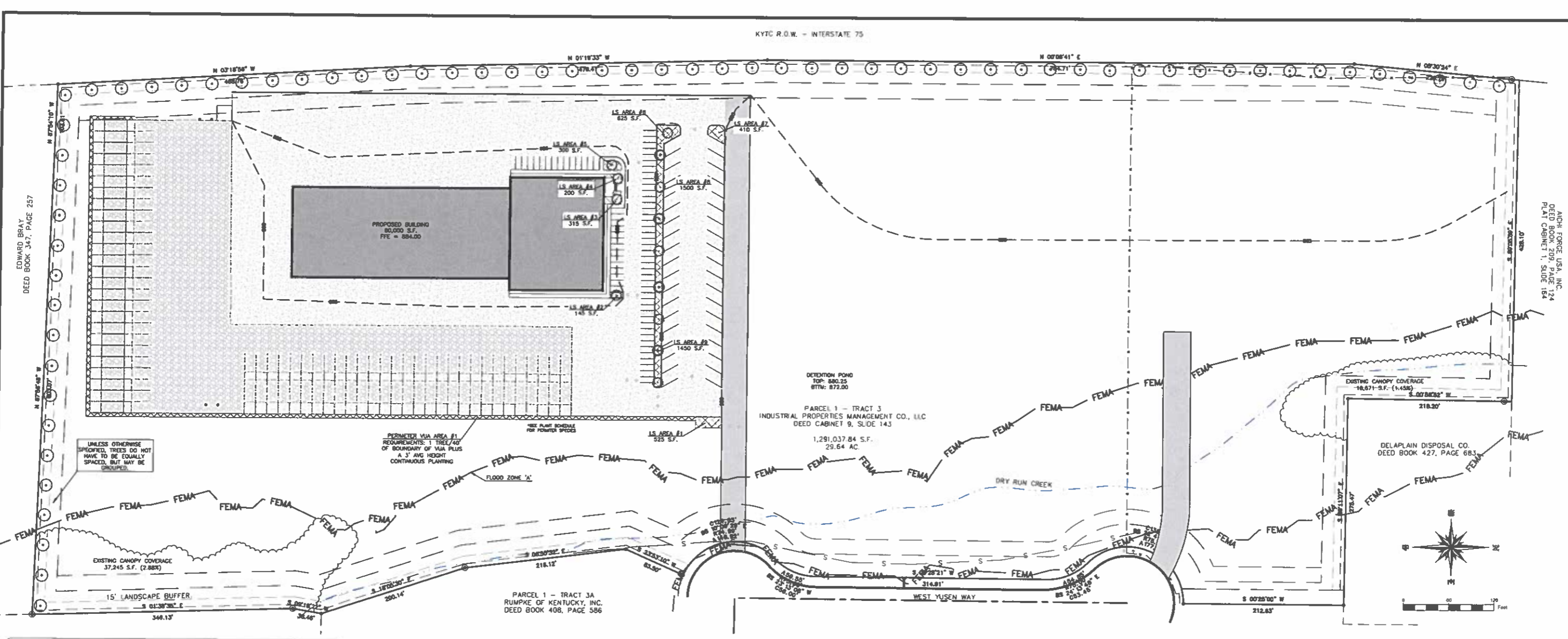
REVISIONS

SCALE	1" = 60'
JOB NO.	ENGR-01-001
DETAILED BY:	TJB
REVIEWED BY:	TWB
DATE	December 23, 2024
COPYRIGHT © 2024 BEDROCK ENGINEERING, PLLC	



WORLDWIDE EQUIPMENT
PRELIMINARY DEVELOPMENT PLAN
PARCEL # 161-20-007.000
WEST YUSEN WAY - SCOTT COUNTY - GEORGETOWN, KY

SHEET
C-2.0



EDWARD BRAY
DEED BOOK 347, PAGE 257

ARCH: FORCE USA, INC.
DEED BOOK 209, PAGE 124
PLAT CABINET 1, SLIDE 164

UNLESS OTHERWISE SPECIFIED, TREES DO NOT HAVE TO BE EQUALLY SPACED, BUT MAY BE GROUPED.

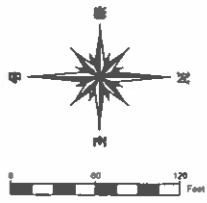
PERIMETER VIA AREA #1 REQUIREMENTS: 1 TREE/40' OF BOUNDARY OF VIA PLUS A 3' AND HEIGHT CONTINUOUS PLANTING

DETECTION POND
TOP: 880.25
BTM: 872.00

PARCEL 1 - TRACT 3
INDUSTRIAL PROPERTIES MANAGEMENT CO., LLC
DEED CABINET 9, S.L.O.E 143
1,291,037.84 S.F.
29.64 AC.

PARCEL 1 - TRACT 3A
RUMPKE OF KENTUCKY, INC.
DEED BOOK 408, PAGE 586

DELAPLAIN DISPOSAL CO.
DEED BOOK 427, PAGE 683



LANDSCAPING NOTES

- CONTRACTOR RESPONSIBLE FOR LOCATING AND PROTECTING ALL UNDERGROUND UTILITIES PRIOR TO DIGGING.
- CONTRACTOR RESPONSIBLE FOR PROTECTING EXISTING TREES FROM DAMAGE DURING CONSTRUCTION AS SHOWN ON PLANS.
- GENERAL CONTRACTOR TO INSTALL 6" MINIMUM DEPTH OF CLEAN, FRAGILE TOPSOIL AT ALL PLANTING BEDS AND LAWN AREAS PRIOR TO FINE GRADING.
- ALL SHRUB BEDS TO BE MULCHED WITH A 4" MINIMUM LAYER OF HARDWOOD MULCH (BROWN).
- EXISTING GRASS IN PROPOSED PLANTING AREAS TO BE KILLED AND REMOVED AND AREA TO BE HAND RAKED TO REMOVE ALL ROCKS AND DEBRIS LARGER THAN 1" IN DIAMETER PRIOR TO PLANTING SHRUBS OR LAYING SOIL. LANDSCAPE CONTRACTOR TO PROVIDE FINE GRADING.
- ANY EXISTING GRASS DISTURBED DURING CONSTRUCTION TO BE FULLY REMOVED, REGRADED, AND REPLACED. ALL TREE MARKS AND INDENTIONS TO BE REPAIRED. NO EXCEPTIONS.
- SOIL TO BE TESTED TO DETERMINE FERTILIZER AND LIME REQUIREMENTS AND DISTRIBUTED PRIOR TO LAYING SOIL AS DIRECTED LANDSCAPE ARCHITECT.
- SOIL TO BE DELIVERED FRESH (CUT LESS THAN 24 HOURS PRIOR TO ARRIVING ON SITE), LAD IMMEDIATELY ROLLED, AND WATERED THOROUGHLY IMMEDIATELY AFTER PLANTING. EDGE OF SOIL ADJACENT TO MULCH BEDS TO BE SHOVEL CUT. ALL SOIL TO BE DELIVERED IN LARGEST ROLLS AVAILABLE. THERE SHALL BE NO GAPS BETWEEN SOIL JOINTS.
- ALL CHANGES TO DESIGN OR PLANT SUBSTITUTIONS ARE TO BE AUTHORIZED IN WRITING BY THE LANDSCAPE ARCHITECT AND CONSTRUCTION PROJECT MANAGER.
- ALL LANDSCAPING SHALL BE INSTALLED IN CONFORMANCE WITH ANSI Z66.1 THE AMERICAN STANDARD FOR NURSERY STOCK AND THE ACCEPTED STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN.
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANTS INSTALLED FOR ONE FULL YEAR FROM DATE OF ACCEPTANCE BY FLYING HORSE CONVENIENCE STORE. ALL PLANTS SHALL BE ALIVE AND AT A VIGOROUS RATE OF GROWTH AT THE END OF THE GUARANTEE PERIOD. THE LANDSCAPE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ACTS OF GOD OR VANDALISM.
- ANY PLANT THAT IS DETERMINED DEAD, IN AN UNUSUAL OR UNUSUAL CONDITION, LOST ITS SHAPE DUE TO DEAD BRANCHES OR OTHER SYMPTOMS OF POOR, NON-VIGOROUS GROWTH, AS DETERMINED BY THE LANDSCAPE ARCHITECT, SHALL BE REPLACED BY THE LANDSCAPE CONTRACTOR AT NO COST TO FLYING HORSE CONVENIENCE STORE.
- GENERAL CONTRACTOR TO SOUND ALL PARKING ISLANDS 6"-10" WITH CLEAN-SCREENED TOPSOIL.
- PRIOR TO INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL INSPECT THE SUBGRADE, GENERAL SITE CONDITIONS, VERIFY ELEVATIONS, UTILITY LOCATIONS, IRRIGATION, APPROVE TOPSOIL PROVIDED BY GENERAL CONTRACTOR AND OBSERVE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE DONE. NOTIFY GENERAL CONTRACTOR OF ANY UNSATISFACTORY CONDITIONS, AND WORK SHALL NOT PROCEED UNTIL SUCH CONDITIONS HAVE BEEN CORRECTED AND ARE ACCEPTABLE TO THE LANDSCAPE ARCHITECT, LANDSCAPE CONTRACTOR, AND CONSTRUCTION MANAGER.
- WATER ALL PLANT MATERIAL THAT ARE NEWLY PLANTED THOROUGHLY TWICE IN FIRST 24 HOURS AND APPLY MUCH IMMEDIATELY.
- SITE TO BE 100% IRRIGATED IN ALL PLANTING BEDS AND GRASS AREA BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- ALL TREE PROTECTION DEVICES TO BE INSTALLED BY GENERAL CONTRACTOR PRIOR TO THE START OF LAND DISTURBANCES, AND MAINTAINED UNTIL FINAL LANDSCAPING.
- ALL TREE PROTECTION AREAS TO BE PROTECTED FROM SEDIMENTATION.
- ALL TREE PROTECTION FENCING TO BE INSPECTED DAILY, AND REPAIRED OR REPLACED AS NEEDED OR INSTRUCTED BY THE LANDSCAPE ARCHITECT.
- LANDSCAPE CONTRACTOR SHALL PROVIDE A 1 YEAR MAINTENANCE PERIOD UNDER SEPARATE CONTRACT FOLLOWING ACCEPTANCE BY THE LANDSCAPE ARCHITECT AND CONSTRUCTION MANAGER.
- REQUIREMENTS SHOWN ARE PER CITY ZONING ORDINANCE. SUBSTITUTIONS ARE NOT ALLOWED UNLESS APPROVED PRIOR TO SUBSTITUTION.
- AFTER INSTALLATION, LANDSCAPING WILL BE MAINTAINED BY OWNER.

- NOTE:
- EXTERIOR PERIMETER OF THE PROPERTY SHALL CONFORM TO THE CITY OF GEORGETOWN'S LANDSCAPE AND LAND USE BUFFER ORDINANCE SECTION 6.12
 - ALL INTERIOR PARKING AREAS AND DRIVES SHALL CONFORM TO THE CITY'S OF GEORGETOWN'S LANDSCAPE AND LAND USE BUFFER ORDINANCE SECTION 6.13

PLANT STANDARDS

THE STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GENERAL GUIDELINE SPECIFICATIONS ONLY AND WILL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL. ALL PLANTS MUST MEET MINIMUM SIZE NOTED AT THE MATERIALS SCHEDULE, AND MEET THE CHARACTERISTICS STATED ON THIS DRAWING. ALL MATERIAL INSTALLED ON THE SITE MUST MEET OR EXCEED THESE SPECIFICATIONS. ANY TREES OR SHRUBS NOT MEETING THESE STANDARDS CAN BE REJECTED AT TIME OF INSPECTION.

TREE SPECIFICATIONS

- DECIDUOUS TREES SHALL HAVE ONE DOMINANT SINGLE STRAIGHT TRUNK WITH THE TIP OF THE LEADER ON THE MAIN TRUNK LEFT INTACT AND THE TERMINAL BUD ON THE CENTRAL LEADER IS AT THE HIGHEST POINT ON THE TREE.
 - TREES WITH FORKED TRUNKS ARE ACCEPTABLE IF ALL OF THE FOLLOWING CONDITIONS ARE MET:
 - THE FORK OCCURS IN THE UPPER 1/3 OF THE TREE.
 - ONE FORK IS LESS THAN 2/3 THE DIAMETER OF THE DOMINANT TRUNK.
 - THE TOP 1/3 OF THE SMALLER FORK IS REMOVED AT THE TIME OF PLANTING.
 - NO BRANCH IS GREATER THAN 2/3 THE DIAMETER OF THE TRUNK DIRECTLY ABOVE THE BRANCH.
 - THE TRUNK AND/OR MAJOR BRANCHES SHALL NOT TOUCH.
 - SEVERAL BRANCHES ARE LARGER IN DIAMETER AND OBVIOUSLY MORE DOMINANT.
 - BRANCHING HABIT IS MORE HORIZONTAL THAN VERTICAL, AND NO BRANCHES ARE ORIENTED NEARLY VERTICAL TO THE TRUNK.
 - BRANCHES ARE EVENLY DISTRIBUTED AROUND THE TRUNK WITH NO MORE THAN ONE MAJOR BRANCH LOCATED DIRECTLY ABOVE ANOTHER AND THE CROWN IS FULL OF FOLIAGE EVENLY DISTRIBUTED AROUND THE TREE.
 - CROWN SPREAD SHALL LOOK PROPORTIONAL TO THE TREE.
 - NO FLUSH CUTS OR OPEN TRUNK WOUNDS OR OTHER BARK INJURY.
 - ROOT BALL MEETS ALL ANSI STANDARDS AND IS APPROPRIATELY SIZED.
- DEFICIENCIES NOT ACCEPTED:
- TIP BACK ON 3% OF BRANCHES
 - CROWN THINLY OR SPARSELY FOLIATED
 - INCLUDED BARK
 - MAJOR BRANCHES TOUCHING
 - ASYMMETRICAL BRANCHING

PLANT SCHEDULE

PERIMETER TREES	QTY	COMMON/BOTANICAL NAME	CONT	CAL	SIZE
	06	SUMMER RED MAPLE / ACRER RUBRUM 'SUMMER RED' 5' CLEAR TRUNK, SINGLE, STRAIGHT CENTRAL LEADER, EVEN BRANCHING. SEE TREE SPECIFICATIONS	B & B	2"	12'-14' HT
PERIMETER SHRUBS	QTY	COMMON/BOTANICAL NAME	CONT	WIDTH	
		CHESTNUT HILL LAUREL / PRUNUS LAUROCARPUS CHESTNUT HILL FULL, DENSE FORM		18" HT	
VIA TREES	QTY	COMMON/BOTANICAL NAME	CONT	CAL	SIZE
	0	PURPLE LEAF REDBUD / CERIS CANADENSIS MERLOT SINGLE STEM 5' CLEAR TRUNK, EVENLY BRANCHED, FULL SYMMETRICAL CROWN. SEE TREE SPECIFICATIONS	B & B	1 1/2"	10'-12' HT
	4	ALLEE ELM / ULMUS PARVIFOLIA 'ELM II' 5' CLEAR TRUNK, SINGLE, STRAIGHT CENTRAL LEADER, FULL UPSWEPT BRANCHING, EVEN BRANCHING. SEE TREE SPECIFICATIONS	B & B	2"	12'-14' HT
VIA SHRUBS	QTY	COMMON/BOTANICAL NAME	CONT	WIDTH	
		EDWARD GOUCHER ABELIA / ABELIA x BRANCHIFLORA EDWARD GOUCHER FULL, DENSE FORM		18" HT	
		SEA GREEN JUNIPER / JUNIPERUS CHINENSIS 'SEA GREEN' FULL, HEAVY WELL BRANCHED		18" HT	

TREE CANOPY

EXISTING - 56,916 S.F. (4.33%)
PRESERVED - 55,916 S.F. (4.33%)
REQUIRED - 77,462 S.F. (6.00%)
PROPOSED - 52,752 S.F. (4.08%)
TOTAL (PRESERVED + PROPOSED) - 108,668 S.F. (8.42%)

LANDSCAPE AREA TABLE

AREAS	AREA SIZE (S.F.)	LARGE TREE	MED. TREE	SMALL TREE	LARGE SHRUB	MED. SHRUB	SMALL SHRUB	GROUND COVER	TOTAL L.S. AREA
1	925	0							925
2	145	1							145
3	315	1							315
4	200	1							200
5	300	1							300
6	625	1							625
7	410	0							410
8	1500	4							1500
9	1450	4							1450
TOTALS	5470	13							5470

REVISIONS	SCALE
1	1" = 60'
JOB NO. ENGR-01-001	
DETAILED BY: TJB	
REVIEWED BY: TWB	
DATE: December 23, 2024	
COPYRIGHT © 2024	
BEDROCK ENGINEERING, PLLC	



WORLDWIDE EQUIPMENT
PRELIMINARY DEVELOPMENT PLAN
PARCEL # 161-20-007.000
WEST YUSEN WAY - SCOTT COUNTY - GEORGETOWN, KY

SHEET
C-6.0

GAINES FARM PROPERTY ZONING MAP AMENDMENT

Staff Report to the Georgetown-Scott County Planning Commission January 9, 2024

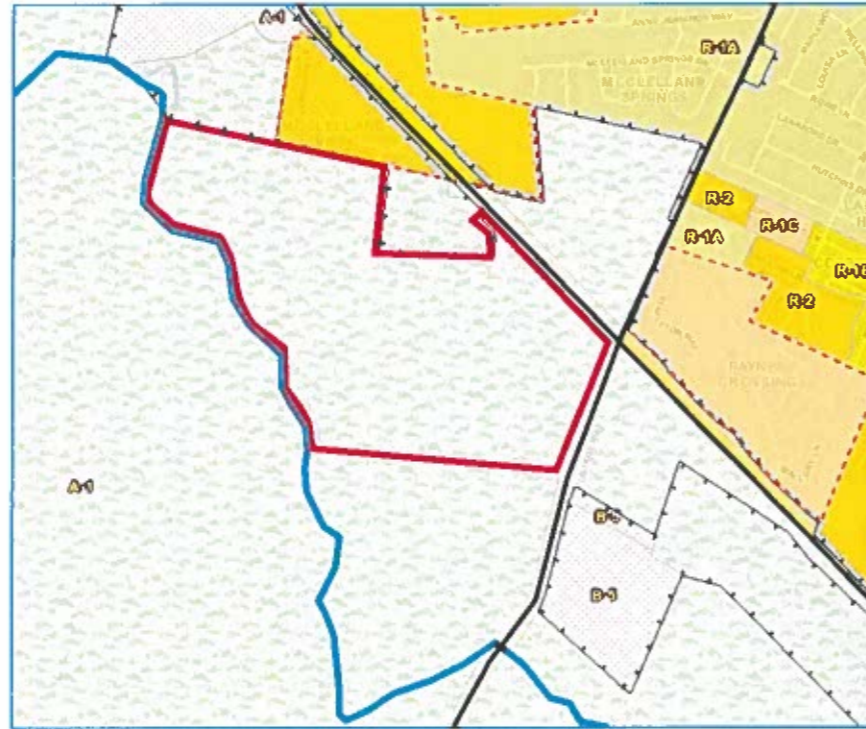
FILE NUMBER: ZMA-2024-68

PROPOSAL: Zoning Map Amendment for 182.44 acres from A-1 (Agricultural) to B-4 PUD (Community Commercial), R-2 PUD (Medium Density Residential), and C-1 (Conservation)

LOCATION: 1367 Paynes Depot Road

OWNER: Ball Homes

APPLICANT & CONSULTANT: Rory Kahly, EA Partners



STATISTICS:

Total Site Acreage:	182.44 ac
Zone (Current, at Time of Application):	A-1 (Agricultural)
Zone (Proposed):	B-4 PUD (Community Commercial): 52.81 ac C-1 (Conservation): 40.44 ac R-2 PUD (Medium-Density Residential): 48.5 ac
Surrounding Zone:	A-1 & R-2
Proposed Development:	Multi-Use Development with Commercial Outlots and Anchor Tenants, Apartments and Detached Single-Family Residences
Access:	New Public Street from Leota Way to McClelland Circle [US-460 Bypass] and Paynes Depot Road [US-62]

BACKGROUND:

The Project Site is a 182.44-acre, A-1 zoned tract located southeast of the intersection of McClelland Circle and Paynes Depot Road. The Project Site has not been annexed into the City of Georgetown (but

adjoins city limits to the north/west). The subject property is within the Urban Service Boundary of the City of Georgetown and is north of Cane Run Creek, the generalized geographic feature defining the Urban Service Boundary limits of the City of Georgetown. The site's topography slopes from McClelland Circle to Cane Run Creek, which follows the property's southern boundary. There are several potential karst activity areas throughout the property. The site has been used for agricultural purposes in the recent past.

Properties along McClelland Circle are already developed with a mix of commercial, single-family and multi-family residential properties and uses, most of which east of the intersection of Paynes Depot Road & McClelland Circle. There are utilities available to the periphery of the property and urban residential land uses encroaching the property from one direction. There are existing connections to Leota Way, Paynes Depot Road and McClelland Circle.

Proposed Zoning and Land Use:

The subject property is proposed to be rezoned B-4 PUD (General Commercial Park), R-2 PUD (Medium Density Residential) and C-1 (Conservation). The B-4 PUD zone is proposed to be from Paynes Depot Frontage Road #5 (approximately 1,100 feet south of the Paynes Depot Road and McClelland Circle intersection) north to the intersection of Paynes Depot Road and McClelland Circle before travelling along McClelland Circle to the existing access point onto McClelland Circle (approximately 1,700 feet west of the Paynes Depot Road and McClelland Circle intersection). The R-2 PUD zone is proposed from Paynes Depot Frontage Road #5 south to the mature tree line serving as the boundary of the Gaines Farm and Edgehill Farm, before following the boundary to the Greenbelt boundary to the west before following the Greenbelt north to the northern property boundary shared with the Northside Christian Church and McClelland View residential subdivision. The R-2 PUD zone would comprise the west boundary and the B-4 PUD zone would compromise the south boundary of the Lavendar Farm (zoned A-1). Additional boundary protections for both farms and mature treelines would be required per ordinance if the property were to be rezoned.

The areas around the Cane Run Creek are proposed to be rezoned C-1 (Conservation) in alignment with the amendments proposed in the adopted 2024 Comprehensive Plan. A connection to the C-1 zoned areas of the South Crossing subdivision is required and shown. This would continue with the establishment of the southern Greenbelt along this property for the City of Georgetown.

LEGAL CONSIDERATIONS:

Any zone change request is required to meet the following standards from *Kentucky Revised Statutes, Chapter 100*:

Section 100.213 Findings necessary for proposed map amendment – Reconsideration.

1. *Before any map amendment is granted, the planning commission . . . must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:*
 - a. *That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;*
 - b. *That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.*

Part 1:

The Comprehensive Plan provides guidance for consideration of zone change requests. The Future Land Use Map (FLU Map) for the currently adopted Comprehensive Plan shows the Project Site inside the Georgetown urban service boundary and planned Mixed Use, Low-Density Residential, and Greenbelt.

The proposed zones align with the future land use designations for the area. The zones proposed allow for a variety of commercial and residential uses that are concluded to comply with the FLU designations and intent. The B-4 zone is intended to be modernized to enable mixed-use activities and offers the highest level of design control and amenities that would ultimately satisfy the expectations and requirements of a FLU Commercial area. The R-2 zones satisfy the expected patterns of de-escalation of activity towards the Cane Run Creek. Finally, per the Comprehensive Plan, all rezoning applications including floodplain and other protected lands shall be rezoned to C-1 Conservation within the extent of these protected areas.

Staff Findings

The finalized Future Land Use Map for the update of the Comprehensive Plan shows the most appropriate land use to be Mixed Use, Low-Density Residential, and Greenbelt. The proposed B-4 PUD, R-2 PUD and C-1 zoning for the property is also more appropriate given the existing mixes of commercial and residential uses and zones of neighboring properties. Therefore, Part 1 does apply, so we need not consider subsections (a) or (b).

Traffic Study

Commercial Area Traffic Study

A traffic study was performed by Palmer Engineering for the commercial component of the application for rezoning. The study was performed on April 25, 2023 looking at four intersections:

1. Paynes Depot Road and Paynes Depot Frontage Road #5
2. Paynes Depot Road and McClelland Circle
3. McClelland Circle access (1,700 feet north of McClelland Circle and Paynes Depot Road intersection)

A full version of the study is available for examination in the Planning Commission office. Staff has provided the Commission with a copy of the main analysis portion of the study. The purpose of a Traffic Impact Study for new development is to help the Planning Commission see what impacts the proposed development will have on the existing transportation network, and what steps might be taken to mitigate those impacts if they cause an unacceptable decrease in the Level of Service. As a clarification, we would not expect a Traffic Impact Study to identify how a new development would solve pre-existing traffic volume or congestion issues.

The traffic study calculated the total commercial area's trip generation based upon a summation of sixteen (16) uses using the Institute of Transportation Engineers (ITE) 11th edition Trip Generation manual. In total, the study states that the proposed land uses would generate 1,541 trips during the AM peak hours, and 1,899 trips during the PM peak hours. If the site were proposed to be developed differently than the Concept Plan or redeveloped, staff would request an updated Traffic Impact Study.

The traffic study draws two conclusions. First, at full build out, the intersection of Paynes Depot Road and Paynes Depot Frontage Road #5 should be upgraded to a three-way intersection with the eventual installation of a traffic light at KYTC discretion. Furthermore, improvements to Frontage Road #5 would be required. The traffic study recommends a designated left turn lane and through and right turn lane at

this location, however there may be other requirements for additional queuing space, turning radii, and signage as part of the development that are not referenced in the study. Improvements to Paynes Depot Road would at least require right-turn lanes onto the site.

The second conclusion, the traffic study identifies the potential relocation of the existing entrance onto McClelland Circle approximately 340 feet south of the existing access point. Relocation of the access point would require city, county, and state approval prior to relocation. This intersection is proposed to be a three-way intersection with one entrance lane and two exit lanes (right and left turn only). Improvements to McClelland Circle would include a designated left turn lane for northbound traffic and a designated right turn lane for southbound traffic. Regardless of location, the intersection would eventually necessitate the installation of a traffic light at KYTC discretion. The traffic study states that an alternative approach, specifically a Restricted Crossing U-Turn (RCUT) may be appropriate in the area. This traffic pattern is pre-existing elsewhere along McClelland Circle, specifically between Magellan Lane/Hemingway Path and Marketplace Circle.

Residential Area Traffic Analysis

At the time of the commercial area traffic study, the extent of residential development was not known. A traffic study/analysis of the residential areas was requested by Staff and was not submitted with corrections.

CONCEPT PLAN REVIEW

The concept plan depicts a proposal to develop the Project Site into three sections. In the B-4 PUD areas, commercial outlots would be available along both arterial road frontages with an anchor tenant area located in the center of the proposed development. There are several areas of potential karst activity that should be studied, and prior to development a study be performed to understand the extent of the impact. One connection to McClelland Circle and one to Paynes Depot Road is proposed in this area.

Traveling west towards Cane Run Creek, the property is proposed to be zoned C-1 in accordance with the 2024 Comprehensive Plan. No trails or amenities are shown in this area, however there are three Greenbelt pedestrian access parcels to the Greenbelt. Staff recommends conditioning at least

South of the proposed road from Leota Way to Paynes Depot Road is an area proposed to be rezoned to R-2. The concept plan shows single-family residential development along the Greenbelt boundary and the existing McClelland View residential subdivision that would extend to the south boundary. Multi-family (apartment) area is proposed directly adjoining the commercial area and along a portion of the southern boundary.

One item of note with the Concept Plan is that it lays out 671 residential units being built on the property, 263 buildable single-family residential lots and 406 multi-family residential units (17 buildings with an average of 24 units per building). The Subdivision & Development Regulations require single-family developments of 200 or more units and multi-family developments of 100 or more units to have at least two entrance intersections [Article X (P)(7)]. In mixed density developments the Planning Commission has previously required a second entrance intersection at 150 units or more, and staff recommends this same standard be applied to this development as well if it is approved.

PUD Waivers Review

The Applicant is requesting a series of waivers/Variations as part of the Planned Unit Development. The specific requests are numbered below, with staff comments in *italics*. On some of the waiver requests, staff feels it would be more appropriate for the Planning Commission to defer until the Applicant files a Preliminary Development Plan/Subdivision Plat. There will undoubtedly be changes between the Concept Plan and these Preliminary reviews that come later in the process, and these will likely impact the layout of the site. Therefore, it may not be in the community's best interest to commit to granting waivers/variances when the plans for the site may change in the future.

As part of the PUD, the Applicant has requested the following variances:

1. Reduce minimum lot widths for single-family lots to 50-foot-wide.
Staff supports this waiver, but reminds the Applicant that there are still side-yard setbacks that must be considered for multi-family development.
2. Reduce front yard setback for single-family lots to 25 feet and minimum lot area for single-family lots to 6,000 SF.
Staff supports these variances. Allowing for an alteration to the front yard setback for a PUD neighborhood allows the Applicant the ability to customize the aesthetic of the community.
3. Exceed maximum building height up to 42 feet and 3 stories for apartments.
Staff does not recommend approval of this variance until the Preliminary Development Plan is submitted. Staff would prefer that the Planning Commission wait to review this waiver to see if the size and scale of some of the apartments could be reduced along some of the less intensively used neighboring properties. It may even be the case that when the apartment units are developed in future that the adjoining property is no longer zoned agricultural.
4. Reduce the minimum front yard setback for apartments to 25 feet.
Staff does not recommend approval of this variance until the Preliminary Development Plan is submitted. Staff would prefer that the Planning Commission wait to review this waiver to see if the size and scale of some of the apartments could be reduced along some of the less intensively used neighboring properties. It may even be the case that when the apartment units are developed in future that the adjoining property is no longer zoned agricultural.
5. Increase density of the apartment areas and decrease the density of the single-family area.
The proposed density of the single-family area is 2.95 units per gross area and the proposed density of the multi-family area is 22.32 units per acre (total residential area density 6.25 units per gross acre). Staff would support this request subject to the provision of 10% usable open space being provided on the property as detailed below.
6. Allow hotel use on one (1) lot in the commercial area.
Staff does not recommend approval of this variance until a Preliminary Development Plan for the lot where the hotel could be located is submitted. Staff would prefer that the Planning Commission wait to review this waiver to see if the size and scale of the hotel fits the intention of the PUD and the context of the neighborhood proposed around it.
7. Consider McClelland Circle as not a front yard for commercial outlots/parcels.
Staff does not recommend approval of this variance until the Preliminary Development Plan for an Area Master Plan is submitted.

As a PUD, the Applicant can request internal transfers of density as long as the total residential area does not exceed the maximum established by the zone. In doing so, the Applicant must provide public benefit to the proposed development, often in the form of usable open space with constructed trails (passive recreation) or community park (active recreation). Staff recommends that the zone change be conditioned to provide a minimum of 10% of the total site (R-2 PUD and B-4 PUD areas) be usable open space. The areas proposed to be rezoned C-1, nor would apartment rental amenities (i.e. clubhouse, pool, dog park) be counted to this requirement. Staff would recommend an increase in the number of pedestrian access points and a greenway connection for all residents to the C-1 areas and open space regardless of dwelling type or location.

Staff also has some concerns about the size and scale of some of the buildings proposed near the agriculturally zoned property to the south. Staff is not ready to recommend approval of waivers related to the size and scale of the apartment buildings at this time. Without knowing the proposed grade of the land the buildings will be built on, it is hard to anticipate how the requested waivers/variances to size and scale will fit in with the surrounding area. The Applicant can still request these waivers with the Preliminary Development Plan that would be required for any development. At that time, the Applicant would normally have at least a preliminary grading plan for the site, which would make it easier to evaluate this issue.

Access & Circulation

The concept plan shows one road connection onto McClelland Circle and another onto Paynes Depot Road. A public road is proposed to connect these road stubs to an internal public road that would branch from Leota Way to Paynes Depot Road and McClelland Circle. New roadway construction traffic shall not come from Leota Way, instead roadway construction shall originate from one of the two arterial roads (Paynes Depot Road or McClelland Circle) to Leota Way.

Landscape & Land Use Buffers

Multiple property perimeter landscape areas are required as part of this development, specifically for double frontage lots and between commercial and residential zones, single-family and multi-family-residential areas, residential and/or commercial and agricultural zones. The Agricultural Buffer Ordinance passed by the City/County would apply to this property. That Ordinance requires a six-foot high wire no-climb fence where the property adjoins an agricultural zone. The landscape buffer required by this Agricultural Buffer Ordinance is 50' with the plantings to be those non-harmful to livestock to be planted far enough off the property line so as to not overhang the boundary.

Big Box Retail Standards

While not specified on the concept plan, it is important to identify that the scale of the development may trigger the requirements of the *Big Box Development & Regulations* guidelines and standards in addition to the requirements of the *Zoning Ordinance*. The *Big Box Development & Regulations* include guidelines and standards for the following items:

1. Aesthetic Character	2. Site Design & Relationship to the Surrounding Community
a. Fascades & Exterior Walls b. Smaller Retail Stores c. Detail Features d. Roofs e. Materials & Colors f. Entryways	a. Entrances b. Parking Lot Orientation c. Back & Sides d. Outdoor Storage, Trash Collection, & Loading Areas e. Pedestrian Flows f. Central Features & Community Spaces

The proposed concept plan and any commercial development of this property shall meet the requirements of the *Big Box Development & Regulations*. Important items of note include (but are not limited to) varying and high-quality exterior building design features and materials, roof line variations and the concealment of flat roofs with architectural features, distinct and well-defined entryways, installation of pedestrian walkways throughout the property, and the screening of the back and sides of buildings and storage, trash, and loading areas from rights-of-way and adjoining residential areas.

RECOMMENDATION:

Based on the findings that the requested zone change does satisfy the requirements of KRS 100.213; staff recommends **Approval** of the zone change request for 182.44 acres located at 1367 Paynes Depot Road. If the Commission recommends approval of this application, staff recommends the following conditions be attached:

Conditions of Approval:

1. All applicable requirements of the *Zoning Ordinance and Subdivision and Development Regulations*.
2. The Applicant shall annex the Project Site into the City of Georgetown.
3. All areas within the greenbelt shall be rezoned to C-1 conservation.
4. The applicant shall be responsible for all offsite road and public water and sewer improvements required to serve the proposed development.
5. The Applicant shall return to the Planning Commission for a Preliminary Development Plan for an Area Master Plan for the Project Site prior to individual site Preliminary Development Plan and Preliminary Subdivision Plat approval(s). As part of Area Master Plan submittal, the Applicant shall submit an up-to-date traffic study for the correct sized area of commercial development and residential areas.
6. The approval of the zone change includes approval of the general Concept Plan proposed for the property. A Preliminary Development Plan for a Site Master Plan for the commercial and multi-family areas shall be submitted and approved by the Planning Commission following the general layout of the submitted Concept Plan. If the applicant does not progress to Preliminary or Final Development Plat/Plan approval within 3 years of Zoning Map Amendment approval, the

approved Concept Plan shall expire and the Planning Commission may initiate a rezoning of the property back to A-1 (Agricultural) or some other appropriate zone.

7. The Planning Commission shall not approve more than 150 dwelling units to be constructed until the development has at least two connections to off-site public roads. New roadway construction shall not originate from Leota Way, instead coming from either Paynes Depot Road or McClelland Circle.



NICK NICHOLSON
DIRECT DIAL: (859) 231-3950
DIRECT FAX: (859) 246-3649
Nick.Nicholson@skofirm.com

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

December 23, 2024

Georgetown-Scott County Planning Commission
230 East Main Street
Georgetown, KY 40324

Re: Gaines Farm Annexation and Zone Change Request

Dear Members of the Georgetown-Scott Planning Commission:

We represent Ball Homes, LLC (“the Applicant”), which has filed an annexation request and zone change application for property located at the corner of McClelland Circle and Paynes Depot Lane. The property consists of approximately 174.74 net (182.44 gross) acres zoned Agricultural (A-1) (the “Property”). This request is to rezone 45.51 net acres of the Property from Agricultural to Community Commercial B-4/PUD, 88.78 net acres to Medium Density Residential R-2/PUD, and 40.44 acres to Conservation (C-1) zone in order to build a mixed-use neighborhood consisting of a commercial center, 17 multi-family buildings consisting of 408 units, and 263 single family lots.

The Property is part of the Gaines Farm and is used as agricultural land although it is located within the Urban Service Boundary and adjacent to the City of Georgetown. The City of Georgetown has steadily encroached upon the Property over the past several years. Where it was once surrounded by farmland, the Property is now adjacent to neighborhoods, apartments, and close proximity to commercial and institutional development. Indeed, the Property fronts on two major four-lane arterials, McClelland Circle and Paynes Depot Lane, is across from a litany of residential neighborhoods, adjacent to the newly built houses on Ferguson Lane, in close proximity to the shopping center anchored by Kroger, and Great Crossing High School. This immediacy to the existing infrastructure and surrounding development makes this a prime opportunity to install a new mixed-use neighborhood for the benefit of Georgetown and Scott County. As such, it is no surprise that this specific acreage is featured in the Comprehensive Plan for future development as part of the Neighborhood Center Area 2: Paynes Depot Road.

The request is to rezone the Property to a Planned Unit Development (PUD) proposal to the Community Commercial B-4, Medium Density Residential R-2, and Conservation (C-1) zones with the conceptual plan providing a mixture of commercial users, multi-family, and single-family residential uses. The commercial center will be featured along both of the main arterials, the multi-family portion will be located to the rear of the commercial uses, and the single-family neighborhoods continuing the existing single-family use on Ferguson Lane. This leads to an ideal density transition from the intensity of the road systems tapering down as it continues to the greenway and existing single-family uses. As part of the residential portion of the PUD request, the proposed multi-family buildings will continue the design and density of the MarQ complex just to the east with a majority of the proposed buildings being 3 stories with 24-28 units in the

buildings; and, the single family lots will be at a minimum of 50 feet of frontage and 6,000 SF in lot size with the typical lot being 53 feet in width and 6,360 SF. This project will provide the area much needed single family units, additional multi-family units, and a community commercial center all in one project to support the Great Crossing area in a manner where the infrastructure is already in place as detailed in the Comprehensive Plan's evaluation of the area.

The legal justification for this request is that the proposed zoning is in compliance with the Comprehensive Plan. The Property is capable of being served by urban services as it is inside the Urban Service Boundary, adjacent to existing City of Georgetown property, and within the Neighborhood Center Area 2: Paynes Depot Road in the Comprehensive Plan. The Future Land Use map recommends the Property be zoned Mixed Use and the proposed plan called for just that – a mix of commercial uses, various densities of residential uses, and supporting neighborhood open space featuring access to the Greenbelt located at the rear of the Property. The proposed R-2/PUD certainly fits with several of the aspirational design aspects called for in Neighborhood Center Area 2. The commercial area “is sufficiently sized to possibly provide a grocery, office space, service, and convenience needs to the west Georgetown area.” The proposed development plan is “incorporating medium to high-density residential housing types” within and around the commercial center, while the intensity of development represents a “transition down the closer development is to the Greenbelt Reserve Area.” The development also makes sure to respect the Greenbelt, while ensuring public connections to it to enhance the amenity and open space areas of the Property. Finally, approval of the project and annexation is supported by several of the Community Form Goals and Objectives of the Comprehensive Plan, such as:

CF 1 Design for an efficient network of streets and land uses.

- CF 1.1 - Manage the location of the Urban Service Boundary (USB) and City Annexation to maximize efficiency of city networks and services.
- CF 1.2 Plan for higher-density residential uses in areas that have multiple transportation connections to commercial areas and community facilities.
- CF 1.3 Provide access between and among rural areas, connections to regional transportation systems, and safe, economical mobility and accessibility for citizens and goods.
- CF 1.4 Make public amenities, workplaces, and residential areas accessible by multiple transportation types.

CF 2 Maintain and enhance our built environment's form and character.

- CF 2.1 Allow for flexibility in land use and design pattern within projects that provide public amenities or other community benefits.
- CF 2.3 Become more walkable and bikeable.
- CF 2.4 Provide an interconnected system of local and regional public open space and recreational opportunities.

CF 3 Encourage development practices at site and community wide levels that are sustainable and protect agricultural areas.

- CF 3.3 Retain adequate, useable open space, and create green linkages in new urban and suburban development.

Simply put, adding this mixed-use neighborhood along the Bypass and Paynes Depot in between the school system, thriving neighborhoods, major commercial centers, and the Greenbelt community feature is supported by the Comprehensive Plan when it states: CF 1 – Efficient networks reduce the amount of land needed for roads, utilities, and other infrastructure that are expensive for the local government and individual owners to maintain over time. Efficient networks allow users (people) to access sites and meet needs (such as work, groceries, errands, etc.) within closer distances to where they live. This could result in greater adoption of non-motorized transportation options, such as bicycling or walking. This reduces travel time for users, reduces fuel expenses, and provides a more well-rounded range of transportation options within a community. By providing a mix of compatible uses near each other (rather than segregated land uses), community members can obtain all or most of their daily needs within a smaller area of the city. CF 2: [M]ajor commercial destinations should be enhanced to attract users and increase ownership rates; CF 3: A community that utilizes planning best practices, such as compact growth ... and a network of public open spaces and infrastructure that are well connected and provide for non-motorized transportation options, is a more sustainable community. Ball Homes asserts that our proposed development achieves these exact goals through connecting a commercial development, with differing densities in a residential neighborhood setting, which will be connected with a community-wide greenway program as called for in the Comprehensive Plan.

Additionally, the existing Agricultural (A-1) zoning is inappropriate and improper and the proposed Community Center (B-4), Residential R-2/PUD & Conservation (C-1) zoning is appropriate. The area has become increasingly urban in character as most clearly demonstrated by the Property's frontage on McClelland Circle and Paynes Depot. The surrounding commercial and residential uses have made agricultural operations more difficult and economically infeasible. In summary, the Property is no longer an appropriate location for a farm; however, Ball Homes' proposal for a mixed-use development that will transition seamlessly into the surrounding commercial and residential uses with clear and easy access to the Bypass, urban services, all while protecting the Greenbelt is clearly appropriate.

We will be at the January public hearing to make a full presentation of the application and request the Planning Commission's favorable consideration.

Best Regards;

Stoll Keenon Ogden PLLC



Nick Nicholson

NN:NN

Traffic Impact Study

Paynes Depot Road Multi-Use Development

Georgetown, KY

Prepared for
United Property Holdings

July 2023





**TECHNOLOGY
TRANSFER
PROGRAM**

**TRAFFIC IMPACT STUDY COURSE
Certificate of Completion (3.5 PDH)**

Stephen Sewell
KY PE License No. 24030

Completed: 08/12/2022
Expires: 08/12/2026
Company: University of Kentucky

TIM THARPE

Tim Tharpe, KYTC
Director of Traffic Operations

Ad Kirk

Adam Kirk, Instructor

The official status of this certificate can be verified with the
KYTC Division of Traffic Operations



St Sewell

Table of Contents

Introduction	1
Project Vicinity Map (Map 1)	2
Zoning Map (Map 2)	3
Existing Conditions	4
Regional and Local Access	4
Base Traffic Volumes (existing condition)	5
Background Traffic Volumes	5
Methodology	5
Trip Generation and Projected Traffic Volumes	6
Site Trip Generation	6
Site Layout (Map 3)	10
Trip Distribution	11
Intersection Analysis	11
Additional Study Items	17
Conclusions & Recommendations	21
Appendix	
Table 1. Unsignalized LOS	4
Table 2. Signalized LOS	5
Table 3. Trip Generation Table	7
Table 4. Pass-Bys Trip Summary	8
Table 5. Trip Generation Table (Adjusted for pass-by)	9
Table 6. 2023 LOS Summary	14
Table 7. 2033 LOS Summary	15
Table 8. 2023 Queue Summary	16
Table 9. 2033 Queue Summary	17
Table 10. Daily Distribution & Warrant Summary (Paynes Depot)	19
Table 11. Daily Distribution & Warrant Summary (US 62)	20

INTRODUCTION

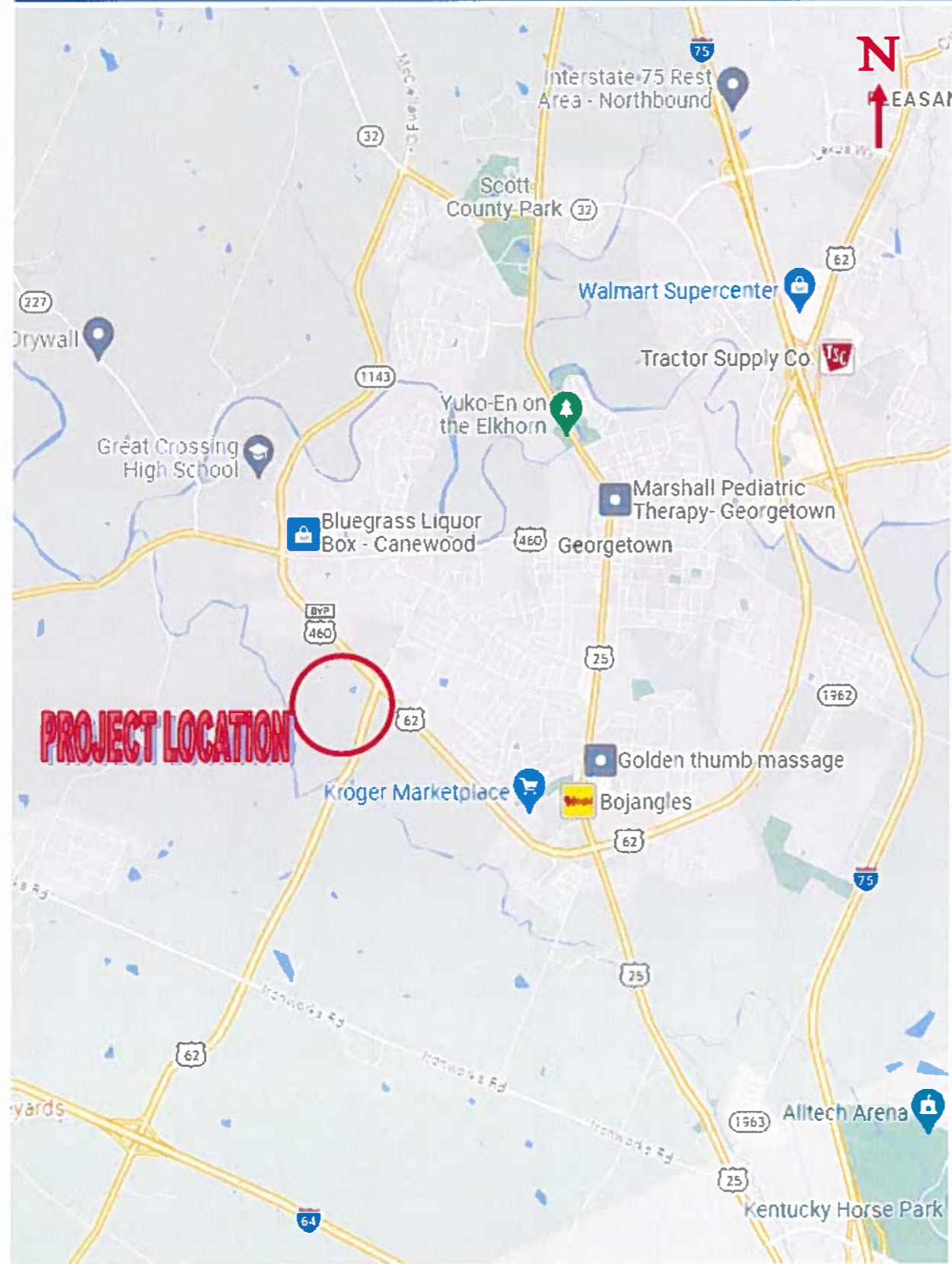
This traffic study was undertaken to assess the traffic impact of a proposed development in Scott County, Kentucky in the City of Georgetown. The development will be located in the southwest corner of the intersection of Paynes Depot Road and McClelland Circle. The vicinity map (Map 1) displays the location of the proposed development and study area.



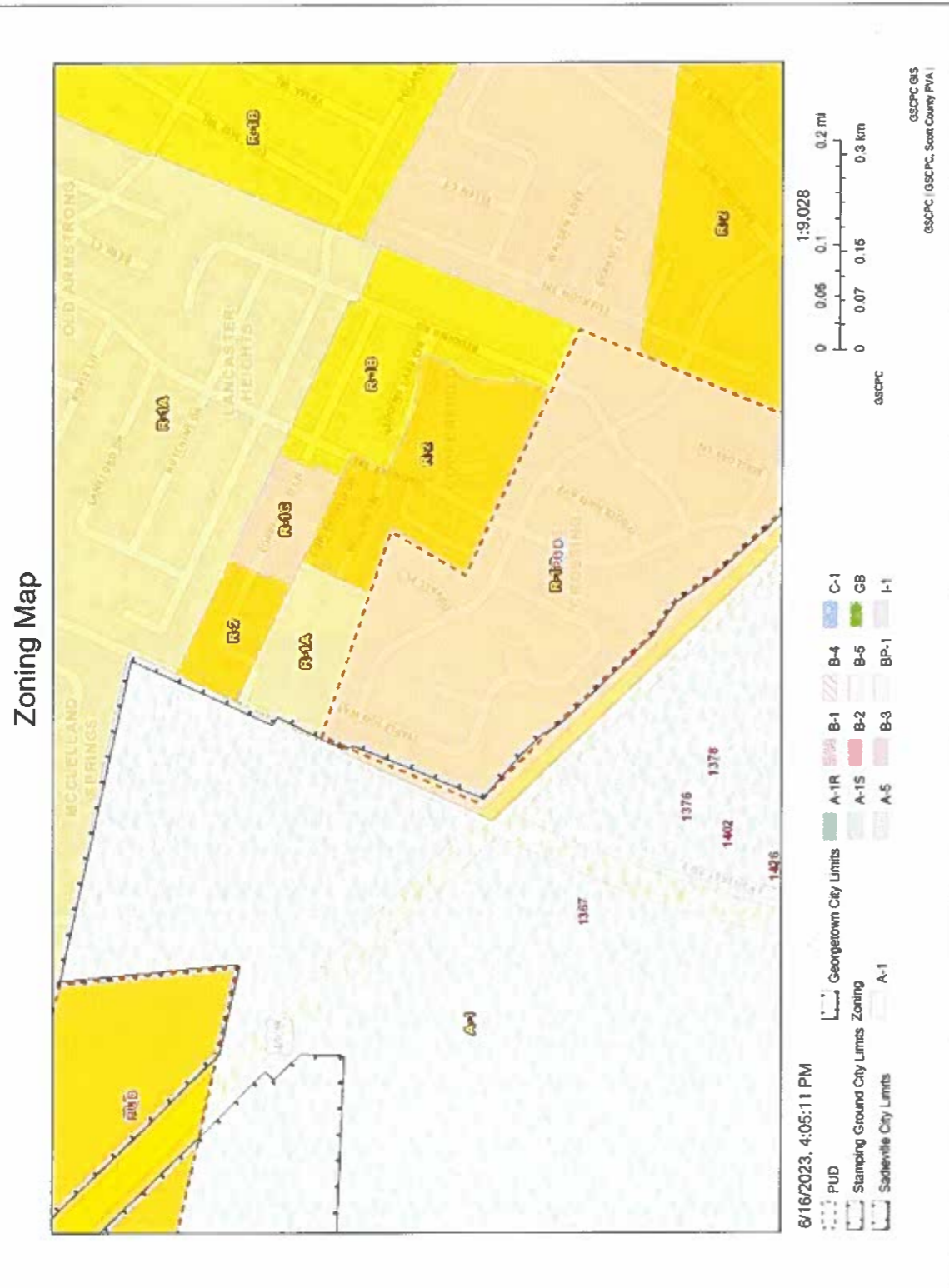
Intersection of Paynes Depot Rd at McClelland Circle

The proposed development consists of multiple land uses focused around a new home improvement superstore and grocery store. The out parcels around the home improvement superstore and grocery store were assumed and included a liquor store, strip retail plaza, warehouse, drive-in bank, gas station, car wash, coffee/donut shop, fast food and sit down restaurants. The site of the proposed development is currently zoned (Map 2) A-1 (Agricultural).

This traffic impact study included the existing intersection of McClelland Circle at Paynes Depot Road (Signalized) and two proposed access points to the site, one along McClelland Circle and the other along Paynes Depot Road. In the vicinity of the project there are a mixture of residential and industrial land uses.



Map 1. Vicinity Map



Map 2. Zoning Map

EXISTING CONDITIONS

Regional and Local Access

McClelland Circle and Paynes Depot Road will provide local and regional access into the site. A brief description of the surrounding roadways follows:

Paynes Depot Road – Paynes Depot Road is a major collector that provides regional and local access to the proposed development. Paynes Depot Road generally runs in a north-south direction in the study area. Lane widths measure approximately 12 feet with a depressed grass median and intermittent turn lanes. In the vicinity of the project site, this road consists of two thru lanes in each direction. The existing speed limit is posted at 55 mph.

McClelland Circle – McClelland Circle is a minor arterial that provides local and regional access to the proposed development. McClelland Circle generally runs in an east to west direction in the study area. Lane widths measure approximately 12 feet with a depressed grass median and intermittent turn lanes. In the vicinity of the project site, the road consists of two thru lanes in each direction. The existing speed limit is posted at 55 mph.

LEVEL OF SERVICE AND DELAY

Level of Service (LOS) was used as the measure of effectiveness for each lane and turning movement. According to the Highway Capacity Manual, the level of service is defined in terms of delay (See Tables 1 and 2). Delay results in driver discomfort, frustration, fuel consumption, and lost travel time. Delay is caused by a number of factors including traffic signal timing, geometrics, traffic congestion, and accidents at an intersection. Level of Service is based on a grade scale from A to F with A being excellent and F being failure. A Level of Service C is desirable, and D is acceptable in an urban setting.

Level of Service	Delay (Seconds per Vehicle)
A	≤10
B	>10 and ≤15
C	>15 and ≤25
D	>25 and ≤35
E	>35 and ≤50
F	>50

Level of Service	Delay (Seconds per Vehicle)
A	≤10
B	>10 and ≤20
C	>20 and ≤35
D	>35 and ≤55
E	>55 and ≤80
F	>80

Base Traffic Volumes (existing condition)

Manual traffic counts were taken from 6:00 AM to 6:00 PM on April 25, 2023 at the intersection of Paynes Depot Road and McClelland Circle. All traffic volumes can be found in the Appendix.

Background Traffic Volumes

The estimated completion date for the proposed development is currently unknown but significant completion will be during 2023 and 2024. The KYTC historic traffic volumes along the South side of Paynes Depot Road show an annual increase of 1.44% from 2010 to 2022. The traffic volumes along McClelland Circle show an annual increase of 2.28% from 2013 to 2022. These rates are likely inflated due to the construction of the Elkhorn Crossing School and the Great Crossing High School near the studied area. When considering traffic growth rates in recent years (2019 to 2022) the growth rates range from flat to 2.00%. Traffic volumes in the year 2020 were not considered due to the effect of the COVID-19 pandemic’s effect on traffic. This traffic study assumes a 2.0% annual growth rate for existing traffic over the next ten years.

METHODOLOGY

Level of Service, delay, and queue length were measures of effectiveness analyzed using the HCS2023 software.

Trips were generated for the proposed development and then distributed to the roadway system based on the existing traffic patterns and engineering judgment. For the analysis, the study uses traffic volumes from the current year, initial build year, and a future build out year in which the traffic volumes were grown at a rate determined by historic traffic counts in the area. The assigned volumes from the proposed development and the background traffic volumes combined to produce the total proposed traffic volumes for existing and build out conditions. HCS2023 was used to analyze the roadway network for existing and proposed conditions in both the initial build year (2023) and design year (2033). The 2023 background, level-of-service, and vehicle delay can be found in the Appendix along with 2023 No Build (Fig 1), 2023 Build (Fig 7), 2033 No Build (Fig 8), and 2033 Build (Fig 9) traffic volumes.

A restricted crossing U-turn (R-Cut) corridor is currently being considered along US 460 Bypass (McClelland Circle); therefore, this study considers the possibility of an R-Cut being constructed as the entrance to the proposed development. Figure 1A provides the 2023 no build volumes, Figure 7A provides the 2023 build volumes, and Figure 9A provides the 2033 build volumes assuming an R-Cut is constructed.

TRIP GENERATION AND PROJECTED TRAFFIC VOLUMES

Trip estimates for the proposed development are based upon information provided in the *Trip Generation, 11th Edition*, a nationally recognized resource of trip generation rates published by the Institute of Transportation Engineers (ITE).

SITE TRIP GENERATION

The proposed site will consist of a home improvement superstore, liquor store, free-standing discount superstore, sit-down restaurant, and warehouse. There are also 10 outparcels around the site for undetermined land uses. Table 3 details the known land uses and the land uses assumed to be constructed on the outparcels surrounding the site and the amount of traffic that will be generated to the site. Map 3 shows the current overall site plan for the proposed development.

Based on the land uses shown in Table 3 the ITE rates generate 1,541 (AM Peak) and 1,899 vehicles (PM peak). It is expected that a portion of the traffic currently within the roadway network will utilize the land uses within the development. In order to account for these trips ITE's *Pass-By Tables* document provided with the *Trip Generation, 11th Edition* was used to determine what percentage of each development is expected to be pass-by trips. Table 4 provides the expected number of pass-by trips for each development and the remaining trips that will be new to the network. Table 5 provides the updated number of new trips to the roadway network having accounted for the pass-by trips. Internal capture was not included in the analysis due to the uncertainty of which land uses will occupy the outparcels.

Paynes Depot Multi-Use Proposed Development Trip Generation Tables								
ITE			Average					
Code	Land Use	Sq. Ft./Units	Rate	AM Peak	In	%	Out	%
813	Free-Standing Discount Superstore	48,848	1.86	91	51	56%	40	44%
862	Home Improvement Superstore	195,000	1.51	295	169	57%	126	43%
899	Liquor Store	3,200	0.59	2	2	79%	0	21%
822	Strip Retail Plaza	14,000	2.36	33	20	60%	13	40%
150	Warehousing	42,698	0.17	7	5	77%	2	23%
932	High Turnover (Sit-Down)	4,800	9.57	48	25	55%	21	45%
944	Gasoline/ Service Station (Outparcel 1)	10	10.28	103	52	50%	51	50%
937	Coffee/Donut Shop with Drive-Through Window (Outparcel 2)	2,000	85.88	172	88	51%	84	49%
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 3)	4,000	44.61	178	91	51%	87	49%
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 4)	4,000	44.61	178	91	51%	87	49%
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 5)	4,000	44.61	178	91	51%	87	49%
932	High Turnover (Sit-Down) Restaurant (Outparcel 6)	5,000	9.57	48	26	55%	22	45%
932	High Turnover (Sit-Down) Restaurant (Outparcel 7)	6,000	9.57	57	31	55%	26	45%
948	Automated Car Wash (Outparcel 8)	1	N/A		0		0	
912	Drive-In Bank (Outparcel 9)	5,000	9.95	50	29	58%	21	42%
944	Gasoline/ Service Station (Outparcel 10)	10	10.28	103	52	50%	51	50%
				1541	823		718	

ITE			Average					
Code	Land Use	Sq. Ft./Units	Rate	PM Peak	In	%	Out	%
813	Free-Standing Discount Superstore	48,848	4.33	212	104	49%	108	51%
862	Home Improvement Superstore	195,000	2.29	448	220	49%	228	51%
899	Liquor Store	3,200	16.62	53	27	50%	26	50%
822	Strip Retail Plaza	14,000	6.59	92	46	50%	46	50%
150	Warehousing	42,698	0.18	8	2	28%	6	72%
932	High Turnover (Sit-Down)	4,800	9.05	43	26	61%	17	39%
944	Gasoline/ Service Station (Outparcel 1)	10	13.91	139	70	50%	69	50%
937	Coffee/Donut Shop with Drive-Through Window (Outparcel 2)	2,000	38.99	78	39	50%	39	50%
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 3)	4,000	33.03	132	69	52%	63	48%
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 4)	4,000	33.03	132	69	52%	63	48%
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 5)	4,000	33.03	132	69	52%	63	48%
932	High Turnover (Sit-Down) Restaurant (Outparcel 6)	6,000	9.05	54	33	61%	21	39%
932	High Turnover (Sit-Down) Restaurant (Outparcel 7)	6,000	9.05	54	33	61%	21	39%
948	Automated Car Wash (Outparcel 8)	1	77.5	78	39	50%	39	50%
912	Drive-In Bank (Outparcel 9)	5,000	21.01	105	53	50%	52	50%
944	Gasoline/ Service Station (Outparcel 10)	10	13.91	139	70	50%	69	50%
				1899	969		930	

Table 3 - Trip Generation Table

Paynes Depot Multi-Use Proposed Development Pass-By Table								
ITE			AM Peak	Pass By	Pass By	Pass By	Pass By	Remain
Code	Land Use	Sq. Ft./Units	Trips Gen.	%	Total	Enter	Exit	Trips
813	Free-Standing Discount Superstore	55,454	91	0.00%	0	0	0	91
862	Home Improvement Superstore	195,000	285	0.00%	0	0	0	285
899	Liquor Store	3,200	2	0.00%	0	0	0	2
822	Strip Retail Plaza	15,000	33	0.00%	0	0	0	33
150	Warehousing	42,698	7	0.00%	0	0	0	7
932	High Turnover (Sit-Down)	4,800	48	0.00%	0	0	0	48
944	Gasoline/ Service Station (Outparcel 1)	10	103	63.00%	64	32	32	39
937*	Coffee/Donut Shop with Drive-Through Window (Outparcel 2)	2,000	172	75.00%	128	64	64	44
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 3)	4,000	178	50.00%	88	44	44	90
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 4)	4,000	178	50.00%	88	44	44	90
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 5)	4,000	178	50.00%	88	44	44	90
932	High Turnover (Sit-Down) (Outparcel 6)	5,000	48	0.00%	0	0	0	48
932	High Turnover (Sit-Down) Restaurant (Outparcel 7)	6,000	57	0.00%	0	0	0	57
948	Automated Car Wash (Outparcel 8)	1	0		0	0	0	0
912	Drive-In Bank (Outparcel 9)	5,000	50	29.00%	14	7	7	36
944	Gasoline/ Service Station (Outparcel 10)	10	103	63.00%	64	32	32	39
					534	267	267	1007

ITE			PM Peak	Pass By	Pass By	Pass By	Pass By	Remain
Code	Land Use	Sq. Ft./Units	Trips Gen.	%	Total	Enter	Exit	Trips
813	Free-Standing Discount Superstore	55,454	212	29.00%	61	31	31	151
862	Home Improvement Superstore	195,000	448	40.00%	179	90	90	269
899	Liquor Store	3,200	53	0.00%	0	0	0	53
822	Strip Retail Plaza	15,000	82	0.00%	0	0	0	82
150	Warehousing	42,698	8	0.00%	0	0	0	8
932	High Turnover (Sit-Down)	4,800	43	43.00%	18	9	9	25
944	Gasoline/ Service Station (Outparcel 1)	10	139	57.00%	78	39	39	61
937*	Coffee/Donut Shop with Drive-Through Window (Outparcel 2)	2,000	78	60.00%	46	23	23	32
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 3)	4,000	132	55.00%	72	36	36	60
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 4)	4,000	132	55.00%	72	36	36	60
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 5)	4,000	132	55.00%	72	36	36	60
932	High Turnover (Sit-Down) Restaurant (Outparcel 6)	6,000	54	43.00%	22	11	11	32
932	High Turnover (Sit-Down) Restaurant (Outparcel 7)	6,000	54	43.00%	22	11	11	32
948	Automated Car Wash (Outparcel 8)	1	78	0.00%	0	0	0	78
912	Drive-In Bank (Outparcel 9)	5,100	107	35.00%	38	19	19	69
944	Gasoline/ Service Station (Outparcel 10)	10	139	57.00%	78	39	39	61
					758	379	379	1143

*Land Use not given pass-by average. Used similar land use for pass-bys

Table 4 -- Pass-By Trips Table

Paynes Depot Multi-Use Proposed Development Trip Generation Tables (Revised)							
ITE							
Code	Land Use	Sq. Ft./Units	AM Peak	In	%	Out	%
813	Free-Standing Discount Superstore	55,454	91	51	56%	40	44%
862	Home Improvement Superstore	195,000	295	169	57%	126	43%
899	Liquor Store	3,200	2	2	79%	0	21%
822	Strip Retail Plaza	15,000	33	20	60%	13	40%
150	Warehousing	42,698	7		77%		23%
932	High Turnover (Sit-Down)	4,800	48		55%		45%
944	Gasoline/ Service Station (Outparcel 1)	10	39	20	50%	19	50%
937*	Coffee/Donut Shop with Drive-Through Window (Outparcel 2)	2,000	44	22	51%	22	49%
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 3)	4,000	90	46	51%	44	49%
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 4)	4,000	90	46	51%	44	49%
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 5)	4,000	90	46	51%	44	49%
932	High Turnover (Sit-Down) (Outparcel 6)	5,000	48	26	55%	22	45%
932	High Turnover (Sit-Down) Restaurant (Outparcel 7)	6,000	57	31	55%	26	45%
948	Automated Car Wash (Outparcel 8)	1	0	0	0%	0	100%
912	Drive-In Bank (Outparcel 9)	5,000	36	21	58%	15	42%
944	Gasoline/ Service Station (Outparcel 10)	10	39	20	50%	19	50%
			1007	520		434	
ITE							
Code	Land Use	Sq. Ft./Units	PM Peak	In	%	Out	%
813	Free-Standing Discount Superstore	55,454	151	74	49%	77	51%
862	Home Improvement Superstore	195,000	269	132	49%	137	51%
899	Liquor Store	3,200	53	27	50%	26	50%
822	Strip Retail Plaza	15,000	92	46	50%	46	50%
150	Warehousing	42,698	8		28%		72%
932	High Turnover (Sit-Down)	4,800	25		61%		39%
944	Gasoline/ Service Station (Outparcel 1)	10	61	31	50%	30	50%
937*	Coffee/Donut Shop with Drive-Through Window (Outparcel 2)	2,000	32	16	50%	16	50%
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 3)	4,000	60	31	52%	29	48%
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 4)	4,000	60	31	52%	29	48%
934	Fast-Food Restaurant with Drive-Through Window (Outparcel 5)	4,000	60	31	52%	29	48%
932	High Turnover (Sit-Down) Restaurant (Outparcel 6)	6,000	32	20	61%	12	39%
932	High Turnover (Sit-Down) Restaurant (Outparcel 7)	6,000	32	20	61%	12	39%
948	Automated Car Wash (Outparcel 8)	1	78	39	50%	39	50%
912	Drive-In Bank (Outparcel 9)	5,000	69	35	50%	34	50%
944	Gasoline/ Service Station (Outparcel 10)	10	61	31	50%	30	50%
			1143	584		548	

Table 5 – Revised Trip Generation Table



Map 3. Site Map

TRIP DISTRIBUTION

	<u>Distribution</u>	
From the North via Paynes Depot Rd	(20%) AM,	10% PM
From the South via Paynes Depot Rd	(15%) AM,	30% PM
From the East via McClelland Circle	(40%) AM,	35% PM
From the West via McClelland Circle	(25%) AM,	25% PM

LEVEL OF SERVICE AND DELAY ANALYSIS

All intersection traffic volumes, vehicle delay, and level of service information can be found in the Appendix. The 2033 base traffic volume information will be the focus upon comparisons between the projected background traffic and the proposed traffic volumes (full build out). The 2033 No-Build volumes would exist on the roadway system in the absence of the proposed development and the 2033 Build Volumes are the volumes with the proposed development(s) included.

The No-Build Scenario analysis assumes that no proposed improvements to the roadway system have been implemented. This would be the case assuming the proposed development was not built.

INTERSECTION ANALYSIS

2023 No Build Analysis

The signalized intersection of Paynes Depot at McClelland Circle (US 62) operates as a LOS “C” for both the AM and PM peak hours. Based on signal timing and the HCS analysis, US 460 Bypass is treated as the major road and Paynes Depot Road is treated as the minor road; therefore, emphasis was placed on maintaining a better LOS along US 460 Bypass by giving it the majority of the green time at the expense of Paynes Depot Road. The analysis shows that the individual movements from the US 460 Bypass approaches operate as a LOS “B” or “C” while all of the Paynes Depot approaches operate as a LOS “C” during both AM and PM peak hours. Due to the high volumes along both roads most movements experience queueing. The longest queue is in the northbound left movement that experiences a 9 vehicle queue.

2023 Build Analysis

The HCS analysis reveals that the roadway network experiences degrading due to the increase in traffic volume throughout the roadway network.

At the intersection of Paynes Depot and US 460 Bypass the northbound left turning movement degrades to a LOS “D” during the PM peak hour. This LOS is considered acceptable in urban environments. All other movements continue to operate as a LOS “C” or better during both the AM and PM peak hours. The queue analysis determined that there are increases in queue length in all movements. Most movements experience an increase of approximately two or three cars; however, the eastbound and westbound left experience a 4 and 5 car increase respectively during the AM peak hour. During the PM peak hour the westbound left and northbound right turning movements experience a four car increase in queue length.

At the intersection of US 460 Bypass and the proposed entrance to the development, this intersection was analyzed as three alternatives; a two way stop controlled intersection, a signalized intersection, and as an R-Cut intersection. The HCS analysis revealed that as a two way stop controlled intersection the northbound left turning movement degrades to a LOS "F" under both AM and PM peak hours with queue lengths of approximately 10 vehicles. Under signalized conditions the intersection operates as a LOS "B" overall with mainline traffic operating as a LOS "B" or better and the minor traffic exiting the development operates as a LOS "D". This analysis was based on assumed signal timing with a cycle length of 100 seconds. The signal timing would be improved in the field. When considering the intersection for an R-Cut alternative the HCS analysis revealed that vehicles wishing to travel westbound on US 460 Bypass after exiting the development would operate as a LOS "D" when considering the delay to exit the development and U-turn along US 460 Bypass. The traffic exiting the development and remaining in the eastbound travel lanes operates as a LOS "B". Traffic turning left into the development also operates as a LOS "B" during both peak hours.

The intersection of Paynes Depot Road and the proposed entrance to the development was analyzed as a two way stop controlled intersection and as a signalized intersection. When looking at the intersection as a two way stop controlled intersection the HCS analysis revealed that the left turning movement exiting the development operates as a LOS "F" during both the AM and PM peak hours. The right turning movement operates as a LOS "B" and movement entering the development operate as a LOS "B" or better during both peak hours. The longest queue is in the eastbound left turning movement which extends to 22 vehicles in the PM peak hour. When analyzed as a signalized intersection, with an assumed cycle length of 100 seconds, the major road movements operate as a LOS "B" or better which the minor road movements exiting the development operate as a LOS "D".

2033 No Build Analysis

The HCS analysis reveals that there is degrading at the signalized intersection of Paynes Depot at US 460 Bypass as the background traffic grows to 2033. All movement continue to operate as a LOS "C" or better during both the AM and PM peak hours with the exception of the northbound left turning movement which degrades to a LOS "E" during the PM peak hour. The queue analysis determined that many of the queue lengths extend to 10 vehicles or more, but the longest queue occurs in the northbound left turn lane which extends to 16 vehicles.

2033 Build Analysis

The HCS analysis reveals that the roadway network experiences degrading due to the increase in traffic volume throughout the roadway network.

At the intersection of Paynes Depot and US 460 Bypass the existing signal timing proved to result in unacceptable level of service; therefore, changes to the splits were implemented in order to improve the signal's operation. Based on the changes to the signal timing all movements operate as a LOS "D" or better during both the AM and PM peak hours. The queue analysis determined that the longest queue becomes the westbound left turning movement which extends to 19 vehicles during the PM peak hour.

At the intersection of US 460 Bypass and the proposed entrance to the development, this intersection was analyzed as three alternatives; a two way stop controlled intersection, a signalized intersection, and as an R-Cut intersection. The HCS analysis revealed that as a two way stop controlled intersection the northbound left turning movement degrades to a LOS "F" under both AM and PM peak hours with queue lengths of approximately 23 to 26 vehicles. Under signalized conditions the intersection operates as a LOS "B" overall with mainline traffic operating as a LOS "B" or better and the minor traffic exiting the development operates as a LOS "D". This analysis was based on assumed signal timing with a cycle length of 100 seconds. When considering the intersection for an R-Cut alternative the HCS analysis revealed that vehicles wishing to travel westbound on US 460 Bypass after exiting the development would operate as a LOS "E" when considering the delay to exit the development and U-turn along US 460 Bypass. The traffic exiting the development and remaining in the eastbound travel lanes operates as a LOS "C". Traffic turning left into the development also operates as a LOS "B" during both peak hours.

The intersection of Paynes Depot Road and the proposed entrance to the development was analyzed as a two way stop controlled intersection and as a signalized intersection. When looking at the intersection as a two way stop controlled intersection the HCS analysis revealed that the left turning movement exiting the development operates as a LOS "F" during both the AM and PM peak hours. The right turning movement operates as a LOS "C" or better and movements entering the development operate as a LOS "B" or better during both peak hours. The longest queue is in the eastbound left turning movement which extends to 25 vehicles in the PM peak hour. When analyzed as a signalized intersection the major road movements operate as a LOS "B" or better which the minor road movements exiting the development operate as a LOS "D". This is based on assumed signal timing and a cycle length of 100 seconds.

Multi-Use Development Traffic Impact Study

Georgetown, KY

2023 NO BUILD (Delay in sec/LOS)													
AM PEAK	Eastbound			Westbound			Northbound			Southbound			Total
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT	Intersection
US 460 Bypass @ Paynes Depot	19/B	23/C	23/C	15/B	14/B	13/B	29/C	22/C	24/C	26/C	22/C	22/C	27/C
PM PEAK	Eastbound			Westbound			Northbound			Southbound			Total
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT	Intersection
US 460 Bypass @ Paynes Depot	23/C	28/C	28/C	20/B	19/B	17/B	32/C	22/C	24/C	28/C	20/C	20/C	24/C
2023 BUILD (Delay in sec/LOS)													
AM PEAK	Eastbound			Westbound			Northbound			Southbound			Total
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT	Intersection
US 460 Bypass @ Paynes Depot (Existing Signal Timing)	22/C	30/C	29/C	26/C	19/B	18/B	33/C	24/C	26/C	29/C	24/C	24/C	26/C
Paynes Depot @ Entrance TWSC	94/F		13/B				17/B			8/A			
Paynes Depot @ Entrance (Signalized)	38/D		38/D				12/B	8/A			15/B	15/B	18/B
US 460 Bypass @ Entrance TWSC				12/B			13/F		13/B				
US 460 Bypass @ Entrance (RCUT ANALYSIS)				12/B			30/D		19/B				
US 460 Bypass @ Entrance (Signalized)		17/B	15/B	12/B	8/A		38/D		38/D				17/B
PM PEAK	Eastbound			Westbound			Northbound			Southbound			Total
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT	Intersection
US 460 Bypass @ Paynes Depot (Existing Signal Timing)	24/C	33/C	32/C	37/C	23/C	20/B	42/D	25/C	33/C	32/C	23/C	23/C	30/C
Paynes Depot @ Entrance TWSC	55/F		14/B				12/B			9/A			
Paynes Depot @ Entrance (Signalized)	39/D		46/D				13/B	9/A			19/B	17/B	20/B
US 460 Bypass @ Entrance TWSC				12/B			184/F		13/B				
US 460 Bypass @ Entrance (RCUT ANALYSIS)				12/B			35/D		20/B				
US 460 Bypass @ Entrance (Signalized)		17/B	15/B	12/B	9/A		42/D		37/D				19/B

Table 6. 2023 Level of Service Summary

2033 NO BUILD (Delay in sec/LOS)													
AM PEAK	Eastbound			Westbound			Northbound			Southbound			Total
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT	Intersection
US 460 Bypass @ Paynes Depot	24/C	30/C	30/C	25/C	18/B	15/B	32/C	23/C	25/C	28/C	23/C	23/C	25/C
PM PEAK	Eastbound			Westbound			Northbound			Southbound			Total
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT	Intersection
US 460 Bypass @ Paynes Depot	25/C	33/C	32/C	29/C	21/C	18/B	32/E	28/C	30/C	34/C	23/C	23/C	31/C
2033 BUILD (Delay in sec/LOS)													
AM PEAK	Eastbound			Westbound			Northbound			Southbound			Total
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT	Intersection
US 460 Bypass @ Paynes Depot (Adjusted Signal Timing)	25/C	36/D	34/C	44/D	20/C	17/B	53/D	29/C	33/C	37/D	29/C	29/C	33/C
Paynes Depot @ Entrance TWSC	19/D		14/B				13/B			9/A			
Paynes Depot @ Entrance (Signalized)	38/D	38/D					11/B	8/A			18/B	15/B	18/B
US 460 Bypass @ Entrance TWSC				14/B			13/D		14/B				
US 460 Bypass @ Entrance (RCUT ANALYSIS)				14/B			37/E		24/C				
US 460 Bypass @ Entrance (Signalized)		18/B	18/B	13/B	8/A		38/D		36/D				18/B
PM PEAK	Eastbound			Westbound			Northbound			Southbound			Total
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT	Intersection
US 460 Bypass @ Paynes Depot (Adjusted Signal Timing)	30/C	48/D	42/D	53/D	28/C	23/C	55/D	49/D	52/D	43/D	53/D	53/D	44/D
Paynes Depot @ Entrance TWSC	18/D		18/C				14/B			11/B			
Paynes Depot @ Entrance (Signalized)	38/D	46/D					14/B	10/A			20/B	17/B	20/B
US 460 Bypass @ Entrance TWSC				13/B			18/D		14/B				
US 460 Bypass @ Entrance (RCUT ANALYSIS)				13/B			46/E		26/C				
US 460 Bypass @ Entrance (Signalized)		18/B	18/B	15/B	10/B		42/D		37/D				18/B

Table 7. 2033 Level of Service Summary

2023 NO BUILD (95th Percentile Queue in Veh/Lane)												
AM PEAK	Eastbound			Westbound			Northbound			Southbound		
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
US 460 Bypass @ Paynes Depot	0	5	4	5	3	1	4	3	4	3	3	3
PM PEAK	Eastbound			Westbound			Northbound			Southbound		
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
US 460 Bypass @ Paynes Depot	0	7	5	7	6	2	9	6	7	2	2	2
2023 BUILD (95th Percentile Queue in Veh/Lane)												
AM PEAK	Eastbound			Westbound			Northbound			Southbound		
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
US 460 Bypass @ Paynes Depot (Existing Signal Timing)	1	9	6	10	6	1	5	5	7	3	5	5
Paynes Depot @ Entrance TWSC	9		1				1			0		
Paynes Depot @ Entrance (Signalized)	9		7				2	3			8	5
US 460 Bypass @ Entrance TWSC				2			10		1			
US 460 Bypass @ Entrance (RCUT ANALYSIS)				2					4			
US 460 Bypass @ Entrance (Signalized)		8	4	4	3		8		5			
PM PEAK	Eastbound			Westbound			Northbound			Southbound		
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
US 460 Bypass @ Paynes Depot (Existing Signal Timing)	1	10	6	11	9	2	11	8	11	3	3	3
Paynes Depot @ Entrance TWSC	22		2				2			0		
Paynes Depot @ Entrance (Signalized)	10		11				5	6			8	4
US 460 Bypass @ Entrance TWSC				1			12		1			
US 460 Bypass @ Entrance (RCUT ANALYSIS)				1					5			
US 460 Bypass @ Entrance (Signalized)		9	5	4	7		10		6			

Table 8. 2023 Queue Summary

2033 NO BUILD (95th Percentile Queue in Veh/Lane)												
AM PEAK	Eastbound			Westbound			Northbound			Southbound		
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
US 460 Bypass @ Paynes Depot	0	9	7	9	4	1	6	3	6	4	4	4
PM PEAK	Eastbound			Westbound			Northbound			Southbound		
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
US 460 Bypass @ Paynes Depot	0	10	8	10	9	3	18	9	10	3	3	3
2033 BUILD (95th Percentile Queue in Veh/Lane)												
AM PEAK	Eastbound			Westbound			Northbound			Southbound		
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
US 460 Bypass @ Paynes Depot (Adjusted Signal Timing)	1	12	8	15	8	1	9	7	10	5	7	7
Paynes Depot @ Entrance TWSC	12		1				1			0		
Paynes Depot @ Entrance (Signalized)	9		7				2	4			10	5
US 460 Bypass @ Entrance TWSC				2			23		2			
US 460 Bypass @ Entrance (RCUT ANALYSIS)				2					6			
US 460 Bypass @ Entrance (Signalized)		10	4	4	4		8		5			
PM PEAK	Eastbound			Westbound			Northbound			Southbound		
INTERSECTION	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
US 460 Bypass @ Paynes Depot (Adjusted Signal Timing)	1	15	10	19	13	4	15	14	13	4	7	7
Paynes Depot @ Entrance TWSC	25		2				2			0		
Paynes Depot @ Entrance (Signalized)	10		11				5	8			10	4
US 460 Bypass @ Entrance TWSC				2			26		2			
US 460 Bypass @ Entrance (RCUT ANALYSIS)				2					7			
US 460 Bypass @ Entrance (Signalized)		11	5	4	9		11		6			

Table 9. 2033 Queue Summary

ADDITIONAL STUDY ITEMS

Turn Lane Analysis

Based on the queue analysis performed using KYTC’s “Warrant Calcs Interactive” workbook, left and right turn lanes into the development along US 460 Bypass, and a right turn lane into the development along Paynes Depot Road are warranted due to the volume turning into the development as well as the large through volumes along the major roadway. The workbook recommends that turn lanes be 340 feet in length or a minimum of 295 feet of storage space. The turn lane warrants are included in the Appendix of this report.

Sight Distance Analysis

Figure 10 provides a plan view of the intersection sight distance triangles for the US 460 Bypass and Paynes Depot Road entrances. The figures show that the entrances meets the appropriate sight distance required based on AASHTO/ KYTC standards along a 55 mph route. Vehicles entering the roadway can see adequate distance to enter the roadway safely along both Paynes Depot Road and US 460 Bypass.

Traffic Signal Warrant

The intersections of Paynes Depot Road and the site entrance and US 460 Bypass at the site entrance will operate as the primary ingress points for the site and as the primary means of egress from the site. As shown in the HCS analysis, two way stop controlled intersections will experience long delays and long queue lengths.

In order to determine if this intersection is expected to be eligible for a traffic signal ITE's *Trip Generation, 11th Edition* was used in conjunction with their *Vehicle Trip Time of Day Distribution – TGM 11th Ed* document to determine how many trips the development will produce in a day and how those entering and exiting trips will be distributed throughout the day. Based on the distribution of traffic it is expected that approximately half the traffic generated by the development will utilize the US 460 Bypass entrance and the other half will utilize the Paynes Depot Road entrance. Therefore, half of the daily distributed volumes were assumed to be at each entrance. Once the daily distribution of generated trips was determined they were combined with the counted traffic volumes collected during the 12 hour turn movement count. Based on the expected daily traffic, which is summarized in Tables 10 and 11, both intersections are expected to warrant a traffic signal based on the MUTCD's Signal Warrant 1 for eight-hour vehicular volumes.

The tables provided on the next page shows the existing hourly flows, the expected hourly flows into and out of the site, and the total trips that will be on Paynes Depot Road and US 460 Bypass.

Start Time	PAYNES DEPOT APPROACH TURN LANE WARRANT VOLUMES														Total						
	Major Roadway (two or more lanes per direction)							Minor Roadway (one lane per direction)													
	813			822			899			912			934 (x3)			937			944	944	
7:00:00 AM	Existing	12	4	1	4	5	16	28	22	1,176	0	0	4	0	0	3	3	15			26
8:00:00 AM	1,087	20	9	1	10	6	17	27	23	1,198	0	0	9	0	0	5	5	16	27	24	101
9:00:00 AM	1,087	36	11	3	11	7	16	21	22	1,211	0	0	11	1	1	6	6	16	23	21	108
10:00:00 AM	1,087	38	12	6	11	9	19	19	19	1,219	0	0	12	3	3	7	7	18	21	19	126
11:00:00 AM	1,087	51	12	7	13	20	43	18	26	1,275	0	0	12	4	4	11	11	36	20	26	165
12:00:00 PM	1,512	53	12	9	14	20	56	15	28	1,717	0	0	12	5	5	14	14	56	17	29	202
1:00:00 PM	1,512	51	13	10	13	11	37	17	27	1,689	0	0	13	5	5	13	13	41	15	26	179
2:00:00 PM	1,512	52	12	13	12	7	28	14	28	1,676	0	0	12	7	7	12	8	30	15	27	161
3:00:00 PM	1,512	51	14	18	12	6	27	16	32	1,685	0	0	13	9	9	13	7	27	14	30	166
4:00:00 PM	1,512	51	15	21	12	10	28	13	32	1,693	0	0	13	10	10	14	7	26	11	32	167
5:00:00 PM	1,512	49	15	29	10	17	33	7	32	1,702	0	0	15	15	15	13	11	31	9	33	176
6:00:00 PM	1,512	44	15	21	4	16	35	7	34	1,687	0	0	15	11	11	5	14	35	8	33	165

Land Use Code	Key	Land Use
813		Discount Super Store
822		Strip Retail Plaza
899		Liquor Store
912		Drive-in Bank
932		High-Turnover Restaurant
934		Fast Food with Drive Through
937		Coffee- Donut Shop with Drive Through
944		Gasoline-Service Station

Table 4C-1. Warrant 1, Eight-Hour Vehicular Volume

Condition A—Minimum Vehicular Volume

Number of lanes for moving traffic on each approach	Vehicles per hour on major street (total of both approaches)		Vehicles per hour on higher-volume minor-street approach (one direction only)	
	100% ^a	80% ^b	70% ^c	56% ^d
Major Street	500	400	350	280
1	500	400	350	280
2 or more	600	480	420	336
2 or more	600	480	420	336
1	500	400	350	280

Condition B—Interruption of Continuous Traffic

Number of lanes for moving traffic on each approach	Vehicles per hour on major street (total of both approaches)		Vehicles per hour on higher-volume minor-street approach (one direction only)	
	100% ^a	80% ^b	70% ^c	56% ^d
Major Street	750	600	525	420
1	750	600	525	420
2 or more	900	720	630	504
2 or more	900	720	630	504
1	750	600	525	420

Table 10. Daily Distribution Summary and Warrant Requirements Paynes Depot

Start Time	US 62 APPROACH TURN LANE WARRANT VOLUMES																Total			
	Major Roadway (two or more lanes per direction)								Minor Roadway (one lane per direction)											
	Existing	813	822	899	912	932 (x3)	934 (x3)	937	944	Total	Existing	813	822	899	912	932 (x3)		934 (x3)	937	944
7:00:00 AM	1,054	12	4	1	4	5	16	28	22	1,143	0	10	4	0	3	3	15	26	21	81
8:00:00 AM	1,054	20	9	1	10	6	17	27	23	1,165	0	15	9	0	6	5	16	27	24	101
9:00:00 AM	1,054	36	11	3	11	7	16	21	22	1,178	0	23	11	1	10	6	16	23	21	108
10:00:00 AM	1,054	38	12	6	11	9	19	19	19	1,186	0	37	12	3	11	7	18	21	19	126
11:00:00 AM	1,054	51	12	7	13	20	43	18	26	1,242	0	45	12	4	13	11	36	20	26	165
12:00:00 PM	1,510	53	12	9	14	20	56	15	28	1,715	0	52	12	5	14	20	56	17	29	202
1:00:00 PM	1,510	51	13	10	13	11	37	17	27	1,687	0	50	13	5	13	18	41	15	26	179
2:00:00 PM	1,510	52	12	13	12	7	28	14	28	1,674	0	51	12	7	12	8	30	15	27	161
3:00:00 PM	1,510	51	14	18	12	6	27	16	32	1,683	0	53	14	9	13	7	27	14	30	166
4:00:00 PM	1,510	51	15	21	12	10	28	13	32	1,691	0	53	15	10	14	7	26	11	32	167
5:00:00 PM	1,510	49	15	29	10	17	33	7	32	1,700	0	50	15	15	13	11	31	9	33	176
6:00:00 PM	1,510	44	15	21	4	16	35	7	34	1,685	0	45	15	11	5	14	35	8	33	165

Land Use Code	Key
813	Land Use
822	Discount Super Store
899	Strip Retail Plaza
912	Liquor Store
932	Drive-in Bank
934	High-Turnover Restaurant
937	Fast Food with Drive Through
944	Coffee- Donut Shop with Drive Through Gasoline-Service Station

Table 4C-1. Warrant 1, Eight-Hour Vehicular Volume

Condition A—Minimum Vehicular Volume

Number of lanes for moving traffic on each approach	Vehicles per hour on major street (total of both approaches)		Vehicles per hour on higher-volume minor-street approach (one direction only)		
	100% ^a	80% ^b	100% ^a	80% ^b	
Major Street	Minor Street	100% ^a	80% ^b	100% ^a	80% ^b
1	1	500	400	350	280
2 or more	1	600	480	420	336
2 or more	2 or more	600	480	420	336
1	1	500	400	350	280

Condition B—Interruption of Continuous Traffic

Number of lanes for moving traffic on each approach	Vehicles per hour on major street (total of both approaches)		Vehicles per hour on higher-volume minor-street approach (one direction only)		
	100% ^a	80% ^b	100% ^a	80% ^b	
Major Street	Minor Street	100% ^a <td>80%^b <td>100%^a <td>80%^b </td></td></td>	80% ^b <td>100%^a <td>80%^b </td></td>	100% ^a <td>80%^b </td>	80% ^b
1	1	750	600	525	420
2 or more	1	900	720	630	504
2 or more	2 or more	900	720	630	504
1	1	750	600	525	420

Table 11. Daily Distribution Summary and Warrant Requirements US 460 Bypass

CONCLUSIONS AND RECOMMENDATIONS

Based on the traffic analysis the roadway network experiences degrading with the addition of the development. There is minor degrading at the signalized intersection of US 460 Bypass and Paynes Depot Road but allows the signal to operate with acceptable levels of service in all movements until 2033 at which point the signal will require timing adjustments in order to allow all movements to operate as a LOS "D" or better. The analysis of the entrances to the development along US 460 Bypass and Paynes Depot Road determined that if these intersections remain two way stop controlled intersections there will be major delay and queuing for vehicles exiting the development and turning left onto US 460 Bypass or Paynes Depot Road. In order to improve traffic flow exiting the development both intersections were considered for traffic signals. Based on the daily distribution of traffic generated to the site, which was divided evenly between the two entrances, and the traffic that was counted during the 12 hour traffic count a traffic signal is warranted at both entrances based on the MUTCD's Traffic Signal Warrant 1 Condition A.

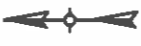
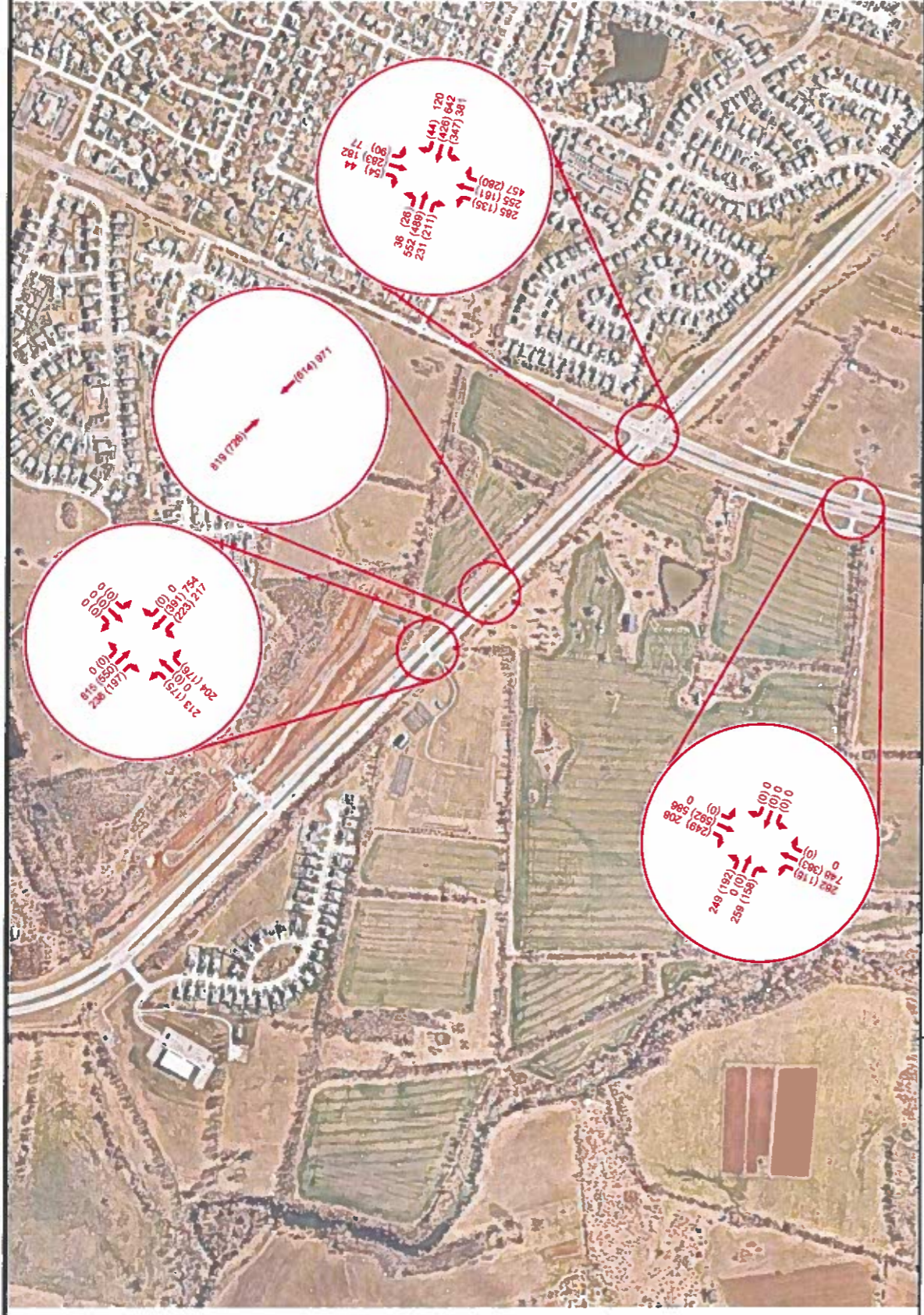
The intersection of US 460 Bypass and the entrance to the development was also analyzed as an unsignalized R-Cut based on a potential R-Cut corridor being considered along US 460 Bypass. The analysis determined that all movements operate at acceptable conditions during the 2023 AM and PM peak hours, but the movement exiting the development and wishing to travel westbound on US 460 Bypass (the movement that must turn right and then U-turn) degrades to a LOS "E" under 2033 conditions. Therefore, either a signal should be considered at this location or there is a possibility that an unsignalized R-Cut constructed in this location may eventually have to be reconfigured into a signalized R-Cut. It should be noted that the proposed entrance and the intersection of US 460 Bypass and Paynes Depot Road are approximately 1,600 feet apart. Based on FHWA guidance the U-turn of a R-Cut should be between 400 and 800 feet from the main intersection; therefore, the entrance may be too close to the existing signalized intersection to function efficiently and safely, especially if it is expected to require a conversion to a signalized R-Cut in the future.

The turn lane warrant analysis determined that a left turn lane and right turn lane into the development from US 460 Bypass is warranted. Additionally, a right turn lane into the development along Paynes Depot Road is warranted.

The intersection sight distance analysis determined that both entrances provide adequate sight distance for a vehicle to exit the development and turn onto either Paynes Depot Road or US 460 Bypass safely.

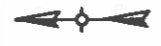
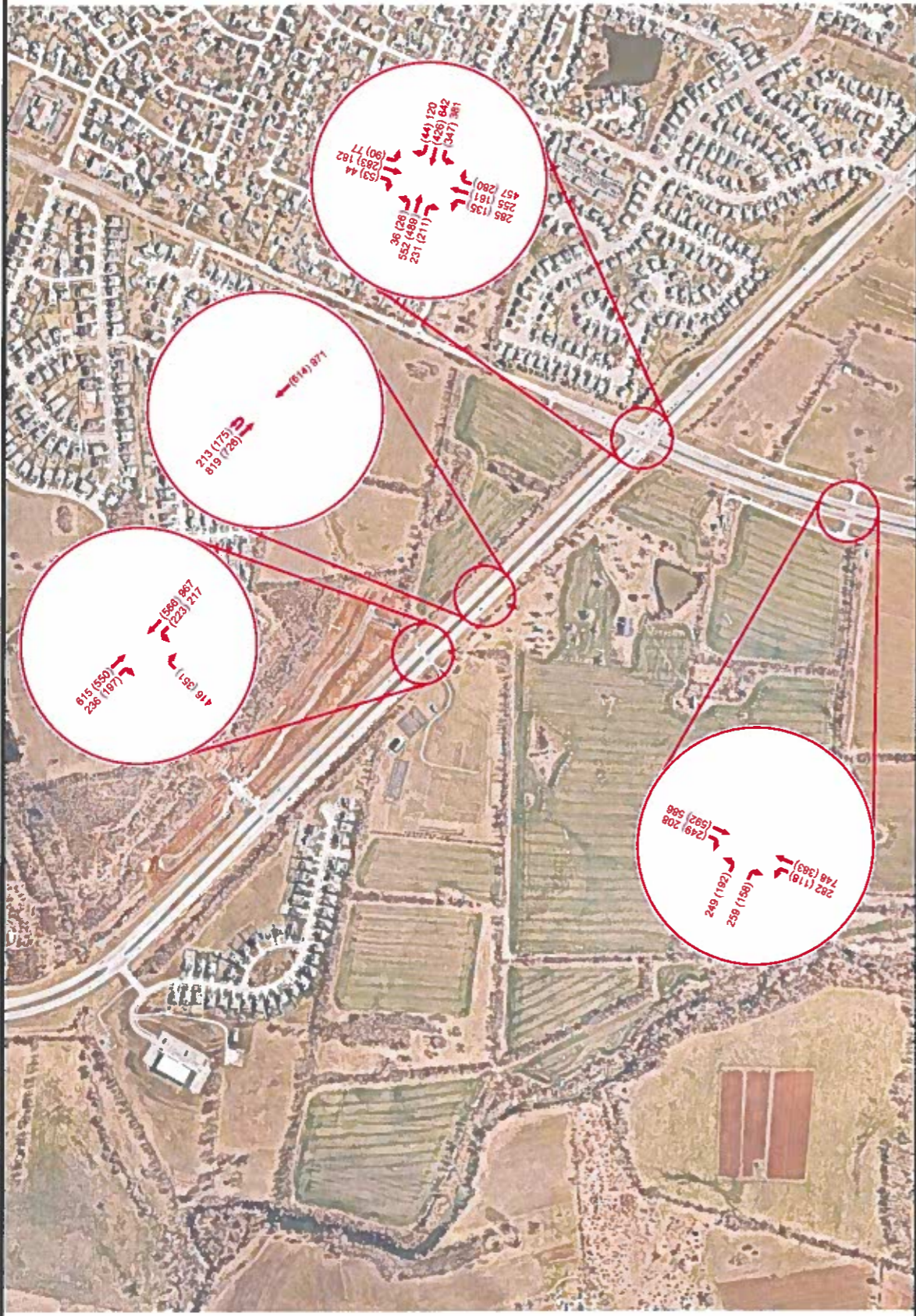
Based on the geometry of the site and future growth on the north side of US 460 Bypass, which is also owned by the same developer, it is recommended that the entrance shown in the site plan be shifted approximately 300 feet to the southeast along US 460 Bypass. Based on the analyses performed it is recommended that a left and right turn lane into the development be constructed along US 460 Bypass with a minimum length of 300 feet. It is recommended that a right turn lane into the development be constructed along Paynes Depot Road with a minimum length of 300 feet. Lastly, it is recommended that when traffic reaches the signal warrant requirements that traffic signals be constructed at the

entrances to the development along US 460 Bypass and along Paynes Depot Road. These signals should be coordinated with the existing signal at the intersection of Paynes Depot Road and US 460 Bypass and optimized based on traffic volumes as the time the signals are established.



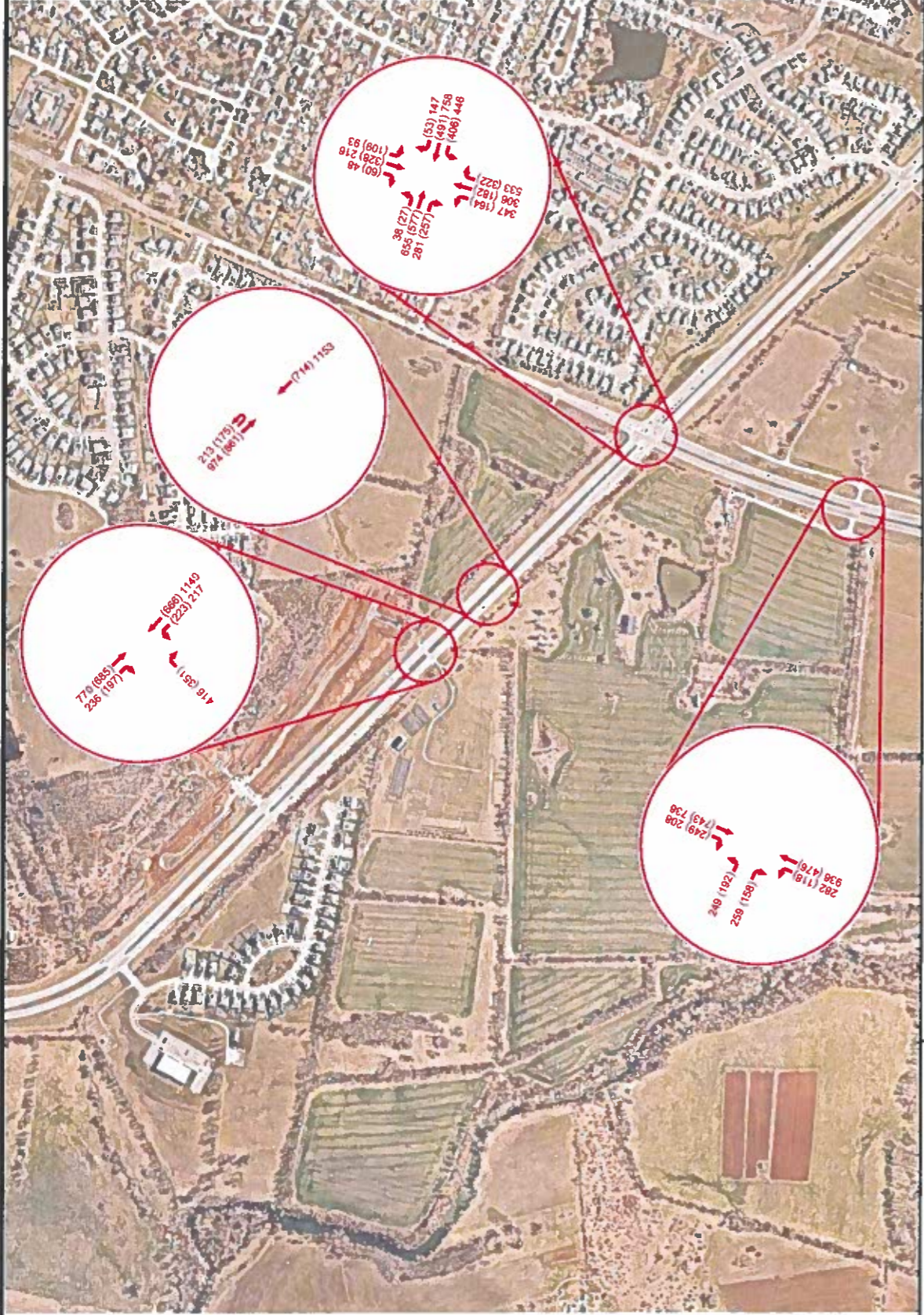
PROPOSED DEVELOPMENT
UNITED PROPERTIES
GEORGETOWN, KENTUCKY

FIGURE 7
2023 BUILD VOLUMES
(AM) PM



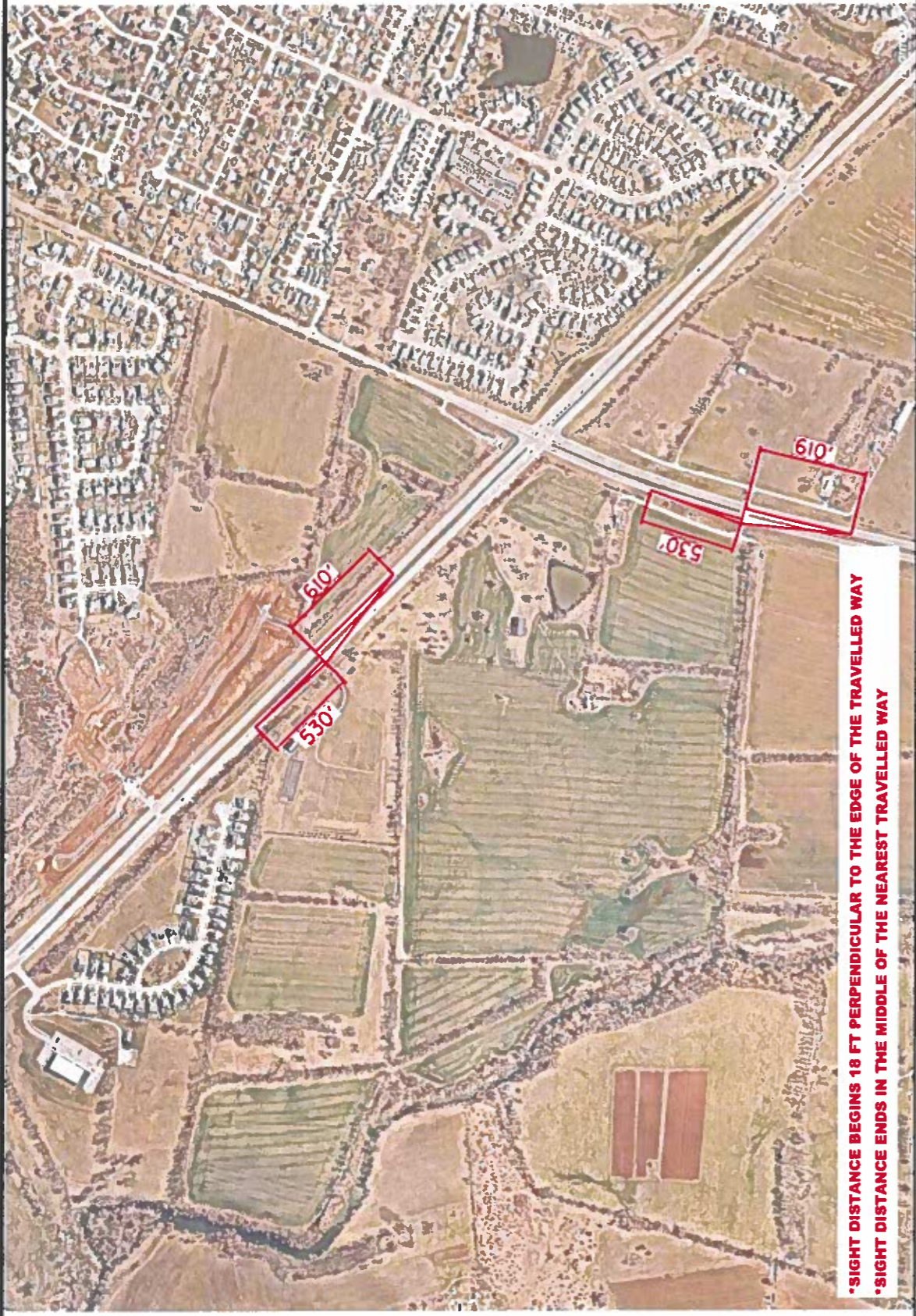
PROPOSED DEVELOPMENT
 UNITED PROPERTIES
 GEORGETOWN, KENTUCKY

FIGURE 7A
 PROPOSED R-CUT
 2023 BUILD VOLUMES
 (AM) PM

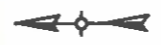


PROPOSED DEVELOPMENT
 UNITED PROPERTIES
 GEORGETOWN, KENTUCKY

FIGURE 9A
 PROPOSED R-CUT
 2033 BUILD VOLUMES
 (AM) PM

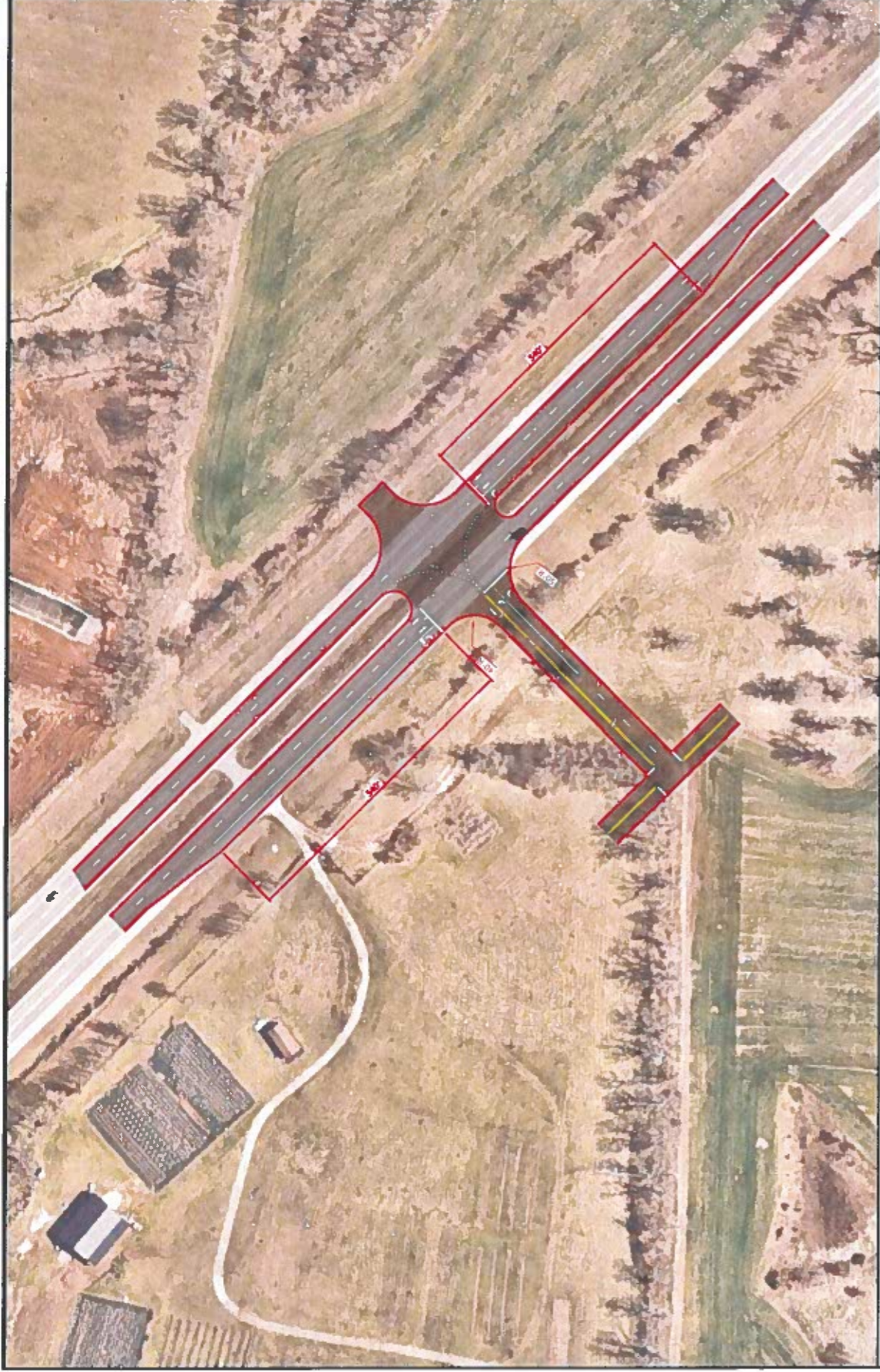


*SIGHT DISTANCE BEGINS 18 FT PERPENDICULAR TO THE EDGE OF THE TRAVELLED WAY
 *SIGHT DISTANCE ENDS IN THE MIDDLE OF THE NEAREST TRAVELLED WAY



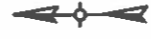
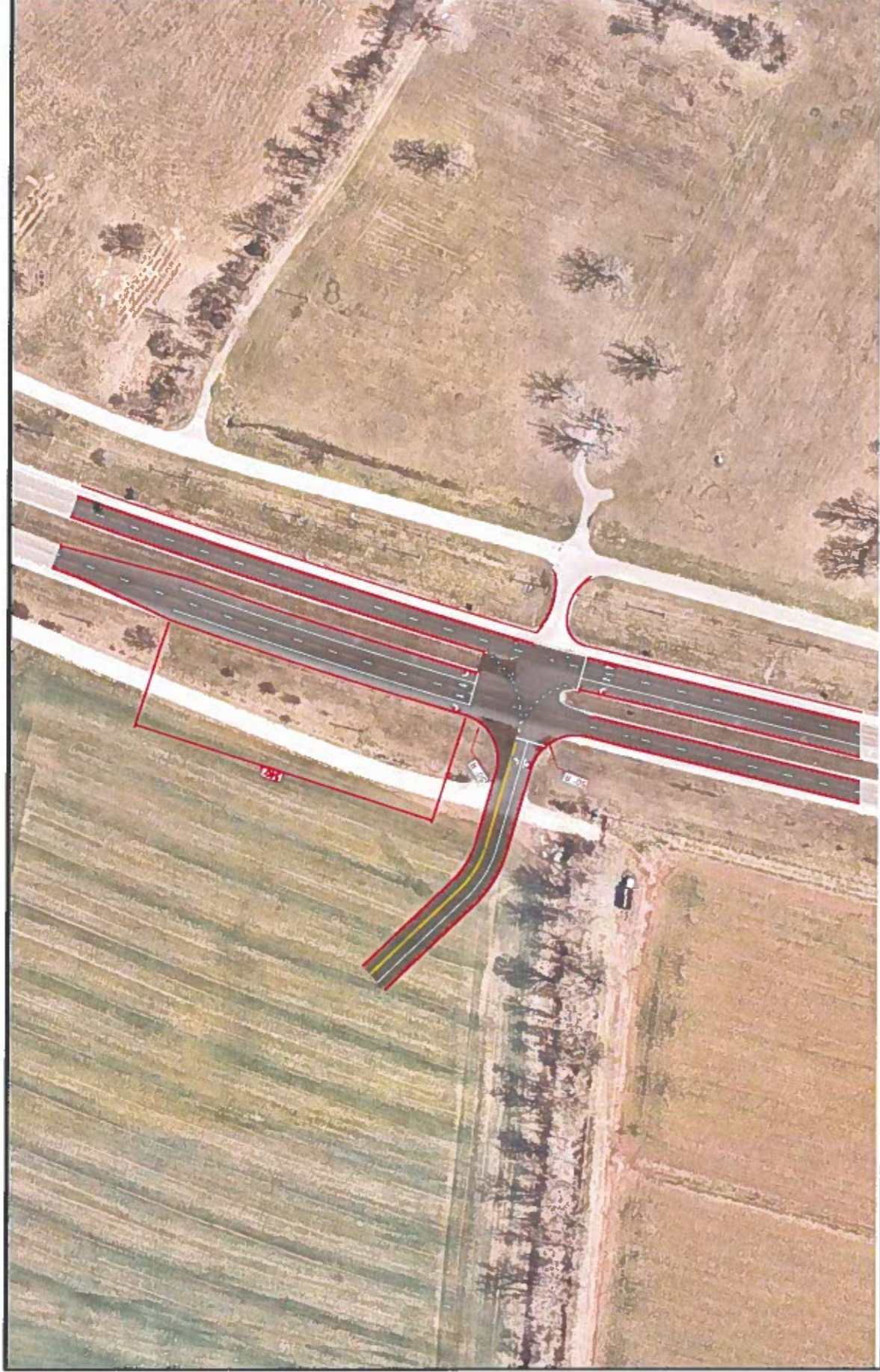
PROPOSED DEVELOPMENT
 UNITED PROPERTIES
 GEORGETOWN, KENTUCKY

FIGURE 10
 PLAN SIGHT TRIANGLES



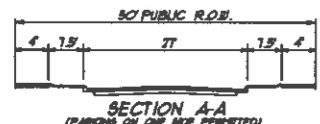
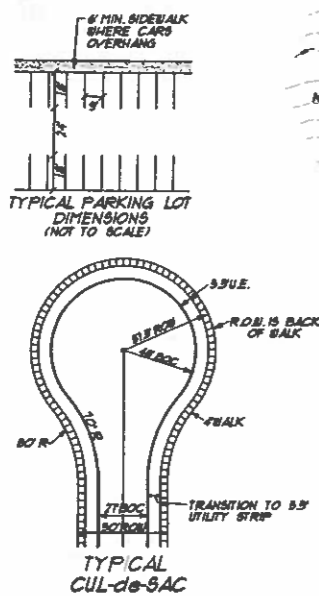
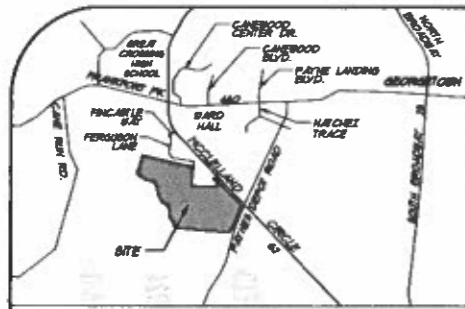
PROPOSED DEVELOPMENT
UNITED PROPERTIES
GEORGETOWN, KENTUCKY

FIGURE 11
US 460 BYPASS ENTRANCE
RECOMMENDED CONCEPT
SCALE: 1" = 150'



PROPOSED DEVELOPMENT
UNITED PROPERTIES
GEORGETOWN, KENTUCKY

FIGURE 12
PAYNES DEPOT RD ENTRANCE
RECOMMENDED CONCEPT
SCALE: 1" = 150'



SITE STATISTICS:
 TOTAL AREA = 183.44 ACRES GROSS / 174.74 ACRES NET
 EXISTING ZONE = AGRICULTURAL A1
 PROPOSED ZONE = RESIDENTIAL (R-3) PUD, COMMUNITY COMMERCIAL (B-4) PUD
 PROPOSED USABLE OPEN SPACE = 40.44 ACRES OR 23%

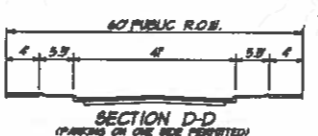
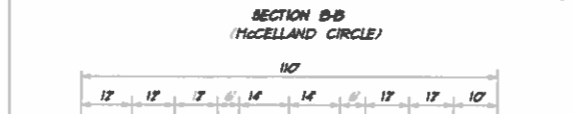
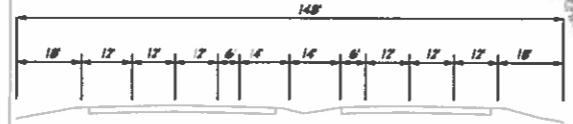
NEIGHBORHOOD BUSINESS (B-4)
 AREA = 52.81 ACRES GROSS / 45.51 ACRES NET
 AREA OF R.O.B. = 8.15 ACRES
 NO. OF LOTS = 12
 LENGTH OF STREET = 4,814

SINGLE FAMILY (R-3) PUD:
 AREA = 88.08 ACRES GROSS / 88.78 ACRES NET
 AREA OF R.O.B. = 13.81 ACRES
 NO. OF LOTS = 263 BUILDABLE
 TYPICAL LOT SIZE = 537X107
 LENGTH OF STREET = 9,829 LF
 DENSITY = 3.0 LOTS/NET ACRE

APARTMENTS (R-3) PUD:
 AREA = 18.28 ACRES (LOT 264 + 265)
 NO. OF BUILDINGS = 11
 NO. OF UNITS = 408 (168 - 1 B.R., 180 - 2 B.R., 60 - 3 B.R.)
 DENSITY = 22.53 UNITS/NET ACRE
 PARKING REQUIRED = 883 SPACES
 (18 SPACES PER 1 B.R. + 15 SPACES PER 2 + 3 B.R. UNITS)
 PARKING PROVIDED = 501 SPACES

CONSERVATION DISTRICT:
 NO. OF LOTS = 1 (264)
 AREA = 40.44 ACRES

PUD MINIMUMS:
 SINGLE FAMILY
 LOT WIDTH - 50'
 LOT SIZE - 6,000 SF
 FRONT YARD - 25' SETBACK
 SIDE YARD - 15' SETBACK
 REAR YARD - 25' SETBACK
 MULTIFAMILY
 BUILDING HEIGHT - 5-STORY (42')
 UNITS PER BUILDING - 28
 DENSITY - 30 UNITS PER NET ACRE
 FRONT YARD - 35' SETBACK
 COMMERCIAL (B-4)
 ONE HOTEL USER SHALL BE PERMITTED.
 MCCLELLAND CIRCLE SHALL NOT BE CONSIDERED FRONT YARD.



ADJACENT PROPERTY TABLE

LOCATION	PROPERTY OWNER	ADDRESS	D.B. / PG.
1	DELAN + KIMBERLY SHIFFON	143 PERKINSON LN.	364 / 104
2	DOUGLAS + STEPHANIE BUNGE	141 PERKINSON LN.	363 / 289
3	ROBERT + NACHRI WET	138 PERKINSON LN.	360 / 400
4	CORY LUYAR EVANS	131 PERKINSON LN.	424 / 709
5	RYAN HEELA MARSHALL	128 PERKINSON LN.	366 / 106
6	JEFFERY + CHERYL COOVER	148 PERKINSON LN.	363 / 134
7	STEVEN + DEBORAH DELK	141 PERKINSON LN.	363 / 678
8	JERRY + CAROLYN DEER HAGER	148 PERKINSON LN.	360 / 576
9	GERALD + ANDREA ADAIR	143 PERKINSON LN.	351 / 356
10	CHRISTOPHER + TERRY DULEY	148 PERKINSON LN.	381 / 507
11	TRAVIS + BENDY BROTHERTON	128 PERKINSON LN.	402 / 388
12	MATTHEW + GRACY BEER	131 PERKINSON LN.	442 / 507
13	JAMES + SHARON CHAMBERS LEBEE	138 PERKINSON LN.	364 / 678
14	STEPHEN + LISA HARRING	133 PERKINSON LN.	371 / 780
15	HOPE OWNERS ASSOCIATION	N.C.A.	355 / 139

UTILITY EASEMENT DESCRIPTION
 EASEMENTS GRANT AND CONVEY TO THE KENTUCKY UTILITIES COMPANY (KUC), KENTUCKY AMERICAN WATER COMPANY, ET AL, THE KENTUCKY CABLE, COLUMBIA GAS OF KENTUCKY INC. SERVICES, AND THEIR SUCCESSORS, ASSIGNS AND LEASES THE RIGHT TO TRIM OR REMOVE ANY AND ALL TREES, STRUCTURES, AND OBSTACLES LOCATED ON THE EASEMENT OR IN SUCH PROXIMITY THEREOF THAT IN FALLING THEY MIGHT INTERFERE WITH THE OPERATION AND MAINTENANCE OF SAID FACILITIES. NO BUILDINGS OR OTHER STRUCTURE SHALL BE ERRECTED, AND NO LANDFILL OR EXCAVATION OR OTHER CHANGE OF GRADE IN EXCESS OF 8" SHALL BE PERFORMED UPON SAID EASEMENT AFTER INSTALLATION OF FACILITIES. IT IS ALSO GRANTED THAT THE RIGHT OF INGRESS AND EGRESS BE GRANTED TO USERS OF THE UTILITY EASEMENT AS REQUIRED TO CONSTRUCT, OPERATE, MAINTAIN, REPLACE AND REPAIR FACILITIES WITHIN SAID EASEMENTS.

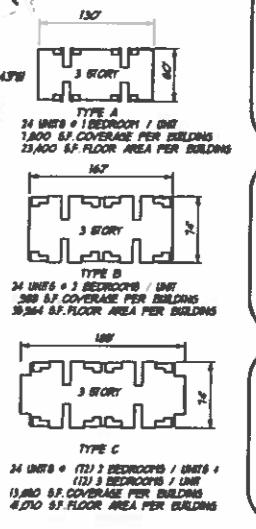
DRAINAGE EASEMENT DESCRIPTION
 DRAINAGE EASEMENTS CONTAIN STORMWATER CHANNELS AND ACCESS RIGHTS FOR MAINTENANCE OF SUCH FACILITIES. NO CHANNEL ALTERATION OR CONSTRUCTION THAT WOULD OBSTRUCT THE FLOW OF STORMWATER IS ALLOWED. THERE SHALL BE NO STORAGE OR DISPOSAL OF GRASS CLIPPINGS, TRASH, DEBRIS, OR OTHER POTENTIAL OBSTRUCTIONS THAT MAY BASH INTO STORMWATER CHANNELS.

PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTENANCE OF THE DRAINAGE EASEMENTS ON THEIR PROPERTY. INDIVIDUAL PROPERTY OWNERS ARE NOT RESPONSIBLE FOR MAINTENANCE OF THE DETENTION EASEMENT.

CERTIFICATION OF OWNERSHIP AND DEDICATION
 I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF THE DEVELOPMENT WITH MY (OUR) FREE CONSENT, ESTABLISH THE PROPERTY BOUNDARIES, RESTRICTIONS, LIMITS, AND DEDICATE ALL EASEMENTS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS SHOWN, IN ACCORDANCE WITH THE GEORGETOWN-SCOTT COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS, UNLESS OTHERWISE NOTED.

NOTES:
 INTERIOR CONNECTIVITY, SANITARY SEWERS, STORMWATER, STORMWATER MANAGEMENT, ENTRANCE DESIGN AND EXISTING TREES SHALL BE EVALUATED WITH THE PRELIMINARY DEVELOPMENT PLAN AND CONSTRUCTION DOCUMENTS.
 STORM SEWERS AND STORM SEWER RETENTION BASINS SHALL MEET THE SPECIFICATIONS AND APPROVAL OF THE PLANNING COMMISSION ENGINEER.
 ALL AREAS THAT HAVE BEEN DISTURBED BY GRADING SHALL HAVE TEMPORARY VEGETATIVE COVER PROVIDED. SUCH COVER SHALL CONSIST ANNUAL GRASSES OR SMALL GRASSES EXCEEDING 41" SHALL HAVE ADDITIONAL PROTECTION OF JOBSITE MELTING OR 600 IN ORDER TO PREVENT EROSION.
 THIS CONCEPTUAL PLAN SHALL NOT BE USED AS A BASIS FOR SALE OF THIS PROPERTY. ANY SALE OF LAND SHALL BE BASED ON A RECORD PLAN.
 GRADING, BUILDING FINISH FLOOR ELEVATIONS + H.C., PARKING SPACE LOCATIONS ARE SUBJECT TO CHANGE BASED ON FINAL CONSTRUCTION PLANS.
 THERE IS A 10' LANDSCAPE SCREENING COMPONENT WITHIN THE 50' BUFFER ADJOINING AGRICULTURAL ZONES.
 THE C-1 LAND BILL FULFILL ALL OPEN SPACE REQUIREMENTS FOR THIS DEVELOPMENT.

PURPOSE OF ATTENDMENT:
 TO REFLECT A CONCEPTUAL DEVELOPMENT OF THIS PROPERTY IN CONJUNCTION WITH THE ZONE CHANGE AND ANNEXATION REQUEST.



OWNER/DEVELOPER:
 BALL HOPES, LLC
 3405 WALDEN DRIVE
 LEXINGTON, KY 40511
 D.B. 451, PG. 131

EA Partners, PLLC
 CIVIL ENGINEERS - LAND SURVEYORS - LANDSCAPE ARCHITECTS
 3115 WALL STREET, SUITE 100
 LEXINGTON, KY 40503
 P: 606.253.2887
 F: 606.253.2888

CONCEPTUAL PLAN FOR ZONE CHANGE
GAINES FARM PROPERTY
 1367 PAYNES DEPOT ROAD
 GEORGETOWN, SCOTT COUNTY, KENTUCKY

DRAWN: LLW
 DATE: 12/02/24
 CHECKED:
 REVISED: 12/26/24

SHEET
1
 71A-1074-68

140-Land Change-Conceptual Plan 03 Jan 2025

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.

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

- d. **Adult Dancing:** shall mean and include, but not limited to any dancing which exposes to view by patrons or spectators on the premises at any time the specified anatomical areas and/or specified sexual activities, as set forth herein.
- e. **Adult Dancing Establishments:** an establishment, including but not limited to any restaurant (eating and drinking establishment), lounge, dance hall, night club or other such place whose business includes the offering to customers of live entertainment wherein employees, agents, servants, or independent contractors perform dance routines and/or display or expose specified anatomical areas, offered as adult oriented entertainment for viewing by patrons and spectators on the premises and characterized by the emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- f. **Adult Cabaret:** see “Adult Dancing Establishments”
- g. **Adult Motel:** a motel or similar establishment with the word “adult” or otherwise that advertises the presentation of adult material, offering public accommodations for any form of considerations which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions for the primary purpose of or engaging in sexual gratification or as related to specified sexual activities.
- h. **Sexual Encounter Center:** an establishment whose primary business is the provision on premises where customers either congregate, associate, or consort with employees, agents, servants, or independent contractors; who engage in specified sexual activities with or in the presence of such customers, or who display specified anatomical areas in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification appealing to adult sexual interests. These include, but are not limited to a bath house, swingers club, or similar establishment; includes those establishments that offer for any form of consideration: (1) physical contact in the form of wrestling or tumbling between persons of the same or opposite sex; (2) activities between male and female persons and/or of the same sex when one or more persons is in the state of full or partial nudity as defined by specified anatomical areas or where the activities are characterized by an emphasis on specified sexual activities.
- i. **Massage Parlor:** an establishment providing massages, for hire, by persons other than a licensed health care professional, including those activities that rub, stroke, knead, or tap the body with the hand or an instrument or both for the purpose of or engaging in sexual gratification or as related to specified sexual activities. This definition also includes those activities listed within “Sexual Encounter Center”. This does not include any licensed or sanctioned athletic activity that generally employs or use the services of a physical trainer and/or those listed in the definition of Licensed Massage Therapist.

4. **ADULT USES, PROTECTED:** Any use or area identified herein that may be influenced by or are susceptible to the secondary effects of adult oriented uses including; any residentially zoned area, any area platted or developed for cluster residential development, any area containing three (3) or more residential and rural residential lots as shown on an approved and recorded plat, public or private school, college or university, church or other place of worship, library, type I day care facility, public park or playground.
5. **ADULT USE, SPECIFIED ANATOMICAL AREAS:** (1) less than completely and opaquely covered human genitals or pubic region; the cleavage of the human buttock; any portion of the human female breast below a horizontal line across the top of the areola at its highest point, the entire lower portion of the female breast, not including cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided that the areola is not exposed in whole or in part. (2) human male genitals in a discernible turgid state, even if completely and opaquely covered.
6. **ADULT USE, SPECIFIED SEXUAL ACTIVITIES:** shall include, but not limited to, human genitals in a state of sexual stimulation, arousal or tumescence; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock or female breast(s); acts of human 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.
7. **AGED PERSON(S):** persons who are 62 years of age or older.
8. **AGRICULTURAL USES:** Agricultural use means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops; including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provisions for dwellings for persons and their families who are engaged in the above agricultural use on the tract. *(Section Amended 07/22/1992, City of Georgetown Ord. 92-021 & 07/27/1992 Scott County Ord. 92-006).*
 - 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. This also includes lots of 20 acres or larger to be developed as an RV Campground (as defined in this ordinance). *(Section Amended 10/26/2023, Scott County Ord. 23-10, In effect in County only.)*
 - 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.

9. **ALLEY:** A public or private way permanently reserved as a secondary means of access to abutting property.
10. **ALTERATION:** Any change or addition to the supporting members of foundation of a structure that would change the outward dimensions or appearance.
11. **ANIMAL HOSPITAL & CLINIC:** A medical facility that provides for the examination, care, and treatment of animals that does not include boarding of animals except for those requiring emergency or medical treatment.
12. **ANTENNAS OR RELATED EQUIPMENT, FOR TELECOMMUNICATION TOWERS:** Any transmitting, receiving or other equipment used in conjunction with a Wireless Communications Facility. The term includes Utility or Transmission Equipment, antennas, radios, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar equipment. This definition does not include Cellular Antenna Towers.
13. **APARTMENT:** A room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family located in a building containing two or more such rooms or suites or located in a building devoted primarily to nonresidential use.
14. ~~**APPLICANT:** Any person seeking approval under these regulations for a subdivision or development.~~
APPLICANT: A person or entity who is authorized by the provisions of these regulations to file an Application for approval under these regulations.
15. **APPLICATION:** An Application is the completed form or forms and all accompanying documents, exhibits, and fees required of an Applicant by Staff or the Planning Commission as part of a submission for review.
16. **AQUIFER:** A geologic formation, group of formations, or part of a formation capable of yielding, storing, or transmitting a usable amount of groundwater to wells or springs for domestic or animal use.
17. **AQUIFER RECHARGE AREA:** An area in which the principal movement of water is the downward seepage of surface waters into ground water by: (1) the infiltration of water from the surface into the soil or other rock materials that lie directly below the surface; (2) the downward movement of water through the materials that comprise the zone of aeration; and (3) the delivery of water into the zone of saturation where it becomes groundwater.

- 18. AS-BUILT PLANS:** Engineering plans of public facilities prepared after construction by the developer and certified by an engineer, to show the exact location and dimensions of the system as it has actually been installed.
- 19. ASSISTED LIVING FACILITY:** a building, establishment, complex, or distinct part thereof which accepts primarily aged persons for domiciliary care, not nursing or medical care; provides on site to its residents private lockable residential spaces as defined by 905 Kentucky Administrative Regulations (KAR) 5:080, KRS Chapter 13B and Executive Order 96-862, Certification of Assisted Living Residences (Voluntary); provides on site to its residents in addition to the residential unit, meal service in a community dining facility and non-medical personal care services 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.
- 20. BASE STATION, FOR TELECOMMUNICATION TOWERS:** A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communication between user equipment and a communication network. The term does not include Cellular Antenna Tower as defined in this section or any equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- a. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment regardless of technological configuration (including Small Wireless Facilities).
 - b. The term includes any structure other than a Cellular Antenna Tower that, at the time the required Application is filed with the Planning Commission under this subsection, supports or houses equipment described in sub-paragraph (A) of this definition that has been reviewed and approved under the applicable zoning or siting process even if the structure was not built for the sole or primary purpose of providing such support.
 - c. The term does not include any structure that, at the time the required Application is filed with the Planning Commission under this definition, does not support or house equipment described in this definition.
- 21. BED AND BREAKFAST:** An existing house, or portion thereof, where short-term sleeping rooms [not exceeding five (5) in number] and limited provision for meals are offered. The use of the property for a Bed and Breakfast shall be incidental to the

residential use of the property. This residential use requirement may be satisfied by either a resident owner or manager. These short-term lodgings 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 Added 05/02/1991)*.

22. **BIKEWAY:** A way or portion of a way intended and designated primarily for bicycle traffic.
23. **BLOCK:** A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development. The length of a block shall be the greatest distance between right-of-way lines on opposite sides of the block.
24. **BUILDING:** A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.
25. **BUILDING LINE:** A line parallel to a street right-of-way line, edge of a stream, or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of-way, stream bank, or other property line.
26. **BUILDING PERMIT:** A permit issued by the Building Inspector allowing a property owner or his agent to construct, alter, or remove a building, or engage in similar activity which would alter the character of the lot in question.
27. **CELLULAR ANTENNA TOWER:** A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of Cellular Telecommunications Services or Personal Communication Services.
28. **CELLULAR TELECOMMUNICATIONS SERVICES:** A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
29. **CERTIFICATE OF OCCUPANCY:** A certificate issued by the Enforcement Officer after building has taken place which certifies that the building meets minimum standards for human occupancy and the site meets requirements of the Zoning Ordinance and these regulations.
30. **CLUSTER SUBDIVISION:** A major residential subdivision of agriculturally-zoned land that separates residential lots from preserved agricultural lots with a total density not to exceed 1 unit per 5 acres.

- 31. CO-LOCATION: Locating two (2) or more transmission Antennas or Related Equipment on the same Cellular Antenna Tower or other applicable structure.**
- 32. COMMERCIAL FLOOR AREA:** Floor area of a building which is devoted to the storage and display of merchandise, the performance of consumer services or the circulation and accommodation of customers.
- 33. COMMERCIAL LANDSCAPE OPERATION:** the sale and/or provision of tree, lawn, and landscaping goods or services or grounds maintenance to others. Such uses may specifically include:
- a. The sale or provision or use of landscaping materials (including, without limitation: mulch, sod, trees, grasses, flowers) grown or produced on or off of the subject property;
 - b. Mowing, planting, pruning, and mulching;
 - c. Snow and ice maintenance, management, and removal;
 - d. Nurseries and greenhouses; and
 - e. Office buildings and facilities for the storage, repair, and maintenance of materials and equipment reasonably necessary for providing these goods and/or services. *(Section Added 09/09/2022, Scott County Ord 22-11. In effect in county only)*
- 34. COMMISSION:** The Georgetown-Scott County Joint Planning Commission and/or Planning Commission.
- 35. COMPATIBILITY STANDARDS:** Standards that have been enacted by a local government under the authority of this section for the purpose of protecting and preserving the monetary value of real property located within the local government's jurisdiction.
- 36. COMPREHENSIVE PLAN:** The officially adopted Comprehensive Plan prepared and adopted by the Planning Commission reflecting the community plans for the future location of streets, parks, public buildings, land uses, and other similar information for Scott County, Georgetown, Stamping Ground, and Sadieville, Kentucky.
- 37. CONCEPTUAL PLAN:** A conceptual plan indicating the developer's 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.
- 38. CONDITIONAL USE:** Means a use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located or in adjoining zones unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the zoning regulation.

- 39. CONDITIONAL USE PERMIT:** Means legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Adjustment consisting of two parts:
- a. A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit.
 - b. A statement of the special conditions which must be met in order for the use to be permitted.
- 40. CONDOMINIUM:** A multiple unit development containing individually owned units and jointly owned and shared areas and facilities that have the effect of permitting more than one unit on a lot without the division of the fee simple interest in the lot.
- 41. CONSTRUCTION PLANS AND SPECIFICATIONS:** Also "Construction Plans" or "Construction Documents." Those Plans required by these Regulations to be submitted for approval by the Commission Engineer, which include detailed plans for the construction of streets, curbs and gutters, and sidewalks, as well as stormwater management plans, and grading and water quality protection plans as required in Article XI of the Subdivision and Development Regulations.
- 42. CONSUMER SERVICES:** Sales of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs. For example, consumer services include the provision of the personal services such as beautician and barbering services, the provision of lodging, entertainment, specialized instruction, financial service, automobile storage, transportation, laundry and dry cleaning services, and all other similar services.
- 43. COUNTY:** Scott County, Kentucky; when referring to jurisdiction the term "County" or "Scott County" shall imply the cities of Georgetown, Sadieville, and Stamping Ground and the unincorporated areas of Scott County.
- 44. COVERAGE:** Coverage shall mean the total area of the footprint of the building divided by the total area of the lot.
- 45. CREEK CONSERVATION CORRIDOR:** Those areas zoned C-1.
- 46. CUL-DE-SAC:** A permanent dead-end street or court culminated by a turnaround and not intended to be extended in the future.
- 47. DAY:** For the purpose of submittal procedures, "day" shall refer to calendar day rather than working day, unless otherwise noted.
- 48. DAY CARE:** Care of a child away from his own home and is designed to supplement, but not substitute for, the parent's responsibility for the child's protection, development and supervision, when it is necessary or desirable for the parent or child to be out of the home for all or part of the day or night. The term shall not include 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. *(Section amended (added) 8/20/85)*

- 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. *(Section amended (added) 8/20/85)*
- 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 amended (added) 8/20/85)*

49. **DENSITY, GROSS:** The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This includes all nonresidential land uses, private streets, and right-of-way.
50. **DENSITY, NET:** The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed, but, excluding public and private right-of-way
51. **DEVELOPER:** Any individual, firm, association, corporation, governmental agency or any other legal entity commencing proceedings under these regulations, to carry out the division and/or development of land as defined herein, for himself or for another.
52. **DEVELOPMENT:** Any construction, redevelopment, change in use or intensity of use of a property, or renovation involving such a change, provided that the standards in regulations are met by all proposed improvements and existing features. In some contexts in these regulations, the term "development" includes a subdivision of land.
53. **DEVELOPMENT, MAJOR:** All development, as defined above, that does not fall within the definition of Minor Development.
54. **DEVELOPMENT, MINOR:** Any development that adds no new buildings or parking lots of greater than 20 spaces. In industrial areas, minor developments include building or outdoor storage expansion of up to 10% of the total square footage or 10,000 square feet, whichever is less.
55. **DEVELOPMENT PLAN:** A presentation in the form of maps, and drawings (plans and profiles) of a proposed use and/or structure by the owner or developer of the land which sets forth in detail the intended development.
56. **DEVELOPMENT PLAN, FOR TELECOMMUNICATION TOWERS:** means a presentation in the form of sketches, maps and drawings (plans and profiles) of a proposed use and/or structure by the owner or developer of the land which sets forth in detail the intended

development, according to the standards and procedures in Article IV (Development Approval Procedure) and Articles V through VIII.

57. **DISTILLERY SPIRITS:** Beverages obtained by the distillation from wine, fermented fruit or plant juice or from starch material that has been first brewed, having an alcohol content higher than that of beer or wine. *(Definition added 12/09/2022 Scott County Ord. 22-16, In effect in County only).*
58. **DISTILLERY SPIRITS STORAGE FACILITY:** Structure used to store wooden barrels containing distilled spirits in a rack or palletized system. Limited to a maximum of 40,000 square feet in size and 60 feet in height. *(Definition added 12/09/2022 Scott County Ord. 22-16, In effect in County only).*
59. **DRIVEWAY:** Driveway shall mean that access which is generally intended to serve private single family residences.
60. **DUPLEX:** A structure containing two dwelling units, each of which has direct access to the outside.
61. **DWELLING AND DWELLING UNIT:** A dwelling is a building providing shelter, sanitation, and the amenities for a permanent habitation. It does not include temporary habitation. It does not include temporary lodging or sleeping rooms but does include modular homes. Dwelling unit refers to that dwelling accommodation within a building designed for one individual or family unit maintaining a separate and independent housekeeping.
62. **EASEMENT:** Authorization by a property owner for the use by others of any designated part of his property, for a specified purpose and time as described in the conveyance of limited rights to land by such easement.
63. **ENFORCEMENT OFFICER:** Any administrative official designated by the Fiscal Court and the City Council who shall be charged with and provided with the authority to enforce the ordinances, regulations, codes and orders of the Planning Commission, Board of Adjustment, Fiscal Court, City Council and any applicable Court order.
64. **ENGINEER:** A licensed, professional civil engineer appointed or requested by the Planning Commission or retained by the developer.
65. **ENVIRONMENTALLY SENSITIVE AREAS:** Sinkholes, cave areas, major rock formations and outcroppings, springs, floodplains/floodways, and landfills/refuse areas.
66. **EXEMPT SOLAR ENERGY SYSTEM (EXEMPT SES):** An SES that is a facility of a municipally owned electric system or public utility regulated by the Kentucky Public Service Commission or Federal Energy Regulatory Commission, which is exempt from planning and zoning requirements under KRS 100.324. *(Definition Added 03/24/2022 Scott County Ord. 22-02, In effect in County only.)*
67. **FAÇADE:** The main face or front of a building.
68. **FAMILY:** One (1) or more persons who inhabit a single dwelling unit, as a single housekeeping unit, which is:

- a. Traditionally characterized by matrimonial or parent-child relationships, provided that all such persons are related by blood, marriage, adoption, fosterage, or guardianship and no more than two (2) unrelated inhabitants are included in the housekeeping unit; or
 - b. Predominantly characterized by voluntary associational or communal relationships.
- 69. FARMLAND OF STATEWIDE IMPORTANCE:** A map unit identified by the Natural Resources Conservation Service as including soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops, when treated and managed according to acceptable farming methods. *(Definition Added 03/24/2022 Scott County Ord. 22-02, In effect in County only).*
- 70. FENCEROWS:** Generally, refers to lines of trees and shrubbery that have grown along existing fence lines to form a natural hedge.
- 71. FILING DEADLINE AND REVIEW SCHEDULE:** A schedule adopted by the Planning Commission that governs filing and review deadlines and schedules; 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.
- 72. 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.
- 73. FLOODPLAIN:** An area along a stream or watercourse which would be under water as the result of a rainfall with a one-hundred (100) year return period. The floodplain shall be as shown on the FEMA Flood Insurance Rate Maps (FIRM), for those stream segments included in the maps, or as designated in the Comprehensive Plan for Creek Conservation Corridors not on the FEMA maps.
- 74. FLOODWAY:** The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water within designated heights and velocities; including, but not limited to, flood flows associated with the regulatory flood. The floodway is intended to carry the deep and fast-moving flood water, and the two principal factors in its determination are the selection of the flood discharge and the permitted increase in flood heights.
- 75. FOOTPRINT of the SES** is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the equipment to function, such as transformers and inverters. The Footprint does not include perimeter fencing or visual buffers, nor transmission lines or portions thereof that are required to connect the SES to a utility or customer outside the SES perimeter. *(Definition Added 03/24/2022 Scott County Ord. 22-02, In effect in County only).*
- 76. GOVERNING AUTHORITY:** The Scott County Fiscal Court, Sadieville City Council, Stamping Ground City Council, and/or Georgetown City Council; also referred to as Legislative Body.

- 77. GRADING:** Any stripping, cutting, filling, stockpiling of soil, or any combination thereof, including the land in its cut or filled condition.
- 78. GSCPC** means Georgetown-Scott County Planning Commission or Planning Commission. See also Georgetown-Scott County Planning Commission, Planning Commission.
- 79. HAZARDOUS MATERIALS:** For purposes of these Regulations, this definition is consistent with State and Federal definitions of hazardous materials.
- 80. HEIGHT:** The vertical distance measured from the average finished grade at the front building line to the highest point of structure.
- 81. HOME OCCUPATIONS:** Professional office, one professional with no staff, studio or personal services maintained or conducted within a dwelling or accessory building. Home occupations must meet the following conditions:
- a. The home occupation must be incidental to the principal residential use of the residence and be limited to 25% of the ground floor area, in no event to exceed 300 square feet.
 - b. The home occupation shall result in no exterior evidence, except a wall sign not to exceed 5 square feet in area which 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.
- 82. INDUSTRY:** The processing of products or raw materials. The two categories of industry are defined according to the following performance standards.
- a. **Heavy Industry:** Those industries whose processing operations result in the outdoor storage or processing of materials or products, the emissions of any atmospheric pollution, visible light flashes or glare, odors, or noise or vibration which 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.
- 83. JUNKYARD:** Property used for the outdoor storage, display, or keeping of inoperative or inoperable machinery, whether or not it is capable of operation, or the accumulation of trash, waste material, or vegetation, in a manner which is unsightly, offensive or not in harmony with surrounding property.
- 84. KENNEL:** A commercial business for the sale or temporary boarding of three (3) or more dogs over the age of six (6) months, not including those owned by the resident or property owner. *(Section Added 04/01/99 & 09/22/00).*
- 85. KYTC:** Kentucky Transportation Cabinet

- 86. LEGISLATIVE BODY:** See Governing Authority.
- 87. LOCAL GOVERNMENT:** A city, county, urban-county government, charter county government, or consolidated local government that is engaged in planning and zoning under KRS 100.
- 88. LOT:** A piece, parcel or plot of land occupied by or to be occupied by one principal building and its accessory buildings and including the open spaces required under this regulation, and having its principal frontage on a street.
- a. **Corner Lot:** A lot which abuts upon two intersecting streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
 - b. **Lot Depth:** The distance between the front and rear property lines of a lot, 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.
- 89. MANUFACTURED HOME:** a single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems contained therein. *(Amendment effected within Scott County 02/26/2004 and within the city limits of Georgetown 03/04/2004 by Ordinance 04-01 and 04-006 respectively).*
- 90. MANUFACTURED HOME, QUALIFIED:** a manufactured home that meets all the following criteria:
- a. Is manufactured on or after July 15, 2002;

- b. Is affixed to a permanent foundation and is 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. (*Amendment effected within Scott County 02/26/2004 and within the city limits of Georgetown 03/04/2004 by Ordinance 04-01 and 04-006 respectively*).

- 91. MESSAGE THERAPIST, LICENSED (LICENSED HEALTH CARE PROFESSIONAL):** Any person who has graduated from a 600-hour Massage Therapy School, accredited by a State Licensure Board or its equivalent and who possess a valid state license in massage therapy from any state which regulates the same by means of a written examination; may also include a physician, nurse, occupational therapist, physical therapist, podiatrist, or chiropractor.
- 92. MEDICINAL CANNABIS** means marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B. This definition includes Medicinal Cannabis products and raw plant material; but does not include industrial hemp or industrial hemp products as defined in KRS 260.850.
- 93. MEDICINAL CANNABIS BUSINESS** means an entity licensed under KRS 218B as a cultivator, dispensary, processor, producer, or safety compliance facility.
- 94. MEDICINAL CANNABIS CARDHOLDER** means a registered qualified patient, designated caregiver, or visiting qualified patient who has applied for, obtained, and possesses a valid registry identification card issued by the Kentucky Cabinet for Health and Family Services for Medicinal Cannabis in compliance with KRS 218B; or a visiting qualified patient who has obtained and possesses (1) a valid out-of-state registry identification card; and (2) documentation of having been diagnosed with a qualifying medical condition.
- 95. MEDICINAL CANNABIS CULTIVATOR** means a business that is licensed to grow Medicinal Cannabis in compliance with KRS 218B, more specifically to:
- a. Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material;
 - b. Deliver, transport, transfer, supply, or sell raw plant material or related supplies to other licensed cannabis businesses in this state; or
 - c. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction

- d. Medicinal Cannabis cultivators are regulated in four tiers by KRS 218B, as follows:
 - i. A Tier I cultivator shall not exceed an indoor growth area of two thousand five hundred (2,500) square feet.
 - ii. A Tier II cultivator shall not exceed an indoor growth area of ten thousand (10,000) square feet.
 - iii. A Tier III cultivator shall not exceed an indoor growth area of twenty-five thousand (25,000) square feet.
 - iv. A Tier IV cultivator shall not exceed an indoor growth area of fifty thousand (50,000) square feet.

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

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

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

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

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

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

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

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

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

101. MOBILE HOME: Any vehicle or similar portable structure used or so constructed as to permit its conveyance upon streets and as a dwelling for one or more persons. A

recreational or travel trailer less than 30 feet in length shall not be considered a mobile home. A mobile home shall not be used for commercial or industrial purposes, except for temporary construction facilities at a construction site, which use shall terminate at the conclusion of the construction project. Pre-constructed office structures, built to code standards and inspected according to applicable building codes, may be temporarily permitted as a conditional use in all Business and Professional zones, pending construction of permanent buildings. They may be permitted in all Industrial zones. A modular home or "double wide" with two or less preconstructed units of equivalent size also designed for conveyance on the street or on a flat-bed trailer shall be considered a mobile home. All mobile homes shall be secured to a permanent foundation and shall be underpinned. *(Amendment dated 1/26/88)*

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

- 102. MOBILE HOME PARK:** A single tract of land on which two or more mobile home lots are occupied or intended for occupancy by mobile homes.
- 103. MOBILE HOME SUBDIVISION:** A subdivision used exclusively for placement of mobile homes for residential use. Lots in a mobile home subdivision shall be available for lease or sale to the general public. Nothing herein shall prohibit the purchaser of an individual lot from placing a mobile home upon the lot purchased from the subdivision developer and renting the subdivision lot and mobile home thereon. The procedure for subdividing land for mobile home subdivisions shall be the same as that for subdividing land for conventional dwellings.
- 104. MOBILE HOME CAMP, ALSO TRAILER CAMP, AND OVERNIGHT CAMPING AREA:** An area designed exclusively for the accommodation of overnight and other temporary lodging where the traveler or transient usually provides his own accommodations (in a travel trailer, van, camper, etc.).
- 105. MODULAR HOME:** A dwelling unit constructed with more than two major units that have been assembled at a place other than the site and usually arrive at the site by either flat-bed trailer or on wheels.
- 106. MULTI-BUILDING DEVELOPMENT:** Multi-building development is the construction of two or more buildings on a single plot of ground which is under single ownership, and which will not be divided and sold into smaller parcels.
- 107. MULTI-FAMILY BUILDING:** A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

- 108. NON-CONFORMING USE OR STRUCTURE:** Means an activity or a building, sign, structure, or a portion thereof, which lawfully existed before the adoption or amendment of the Zoning Ordinance, but which does not conform to all the regulations contained in the Zoning Ordinance for such use or structure.
- 109. NON-RETAIL COMMERCIAL:** Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non-retail commercial includes wholesaling, warehousing, trucking terminals, and similar commercial enterprises.
- 110. NON-TOWER WIRELESS COMMUNICATIONS FACILITIES:** Wireless Communications Facilities other than tower-based wireless communications that are located on buildings, Utility Poles as defined by the section, and other existing structures.
- 111. OUTDOOR:** Refers to that which is not enclosed within a building.
- 112. OWNER:** Any individual, firm, association, corporation, governmental agency or any other legal entity whose name last appears on the tax rolls as owner of the land proposed to be subdivided and/or developed.
- 113. PACKAGE SEWAGE TREATMENT PLANTS:** This term refers generally to private, developer-installed, sewage treatment plants.
- 114. PERMANENT FOUNDATION:** A system of supports that is:
- a. Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure;
 - b. Constructed of concrete; and
 - c. Placed at a depth below grade adequate to prevent frost damage.
- 115. PERSONAL COMMUNICATION SERVICES:** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in 47 U.S. C. sec. 332(c).
- 116. PLAN:** This term refers to a Development Plan, as defined above.
- 117. PLANNED DEVELOPMENT PROJECTS:** A complex of structures and uses planned as an integral unit or community development.
- 118. PLANNING COMMISSION:** The term "Planning Commission" shall mean the Georgetown - Scott County Planning Commission, otherwise known as the Georgetown-Scott County Joint Planning Commission, the Scott Joint Planning Commission or the Commission.
- 119. PLANNING COMMISSION STAFF:** The technical staff employed by the Planning Commission to advise and make recommendations under these regulations, among other duties. The Planning Commission staff includes, but is not limited to, the Planning Director, Planner and the Commission Engineer.
- 120. PLAT:** This term refers to a Subdivision Plat, as defined below.

- 121. PLAT, MORTGAGE:** A mortgage plat shall consist of a surveyed boundary of a property showing no division lines for the express purpose of providing a lending institution a record of the property.
- 122. PREMISES:** A lot or other tract of land under one ownership and all the structures on it.
- 123. PRIME FARMLAND:** A map unit identified by the Natural Resources Conservation Service of the United States Department of Agriculture as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. *(Definition Added 03/24/2022 Scott County Ord. 22-02, In effect in County only).*
- 124. PRINCIPAL STRUCTURE:** The principal building or other structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.
- 125. PRINCIPAL USE:** The predominant use to which the lot or property is or may be devoted and to which all other uses are accessory.
- 126. PRIVATE STREET:** Any street that is privately owned and maintained. Private streets cannot be through streets. *(Definition Amended 08/17/2006 City of Georgetown Ord 2006-019).*
- 127. PROJECT:** The term "project" when used throughout this document shall refer to any and all subdivisions or developments.
- 128. PUBLIC SERVICE BUILDING:** Any building necessary for the operation and maintenance of a utility.
- 129. RETAIL SALE:** The sale of any product or merchandise to customers for their own personal use; not for resale.
- 130. RESERVOIR PROTECTION AREA:** The area designated in the Growth and Land Use Element of the Comprehensive Plan that drains into the planned reservoir.
- 131. RIGHT-OF-WAY:** Land used 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.
- 132. RIGHT-OF-WAY FOR TELECOMMUNICATIONS TOWER:** The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality, or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, bridges, or any other public place, area, or property under the control of the federal government, Commonwealth, municipality, or municipal authority. Private Rights-Of-Way and other government-owned lands not listed above shall not be considered a

Right-of-Way. The phrase "in the Right(s)-Of-Way" means in, on, over, along, above and/or under the Right(s)-Of-Way.

- 133. ROAD OR STREET:** A vehicular traffic carrying way. As used in the Zoning Ordinance a road may be privately owned.
- 134. 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.
- 135. RV CAMPGROUND** (Also: 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, or other mobile vehicle, etc.). This definition does not include camping areas designed exclusively for tent or other primitive camping. *(Definition Amended 10/26/2023, Scott County Ord. 23-10, In effect in County only.)*
- 136. 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.
- 137. 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).*
- 138. SHORT-TERM RENTAL:** a dwelling unit that is rented, leased, or otherwise assigned for a tenancy of less than thirty (30) consecutive days' duration, where no meals are served. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast establishments, or boarding and lodging house rooms. *(Definition Added 03/28/2022 City of Georgetown Ord 2022-07, 08/12/2022 Scott County Ord 22-07).*
- 139. SIDEWALK:** A way or portion of a way intended primarily for pedestrian traffic.
- 140. 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. *(Definition Amended by City of Georgetown Ordinance 1998-004, 3/19/1998)*
- 141. 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.

- 142. SIGNS:** Shall mean and include any outdoor announcement, declaration, device, demonstration, or insignia used for direction, information, identification, or to advertise or promote any business, product, activity, services, or any interests.
- a. **Advertising Sign:** A (off premise) sign which attracts attention to any business product, activity, or service; provided however, that such sign shall not be related, or make reference to the primary use, business, activity or service conducted on the premises.
 - b. **Business Sign:** A (on premise) sign which identifies a building or directs attention to a business, product, activity or service manufactured, sold, offered or stored upon the premises as the primary use(s) where such sign is located.
 - c. **Projecting Sign:** A sign suspended from or supported by a building or similar structure and projecting out there from more than eighteen (18) inches.
 - d. **Sign Structures:** The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the display.
 - e. **Wall Signs:** A sign which is attached directly to a building wall and which does not extend more than eighteen (18) inches therefrom or higher than the roof line of the building, with the exposed face of the sign in a place parallel to the building wall.
- 143. 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.
- 144. 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.
- 145. 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).
- 146. SITING BOARD REGULATED SES:** An SES that constitutes a "merchant electric siting facility" under KRS 278.700(2), the construction and siting of which is subject to review and approval of the Kentucky State Board on Electric Generation and Transmission Siting. A merchant electric siting facility is an electricity generating facility or facilities that, together with all associated structures and facilities are capable of operating at an aggregate capacity of ten megawatts (10 MW) or more and sell the electricity produced in the wholesale market, at rates and charges not regulated by the Kentucky Public Service Commission. *(Definition Added 03/24/2022 Scott County Ord. 22-02, In effect in County only).*

- 147. SLEEPING ROOM:** A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.
- 148. SMALL CELL TOWER:** Any structure under fifty (50) feet in height with an antenna or transmitter that is constructed for the sole or primary purpose of supporting any Federal Communications Commission – licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a SmallCell Tower, and is not a Utility Pole. The term Small Cell Tower includes structures erected to support Antennas and Related Equipment, mini cell towers, distributed antenna system towers, micro cell towers, mini cells, Wi-Fi antennas, or similar technology.
- 149. SMALL WIRELESS FACILITY FOR TELECOMMUNICATION TOWER:** A Wireless Communications Facility that meets each of the following conditions: (i) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume; and (ii) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.
- 150. SOLAR ENERGY SYSTEMS (SES):** A device, including its components and subsystems, that collects solar energy for electricity generation, consumption, or transmission, or for thermal applications. SESs are in turn divided into three types depending on how the system is incorporated into the existing land use:
- a. **Integrated Solar Energy System:** A SES where the solar materials are incorporated into the building materials such that the building and solar system are reasonably indistinguishable, or where the solar materials are used in place of traditional building components, such that the SES is structurally an integral part of the house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building façade, skylight, shingles, canopy, light, or parking meter.
 - b. **Rooftop Solar Energy System:** A SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
 - c. **Ground Mounted Solar Energy System:** A SES that is structurally mounted to the ground and does not qualify as an Integrated SES. Ground Mounted SESs are subcategorized as follows:

- d. **Small Scale Ground Mounted Energy System (Small Scale SES)** which is a Ground Mounted SES with a Footprint of less than 2,500 square feet.
- e. **Intermediate Scale Ground Mounted Energy System (Intermediate Scale SES)** which is a Ground Mounted SES with a Footprint of at least 2,500 square feet but less than ten (10) acres.
- f. **Large Scale Ground Mounted Solar Energy System (Large Scale SES)** means a Ground Mounted SES with a Footprint of at least or more ten (10) acres.

(Added 03/24/2022 Scott County Ord. 22-02, In effect in County only).

- 151. **STAFF:** Those assigned to support and/or administer the powers and duties prescribed to the Planning Commission.
- 152. **STEALTH TECHNOLOGY FOR TELECOMMUNICATIONS TOWERS:** Design techniques used to blend objects into the surrounding environment and to minimize visual impact. These design techniques may be applied to wireless communications towers, antennas, and other facilities, which blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include but are not limited to facilities constructed to resemble light poles, flag poles or other streetscape amenities. The use of additional features such as flags, decorative streetlamps, and banners or signs may be utilized to blend the proposed facility into the visual backdrop.
- 153. **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, 08/17/2006)*

- 154. **STRUCTURE:** Any combination of materials fabricated to fulfill a function in a fixed location on the land. *See Building.*
- 155. **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.
- 156. **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.
- 157. **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. *(Definition Amended by City of Georgetown Ordinance 1999-026, 7/15/1999)*
- 158. **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)*
 - a. The following are also classified as a minor subdivision:

- i. A subdivision for the purpose of the transfer of land between adjacent property owners and not involving the creation of any new lots or building sites;
 - ii. A subdivision for the purpose of enlarging the size of any previously subdivided lot or parcel of land; the consolidation of up to five lots of record to create a lesser number of parcels and involving no new public improvements;
 - iii. Five or less condominium units of previously built developments.
 - iv. And technical revisions to a recorded final plat of an engineering or drafting nature or similar small discrepancy, but not including the altering of any property lines or public improvement requirements.
- 159. 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.
- 160. 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).
- 161. 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.
- 162. 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 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.
- 163. 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.
- 164. TRANSMISSION EQUIPMENT FOR TELECOMMUNICATION TOWER:** Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul.

- 165. UN-HOSTED HOME SHARING (UHS):** A type of short-term rental where the entire dwelling unit is rented, leased, or otherwise assigned for a tenancy of less than thirty (30) consecutive days. This does not include hotel or motel rooms, extended stay lodgings, or bed and breakfast establishments. *(Definition Added 03/28/2022 City of Georgetown Ord 2022-07, 08/12/2022 Scott County Ord 22-07).*
- 166. UNIFORM APPLICATION FOR TELECOMMUNICATION TOWER:** means an application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.987 and KRS (section number not yet assigned).
- 167. URBAN SERVICE BOUNDARY:** That area designated as such in the Comprehensive Plan, planned to be the limitation of future urban development and urban services.
- 168. 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.
- 169. UTILITY FOR TELECOMMUNICATION TOWER:** Has the meaning as defined in KRS 278.010(3).
- 170. UTILITY, OVERHEAD, FOR TELECOMMUNICATION TOWER:** Utility infrastructure that is located primarily above ground as determined by Staff. For purposes of these regulations, Overhead Utilities include but are not limited to power lines and communications lines.
- 171. UTILITY POLE FOR TELECOMMUNICATION TOWER:** A structure originally constructed for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables and located within the Right-Of-Way or Utility easements. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole.
- 172. UTILITY, UNDERGROUND, TELECOMMUNICATION TOWER:** Utility infrastructure that is located primarily underground as determined by Staff. For purposes of these regulations, utilities include but are not limited to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas lines, power lines, and communications lines. This definition does not include electric transformers, switch boxes, telephone pedestals, and telephone boxes, traffic boxes, and similar devices which are ground mounted.
- 173. VARIANCE:** A departure from the strict conformance with the dimension and area regulations which must first receive the approval of the Board of Adjustment.
- 174. 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.

- 175. WIRELESS COMMUNICATIONS FACILITY: The set of equipment and network components including antennas, transmitters, receivers, Base Stations, cabling, and Antenna or Related Equipment, used to provide wireless data and telecommunication services.**
- 176. YARD:** The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this Zoning Ordinance. Yards are further defined as follows:
- a. **Front Yard:** That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which line shall be designated as the front yard line.
 - b. **Rear Yard:** That portion of the yard extending the full width of the lot measured between the rear lot line and a parallel line tangent to the nearest part of the principle building.
 - c. **Side Yard:** Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest part of the principal building.
- 177. 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.

2.5 SPECIFIC USE REGULATIONS

2.5.1 QUALIFIED MANUFACTURED HOUSING,

MANUFACTURED HOUSING AND MOBILE HOMES

Section 2.5.1 created 02/26/2004 Scott County Fiscal Court Ord 2004-01 and 03/04/2004 City of Georgetown Ord 2004-006.

Section 2.5.1 amended 05/10/2021 City of Georgetown Ord 2021-04, In effect in City only)¹

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)

¹ Refer to Scott County Ordinance 2023-10 (10/26/2023) for additional regulations related to RV Campgrounds.

mobile home camps (or trailer parks); and (4) a mobile home on a single lot and solid foundation. All such uses shall conform to all applicable provisions of KRS 219, as amended, all provisions of this ordinance, and all attached special conditions.

- a. **MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS:** May be permitted as a conditional use only in R-2 and R-3 districts. *In County only, may be permitted as a conditional use only in B-2, R-2, and R-3 districts.* Mobile home camping areas may be permitted by conditional use in B-2 districts or as accessory uses in recreational areas. All mobile home parks shall be subject to the standards of development established in the Subdivision Regulations. 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:
 - i. Name and address of applicant and/or owner.
 - ii. Name, location and size of Mobile Home Park.
 - iii. 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.
 - iv. Contour lines at an interval of 10 feet along with existing natural features.
 - v. General location of all utilities and method of sewage disposal.
 - vi. Public or community areas.
 - vii. Large scale plan of at least one typical mobile home lot showing mobile home location, automobile parking space, minimum yard requirements, etc.
 - viii. Location of planting for landscaping or buffer purposes when necessary.
 - ix. Identification of abutting property owners.
 - x. Proposed street right-of-way and pavement type and widths along with curb gutter and sidewalk proposals.
 - xi. Certificates from the County Health Officer.
- b. When the Enforcement Officer has determined the application for mobile home parks or trailer camps complete, including payment of fees, the application is sent to the Board of Adjustment who shall proceed to consider the application in the same manner as set forth in Paragraph 2.33 and in KRS 100.217 through 100.263.
- c. In the case of Mobile Home Subdivision the applicant is expected to meet all of the requirements for preliminary plat approval in his initial application to the Board.
- d. Upon preliminary approval of the mobile home subdivision by the Board the application together with any conditions the Board might attach, the application is forwarded to the Planning Commission for Preliminary and Final Plat consideration. Both bodies must approve the application and act on all variances requested before any site preparation may begin.

- e. Mobile homes are permitted in Agricultural Districts and in Conservation Districts on the minimum lot size established for the district unless provisions of Article II, Section 2.1 (2) are applicable.
- f. **DEVELOPMENT STANDARDS FOR MOBILE HOMES:** 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).
 - i. 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.
 - ii. **Mobile Home Parks and Mobile Home Subdivisions:** All requirements of the Zoning District in which such use is proposed and KRS shall apply. ²
 - iii. Mobile Home Camps (or camping areas for trailers) are permitted as a conditional use only in B-2 districts or as conditional accessory uses in major recreational areas. *In County only, conditional use in the B-3 zone or as accessory uses in recreational areas.* Due to the temporary or seasonal nature of this use, special development regulations are necessary. In addition to fulfilling the requirements of KRS 219 as a minimum, the following requirements are to be followed:
 - 1. 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.
 - 2. The minimum lot for each trailer is 3,000 square feet.
 - 3. Adequate open space and recreation areas shall be provided in accessible locations.
 - 4. Accessory commercial uses are permitted, but no closer than 100 feet from the nearest trailer or camping lot.
 - 5. The layout and lot arrangement shall provide maximum privacy. *In county only, the layout and lot arrangement shall be such that maximum privacy was an obvious consideration.* This may be

² 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.

achieved through landscaping, natural features, radial or alternative lot arrangements, etc.

6. The surface of the parking area shall be improved, either paved or (8") compacted gravel or as approved by the Board.
 7. All roads shall be improved as approved by the Board.
 8. All lots and streets shall be properly drained.
- g. **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 KRS 219.
- h. **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 KRS 219.
- i. **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.
- j. **MOBILE HOMES IN AGRICULTURAL AND CONSERVATION DISTRICTS:** The following regulations shall be applicable in A-1 and C-1 districts.
- k. Mobile homes may be permitted in Agricultural districts and in conservation districts on the lot sizes specified for farm dwellings.

2. QUALIFIED MANUFACTURED HOUSING PROPOSAL PROCESS

- a. **STEP ONE: CHOOSING A SITE FOR A QUALIFIED MANUFACTURED HOME AND/OR MANUFACTURED HOME**³. 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.

³ Refer to definitions (Section 2.1) to clarify between a Qualified Manufactured House and a Manufactured House.

- 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.
- e. **DESIGN AND APPLICATION SUBMITTAL AND REVIEW PROCESS**
 - i. **Intent:**
 - 1. The purpose of compatibility standards for manufactured housing is to permit local governments to adopt and enforce, as a part of its zoning regulations, compatibility standards governing the placement of qualified manufactured homes in residential zones, within the local government’s jurisdiction.
 - ii. **Guidelines:**
 - 1. The qualified manufactured home shall be reviewed for its compatibility with architectural appearance and similarity with (1) adjacent development or surrounding developments (i.e. either side of the proposed site within the same block face and adjacent to the rear), (2) development within the same zone or general area, or (3) within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured home.
- f. **ARCHITECTURAL COMPATIBILITY GUIDELINES**
 - i. **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.
 - ii. **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).
 - iii. **Windows:** Front facing windows must have consistent size, spacing, and proportion to that of the adjacent residences.

- iv. **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.
- v. **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.
- vi. **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.
- vii. **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.

3. APPLICATION INSTRUCTIONS FOR QUALIFIED MANUFACTURED HOUSING COMPATIBILITY STANDARDS

a. **INTRODUCTION:**

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

b. **APPLICATION PROCEDURES:**

- i. To be an applicant, you must be an owner, lessee or prospective owner with a purchase contract to place a qualified manufactured home on designated residential areas.
- ii. These standards are set forth in the Zoning Ordinance. If you have questions whether an action you propose is subject to review, you should consult with the Chief Building Inspector or Planning Commission staff, where applicable. When it is determined that you need approval, you should complete **the attached application form** and file it with the Building Inspector.

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

- i. **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.
- ii. **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.
- iii. **Submissions:** The specific submission requirements may vary from application to application. Below are the guidelines for the minimum requirements.
 1. **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.
 2. **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.
 - a. 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.
 3. **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).
 - a. 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.
 4. **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.

- a. Examples of compatibility based on Architectural Design including Roof Pitch, Building Height, Location of Entry, Porches and Exterior Finishes



Image 1.

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



Image 2.

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

2.5.2 JUNKYARDS

1. 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 ensure 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.

2. 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.

2.5.3 SOLAR ENERGY SYSTEMS

Added 03/24/2022 Scott County Ord. 22-02, In effect in County only.

1. PURPOSE

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

2. APPLICABILITY

- a. This ordinance applies to the siting, construction, installation, and decommissioning of any new SES within the jurisdiction Georgetown, Sadieville, Stamping Ground, or Scott County after the effective date of this ordinance.
- b. An SES in operation, or which has begun physical construction prior to adoption of this ordinance, shall be considered to have legal nonconforming status in accordance with KRS 100.253.
- c. The following are not subject to this ordinance:

- i. Modification to an existing SES that alone or in combination increases the total SES Footprint by no more than 5% of the original Footprint.
- ii. Routine maintenance and repair, including replacement of solar panels, not increasing the SES Footprint
- iii. Any Exempt SES shall provide the Planning Commission, Board of Adjustment or other authority having jurisdiction, and Fiscal Court with information concerning service facilities which have been located on and relocated on private property in accordance with KRS 100.324(3).
- iv. An SES shall comply with all applicable federal, state, and local laws, regulations, and permitting and other requirements, and applicable building, fire electrical, and plumbing codes.

3. CONDITIONAL USE PERMIT REQUIREMENTS & ALLOWED USES

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

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

⁴ These count as accessory only if their Footprint is less than 50% of the footprint of the primary structure.

P-1	N/A	P	N/A	P	P	P	P	P	CUP	CUP
P-1B	N/A	P	N/A	P	P	P	P	P	CUP	CUP
B-1	N/A	P	N/A	P	P	P	P	P	CUP	CUP
B-2	N/A	P	N/A	P	P	P	P	P	CUP	CUP
B-3	N/A	P	N/A	P	P	P	P	P	CUP	CUP
B-4	N/A	P	N/A	P	P	P	P	P	CUP	CUP
B-5	N/A	P	N/A	P	P	P	P	P	CUP	CUP
BP-1	N/A	P	N/A	P	P	P	P	P	CUP	CUP
I-1	N/A	P	N/A	P	P	P	P	P	CUP	CUP
I-2	N/A	P	N/A	P	P	P	P	P	CUP	CUP
ESLI	N/A	P	N/A	P	P	P	P	P	CUP	CUP

4. GENERAL REQUIREMENTS APPLICABLE TO INTEGRATED AND ROOFTOP SESs

- a. **SOLAR ACCESS.** Consistent with KRS 381.200(2), a property owner may obtain a solar easement from another property owner for the purpose of ensuring adequate exposure to sunlight for an Integrated or Rooftop SES. Such easement shall be recorded.
- b. **TREE REMOVAL.** The removal of trees or natural vegetation for an Integrated or Rooftop SES shall be limited to the extent practicable and shall comply with all the requirements of the Georgetown – Scott County Zoning Ordinance regarding tree removal if applicable.
- c. **HEIGHT RESTRICTIONS.** A rooftop SES shall conform to any height restrictions for roof-mounted mechanical devices or equipment for the applicable zoning district and may exceed the maximum permitted height for the structure type by no more than five (5) feet. A rooftop SES shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave, provided that where it is mounted on a sloped roof, the SES shall not vertically exceed the highest point of the roof to which it is attached by more than five (5) feet.
- d. **LIGHTING.** Integrated and Rooftop SESs shall not be illuminated and shall be designed and installed to prevent off-site glare.
- e. **HISTORIC PRESERVATION.** Where an integrated or rooftop SES is proposed to be installed on a property located within an historic district or which is listed on or eligible for listing on the National Register of Historic Places, the proposed installation shall be coordinated with any review required by the Zoning Ordinance for exterior renovations or additions to such structures.

5. **GENERAL REQUIREMENTS APPLICABLE TO GROUND MOUNTED SESs**

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

screening. The Board of Adjustment shall state the findings justifying the expanded setbacks.

- f. **SCREENING.** Ground Mounted SESs shall be effectively screened from properties zoned for residential use other than that on which the SES is to be constructed.
 - i. Ground Mounted SESs approved as a conditional use shall have or install a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides an effective visual and lighting screen between the SES and properties zoned for residential use, unless waived by the Board of Adjustment or other authority having jurisdiction. If such a waiver is requested, it shall be the Applicant's responsibility to prove to the Board of Adjustment or other authority having jurisdiction that the SES will be effectively screened from residentially zoned properties. Existing buffers along an SES perimeter shall be preserved when reasonably practicable.
- g. **PROTECTION OF FARMLAND AND REVEGETATION OF DISTURBED AREAS**
 - i. Compaction of soil associated with the location of roads and installation staging areas for Intermediate and Large-Scale Ground Mounted SES on land zoned for agricultural use shall be minimized to the extent possible. Compaction of soil associated with the location of roads and installation staging areas for all Ground Mounted SES on land zoned for agricultural use that are classified either as prime farmland or farmland of statewide importance shall be avoided to the extent possible, and the soils shall be de-compacted as part of the decommissioning process.
 - ii. Upon completion of construction and installation of the Ground Mounted SES, all temporary roads constructed by the applicant shall be removed, and all disturbed areas shall be graded, de-compacted, and reseeded with native vegetation in order to establish an effective ground cover and to minimize erosion and sedimentation.
 - iii. Topsoil shall not be removed. Grasses shall be maintained or established. Herbicides and ground sterilant and gravel shall not be used as a method of vegetative control, except around fences. Grasses, weeds, and wildflowers inside and outside the security fence shall comply with all applicable requirements of the adopted property maintenance code. The Board of Adjustment may waive this requirement if the developer can show this requirement will create an undue burden and an acceptable ground maintenance plan is submitted with the conditional use permit application.
- h. **SIGNAGE.** A Ground Mounted SES may include such signage as is required by law to provide safety information, and other signage as may be allowed under this Ordinance.

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

6. **CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS**

- a. Applications for an SES requiring a conditional use permit shall include the following information:
 - i. Name, address, telephone number, and email address of the applicant, the project owner, and the project operator.
 - ii. The address of the property on which the SES will be located and the property owner's name, address, telephone number, and email address if available.
 - iii. Documentation, such as a deed, lease, or other agreement with the landowner, demonstrating the applicant's right to use and control the property.
 - iv. A topographic map that depicts vegetative cover, watersheds, floodplains, and other geographic information about the property and surrounding area.
 - v. A conceptual description of the project, including the maximum number of modules, mounting type (fixed-tilt or tracking), system height, system capacity, total land area covered by the system, and information about all associated structures or facilities such as transformers, substations, feeder lines, and batter storage.
 - vi. A conceptual site plan, including property lines, zoning classification of the property and all adjacent properties, existing buildings and proposed structures, the proposed location of the solar equipment, transmission lines, any associated structures and facilities, and substations. The conceptual site plan shall also identify existing and proposed temporary or permanent roads, drives, and parking, fencing or other methods to

ensure public safety, and a visual buffer plan demonstrating how proposed visual buffers will effectively screen the proposed SES from adjacent properties zoned for residential use.

- vii. A map from the Natural Resources Conservation Service identifying prime farmland and farmland of statewide importance (if in a district zoned agricultural), documentation from the U.S. Fish and Wildlife Service regarding the presence of any identified critical habitat for rare or endangered federal or state species. The application shall also contain a Federal Emergency Management Agency map delineating floodplains, shall include evidence of any water quality or stormwater permit needed for the project, and shall contain a letter from the State Historic Preservation Office regarding known archaeological or cultural resources listed or eligible for listing on the National Register.
- viii. Information demonstrating that approval of the SES will not result in any disproportionate individual or cumulative environmental burden on low-income communities or communities of color.
- ix. A decommissioning plan prepared by a registered professional engineer, and updated every three (3) years, containing the following:
 - 1. The anticipated life of the project and defined conditions upon which decommissioning will be initiated;
 - 2. The estimated decommissioning cost, including removal of the SES and related foundations, pads, underground collector lines and road, and the salvage value of any equipment in current dollars and the calculations supporting the decommissioning estimate. The estimated salvage value of the material using current, publicly available material indices and/or firm quotes from a decommissioning or recycling company experienced in the decommissioning of SES, shall be provided, and the Board of Adjustment or other authority having jurisdiction shall consider the salvage value identified in 9.b in computing the amount, if any, of financial assurance required under subsection 9.e;
 - 3. The manner in which the project will be decommissioned, including provision and a timetable for the removal of all structures and foundations, and for the revegetation and restoration of the property to its original condition or a condition compatible with the zoning or the parcel(s);
 - 4. The party responsible for decommissioning;
 - 5. Security, sufficient to cover the net costs identified in 9.b and to assure that decommissioning of the site can be achieved by a

third party in the event that a permittee defaults in that obligation, shall be provided in accordance with Section 600 of the *Subdivision & Development Regulations*.

6. A copy of any lease containing specific agreements regarding decommissioning with the landowner;
 - x. Proof of adequate casualty and liability insurance covering installation and operation of the SES;
 - xi. A description of the measures that will be taken to minimize erosion and sedimentation, and to promptly stabilize and revegetate disturbed areas with native vegetation.
 - xii. Where the applicant for a Conditional Use Permit is also seeking a construction certification pursuant to KRS 278.700 – 278.716, the applicant may submit a copy of a complete state siting board application and site assessment report meeting the requirements of KRS 278.706 and 278.7008 in lieu of the above requirements of Section 7(a) subsections 1-7
 - b. A conditional use permit issued by a Board of Adjustment or other authority having jurisdiction shall include, at a minimum, all requirements of Section 7 of this Ordinance, and any additional conditions deemed by the Board necessary or appropriate pursuant to KRS 100.237 to allow the proper integration of the proposed SES into the zone and location in which it is proposed.
7. **PUBLIC NOTICE AND PUBLIC COMMENT**
- a. Public notice of an application for a conditional use permit for a Ground Mounted SES shall conform to the public notice requirements generally applicable to conditional use permit applications. The public notice and hearing requirements of this Chapter shall be in addition to and independent of any local hearing conducted pursuant to KRS 278.712.

2.5.4 ASSISTED LIVING FACILITIES

Adopted 09/03/1998 City of Georgetown Ord. 98-020 & 09/14/1998 Scott County Ord. 98-06.

1. **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.
 - a. No Certificate of Occupancy shall be issued prior to the issuance of required permits and certificates by federal, state, and local agencies and all required

conditions of approval by the Board of Adjustments and the Planning Commission.

2. **LOCATIONAL STANDARDS:** 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.
 - a. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area.
 - b. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design, and building placement. The street network shall be capable of accommodating the traffic generated by the proposed use.
3. **SITE STANDARDS:**
 - a. Minimum lot size: 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:
 - i. 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).
 - ii. 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).
 - iii. For those units with standard kitchen areas, the density for each district shall apply.
 - iv. In the P-1 and P-1B districts, the density shall be the same as the R-3 standards.
 - v. Requests for an increase in the number of units per building may be approved by the Board of Adjustments as part of the Conditional Use Approval.
 - b. These facilities should be designed so as to cluster the residential units and associated buildings based on the net density and provide sufficient open space and amenities areas.

- c. The maximum height of such facilities three stories or 40 feet.
 - d. Three (3) parking spaces shall be provided for every five (5) residential units. Ten percent of the total parking spaces shall be designated as handicap accessible.
 - e. Each unit shall contain at least 400 square feet of gross floor area.
4. **AREA REGULATIONS:** All buildings shall be set back from the street right-of-way and from all property lines as required by the zoning district within which the development is located except: Where adjacent to a residential or agricultural zoning district, the minimum setback shall be 50 feet. Where adjacent to a state highway, the minimum setback shall be 50 feet.
5. **ADMINISTRATIVE PROCEDURES FOR ASSISTED LIVING FACILITIES:** 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. A preliminary project development, construction and occupancy schedule. The schedule shall demonstrate the applicant's readiness, ability to provide facilities and services.
 - b. 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.
6. 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.

2.5.5 TELECOMMUNICATION TOWERS

Adopted 09/13/1998 Scott County Ord 98-07 & 12/5/2002 City of Georgetown, Ord 02-032.

The following regulation is based upon the requirements outlined within HB 270.

1. **PURPOSE:**

a. The purposes of these regulations are:

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

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

~~3. **DEFINITIONS:** For the purposes of these regulations, the following definitions shall apply:~~

- ~~a. **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.~~
- ~~b. **CELLULAR TELECOMMUNICATIONS SERVICE** means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.~~
- ~~c. **CO-LOCATION** means locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower or other applicable structure.~~
- ~~d. **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.~~
- ~~e. **GSCPC** means Georgetown Scott County Planning Commission or Planning Commission~~
- ~~f. **PERSONAL COMMUNICATION SERVICE** has the meaning as defined in 47 U.S.C. sec. 332(e).~~

- ~~g. **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).~~
- ~~h. **UTILITY** has the meaning as defined in KRS 278.010(3).~~
- ~~i. **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.~~
4. **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*.
5. **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).
6. **APPLICATION REQUIREMENTS:** Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:
- a. The full name and address of the applicant.
 - b. The applicant's articles of incorporation, if applicable.
 - c. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations.
 - d. 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.
 - e. 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.
 - f. 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.

- g. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
- h. 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.
- i. 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.
- j. 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.
- k. 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.
- l. 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:
 - i. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.
 - ii. Given the telephone number and address of the local planning commission; and
 - iii. Informed of his or her right to participate in the planning commission's proceedings on the application.
- m. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.
- n. 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.
- o. A copy of the notice sent to the chief executive officer of the appropriate and affected local government and the legislative body (see #14).
- p. A statement that:

- i. 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
 - ii. 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.
- q. 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.
- r. 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.
- s. 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.
- t. 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.
- u. 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:
 - i. all of the planning unit's jurisdiction; and
 - ii. 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.

7. **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.
8. **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.⁵ 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.
9. **PROCESSING OF APPLICATION:** Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:
 - a. 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.
 - b. 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

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

including the addresses and telephone numbers of the applicant and the planning commission. Notice of the proposal shall also be posted on the public road nearest the site. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site " and including the addresses and telephone numbers of the applicant and the Planning Commission.

- c. 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.
- d. 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.
- e. 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.

10. **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.

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standards and other applicable state standards.
- f. Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.
- g. 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).

- h. 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.
- i. 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.
- j. 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.
- k. 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.
- l. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
- m. All option and site lease agreements shall not prohibit the possibility of co-location.

11. CRITERIA

- a. Approval or disapproval of the proposal shall be based upon an evaluation of the proposal's agreement with the Comprehensive Plan, Zoning Ordinance and applicable *Subdivision & Development Regulations*.
- b. The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The Planning Commission may provide the location of existing cellular antenna towers on which the Commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning Commission requires the applicant to attempt co-location, the applicant shall provide the Planning Commission with a statement indicating that the applicant has:

- i. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or
 - ii. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:
 - 1. Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and
 - 2. Lists the reasons why the co-location was unsuccessful in each instance.
 - c. The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
 - d. The Planning Commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that the proposed facility complies with the regulations of the Federal Communications Commission concerning radio frequency emissions.
12. **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.

2.5.6 SMALL WIRELESS FACILITIES & SMALL CELL TOWERS

Adopted 02/22/2021 City of Georgetown Ord 2021-01. In effect in city only.

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

2. **TITLE:** These regulations shall be known as the Regulations for Small Wireless Facilities and Small Cell Towers in the City of Georgetown and may be referred to as “these regulations.”
3. **AUTHORIZATION:** These regulations are adopted pursuant to authority granted to planning commissions in the Commonwealth of Kentucky, by Kentucky Revised Statutes (KRS) 100.985 – 100.987.
4. **CITATIONS OF KENTUCKY REVISED STATUTES:** Whenever a provision of these regulations cites a provision of the Kentucky Revised Statutes (KRS) and that provision is later amended or superseded, these regulations shall be deemed amended to refer to the amended provision, or to the provision that most closely corresponds to the superseded provision.
5. **APPLICABILITY:** These regulations apply to every Utility or company that is engaged in the business of providing the required infrastructure to a Utility that proposes to construct a Small Wireless Facility or Small Cell Tower for Cellular Telecommunications Services or Personal Communications Services. These regulations also apply to towers that do not meet the requirements of minor adjustments, in accordance with Section 2.559 of these regulations.
6. **RELATIONSHIP TO APPLICABLE CODES:** These regulations are not intended to supersede in any way the requirements of the local zoning ordinance or the requirements of the Kentucky Building Code.
7. **STATEMENT OF SEVERABILITY:** It is the intention that the articles, sections, subsections, sentences, clauses, and phrases of these regulations are severable.
 - a. If any article, section, subsection, sentence, clause, or phrase is declared unconstitutional, or otherwise invalid by a court of competent jurisdiction in a valid judgement or decree, that unconstitutionality or invalidity shall not affect the remaining articles, sections, subsections, sentences, clauses, and phrases. These regulations would have been adopted without the incorporation into these regulations of the unconstitutional article, section, subsection, sentence, clause, or phrase.
8. **STATUS AS MINIMUM STANDARDS:** In their interpretation and application, these regulations shall be viewed as minimum standards or requirements, adopted for promotion of the public health, safety, and general welfare. Whenever these regulations conflict with a requirement of any other lawfully adopted rule, regulation, ordinance, order, or resolution, the most restrictive or that imposing the higher standards shall govern.
9. **COMPLIANCE REQUIRED:** Except as hereinafter specified, no Small Wireless Facility, Small Cell Tower or Non-Tower Wireless Communication Facility shall hereafter be placed or constructed except in conformity with these regulations.

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

2.552 — DEFINITIONS

~~ANTENNAS OR RELATED EQUIPMENT:~~ Any transmitting, receiving or other equipment used in conjunction with a Wireless Communications Facility. The term includes Utility or Transmission Equipment, antennas, radios, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar equipment. This definition does not include Cellular Antenna Towers.

~~APPLICANT:~~ A person or entity who is authorized by the provisions of these regulations to file an Application for approval under these regulations.

~~APPLICATION:~~ An Application is the completed form or forms and all accompanying documents, exhibits, and fees required of an Applicant by Staff or the Planning Commission as part of a submission for review.

~~BASE STATION:~~ A structure or equipment at a fixed location that enables Federal Communications Commission licensed or authorized wireless communication between user equipment and a communication network. The term does not include Cellular Antenna Tower as defined in this section or any equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

~~A.~~ The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment regardless of technological configuration (including Small Wireless Facilities).

~~B.~~ The term includes any structure other than a Cellular Antenna Tower that, at the time the required Application is filed with the Planning Commission under this subsection, supports or houses equipment described in sub-paragraph (A) of this definition that has been reviewed and approved under the applicable zoning or siting process even if the structure was not built for the sole or primary purpose of providing such support.

~~C.~~ The term does not include any structure that, at the time the required Application is filed with the Planning Commission under this definition, does not support or house equipment described in this definition.

CELLULAR ANTENNA TOWER: A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of Cellular Telecommunications Services or Personal Communication Services.

CELLULAR TELECOMMUNICATIONS SERVICES: A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

CO-LOCATION: Locating two (2) or more transmission Antennas or Related Equipment on the same Cellular Antenna Tower.

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

PERSONAL COMMUNICATION SERVICES: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in 47 U.S. C. sec. 332(e).

PLANNING COMMISSION: The term "Planning Commission" shall mean the Georgetown—Scott County Planning Commission.

RIGHT-OF-WAY: The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality, or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, bridges, or any other public place, area, or property under the control of the federal government, Commonwealth, municipality, or municipal authority. Private Rights Of Way and other government-owned lands not listed above shall not be considered a Right of Way. The phrase "in the Right(s) Of Way" means in, on, over, along, above and/or under the Right(s) Of Way.

SMALL CELL TOWER: Any structure under fifty (50) feet in height with an antenna or transmitter that is constructed for the sole or primary purpose of supporting any Federal Communications Commission—licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole. The

~~term Small Cell Tower includes structures erected to support Antennas and Related Equipment, mini cell towers, distributed antenna system towers, micro cell towers, mini cells, Wi-Fi antennas, or similar technology.~~

~~**SMALL WIRELESS FACILITY:** A Wireless Communications Facility that meets each of the following conditions: (i) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume; and (ii) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.~~

~~**STAFF:** Those employees of the City of Georgetown and Scott County assigned to support and/or administer the powers and duties proscribed to the Planning Commission.~~

~~**STEALTH TECHNOLOGY:** Design techniques used to blend objects into the surrounding environment and to minimize visual impact. These design techniques may be applied to wireless communications towers, antennas, and other facilities, which blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include but are not limited to facilities constructed to resemble light poles, flag poles or other streetscape amenities. The use of additional features such as flags, decorative streetlamps, and banners or signs may be utilized to blend the proposed facility into the visual backdrop.~~

~~**TRANSMISSION EQUIPMENT:** Equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul.~~

~~**UTILITY:** Has the meaning as defined in KRS 278.010(3).~~

~~**UTILITY, OVERHEAD:** Utility infrastructure that is located primarily above ground as determined by Staff. For purposes of these regulations, Overhead Utilities include but are not limited to power lines and communications lines.~~

~~**UTILITY POLE:** A structure originally constructed for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables and located within the Right-Of-Way or Utility easements. A pole originally installed for the primary purpose of~~

supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole.

UTILITY, UNDERGROUND: Utility infrastructure that is located primarily underground as determined by Staff. For purposes of these regulations, utilities include but are not limited to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas lines, power lines, and communications lines. This definition does not include electric transformers, switch boxes, telephone pedestals, and telephone boxes, traffic boxes, and similar devices which are ground mounted.

WIRELESS COMMUNICATIONS FACILITY: The set of equipment and network components including antennas, transmitters, receivers, Base Stations, cabling, and Antenna or Related Equipment, used to provide wireless data and telecommunication services.

11. **PRE-APPLICATION CONFERENCE**

- a. A pre-application conference is optional and is not required. A pre-application conference does not trigger any of the FCC's shot clock requirements for placement of Small Wireless Facilities or Small Cell Towers. Applicants may contact Staff and request a pre-application conference. Upon receipt of this request, Staff will set up the meeting which shall include Staff, the Applicant, and any applicable Utility providers, the local jurisdiction, and the owner of the Right-Of-Way or property on which the Small Wireless Facility or Small Cell Tower is proposed to be installed. A pre-application conference allows for early coordination by identifying existing structures that might be suitable for collocation and identifying any other items which are in conformance/non-conformance with the Comprehensive Plan, local zoning ordinance, and/or the provisions of these regulations. A pre-application conference provides an opportunity for an initial discussion regarding proposed structure locations, design and the Application submittal, approval process and coordination with utilizes for possible use of pre-existing structures. Applicants desiring to have a pre-application conference should supply the Applicant's preferred locations, structure design style and structure height one week prior to the pre-application conference or upon request for a pre-application conference.

12. **APPLICATION SUBMITTAL**

- a. Prior to making an Application for a Small Wireless Facility, a Small Cell Tower, or a Non-Tower Wireless Communications Facility in the Rights-Of-Way, an Applicant must first obtain a franchise from the City, unless Applicant already possesses a franchise from the City or the Commonwealth. All proposed Small

Wireless Facilities, Small Cell Towers, or Non-Tower Wireless Communications Facilities shall be subject to administrative review and approval by Staff or the Planning Commission. The factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of these regulations and the Comprehensive Plan. One Application for multiple proposed Small Wireless Facilities is encouraged whenever possible.

13. **REQUESTED APPLICATION INFORMATION**

- a. All information contained in the Application and any updates, except for any map or other information that specifically identifies the proposed location of the facilities then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction.
- b. Applicants for the construction of Small Wireless Facilities and/or Small Cell Towers for Cellular Telecommunications Services or Personal Communications Services may choose to provide either the Uniform Application per KRS 100.9865 or in lieu of the Uniform Application, a Small Wireless Facilities Application may be made. A Small Wireless Facilities and/or Small Cell Tower Application shall be considered complete upon submission of all the following items and information:
 - c. Fees:
 - i. \$1,000 shall be submitted for each new Small Cell Tower in the Application which supports any Small Wireless Facilities; and
 - ii. \$500 shall be submitted for up to five (5) new Non-Tower Wireless Communications Facilities and/or Small Wireless Facilities, plus an additional \$100 for each additional Non-Tower Wireless Communications Facility and/or Small Wireless Facility included in the application.

Applications are limited to ten (10) new Small Cell Towers, ten (10) new Non-Tower Wireless Communications Facilities or ten (10) new Small Wireless Facilities on existing towers per Application. Multiple Small Cell Towers may only be included on a single Application if they are located within the same city or unincorporated area of the County.

- d. A written description and map showing the coverage area of the provider's existing facilities in the general and site-specific areas that are the subject of the Application.
- e. A statement by an authorized representative that the Applicant or provider holds all applicable licenses or other approvals required by the Federal

Communications Commission, the Kentucky Public Service Commission, and any other agency of state or federal government with authority to regulate telecommunications facilities that are required in order for the Applicant to construct the proposed facility.

- f. A statement by an authorized representative that the Applicant is in compliance with all conditions required for the Applicant's applicable licenses and approvals.
- g. A full description of the number and dimensions of all new Small Cell Towers proposed to be installed, if applicable.
- h. A site development plan, signed and sealed by a professional engineer registered in Kentucky, showing the proposed location of the proposed new Small Cell Tower(s) and existing structures within five hundred (500) feet of the proposed new Small Cell Tower(s). For Applications in which multiple new Small Cell Towers are proposed, an overall site development plan showing all proposed locations within a single city or unincorporated area must be provided.
- i. A vertical profile drawing of the proposed new Small Cell Tower(s) included in the Application, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the proposed new Small Cell Tower(s) and the placement of all antennas and equipment enclosures associated with the proposed new Small Cell Tower(s).
- j. A statement identifying the individual who is the authorized agent and their preferred email and mailing address to receive communications under these regulations.
- k. Photographs of view shed from each proposed new Small Cell Tower(s) location, taken in at least four directions.
- l. Description of whether other Overhead Utilities exist within five hundred (500) feet of the proposed new Small Cell Tower(s) locations.
- m. A completed form indicating compliance with Code Enforcement, Revenue Commission, and all property taxes, if applicable.

14. PROCESSING OF APPLICATION

- a. Applications will be reviewed for substance only when they meet all submittal requirements. If Applications are not complete, Staff must notify the Applicant within ten (10) calendar days from the submission of the Application stating the Application is incomplete and identifying the missing materials, which must be submitted in order to complete the Application. No further review of the Application will take place until the Application is complete. If the resubmitted materials are not complete, Staff must notify the Applicant within ten (10) calendar days from the most recent submission of Application materials stating the Application is incomplete and identifying the missing materials, which must

be submitted in order to complete the Application. No further review of the Application will take place until the Application is complete.

- b. Planning Commission shall review and take final action on Applications for new Small Cell Towers within ninety (90) calendar days of a completed Application. If an Application is not complete, the Staff shall notify the Applicant in writing within ten (10) days of receipt of the Application. If said notice is sent to Applicant within ten (10) days of receipt of the Application, the time period will not begin until the Application is deemed complete by Staff. Staff shall notify the Applicant once the Application is deemed complete and provide the deadline for the Planning Commission review period. Planning Commission shall either approve, approve with conditions, or deny the Application. If Planning Commission does not make a final decision within the required ninety (90) calendar days, the Application shall be deemed approved as submitted.
- c. Planning Commission Staff shall review and take final action on Applications for new Non-Tower Wireless Communication Facilities within sixty (60) calendar days of a completed Application. If an Application is not complete, the Staff shall notify the Applicant in writing within ten (10) days of receipt of the Application. If said notice is sent to Applicant within ten (10) days of receipt of the Application, the time-period will not begin until the Application is deemed complete and provide the deadline for the Planning Commission review period. Staff shall either approve, approve with conditions, or deny the Application. If Staff does not make a final decision within the required sixty (60) calendar days, the Application shall be deemed to be approved as submitted.
- d. An Applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of Staff in the administration of these regulations may appeal the action to the Planning Commission. Such appeal must be taken within thirty (30) consecutive calendar days of the final action by Staff. The appeal shall be filed with Staff along with an appeal fee of five hundred dollars (\$500). Staff will fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant, the jurisdiction where the proposed Small Wireless Facility is located, and the owner of Right-Of-Way or property (if different from the jurisdiction) at least one (1) calendar week prior to the hearing.
- e. An Applicant claiming to be injured or aggrieved by any final action of the Planning Commission shall appeal from the final action to the Circuit Court of the county in which the property is located. Such an appeal shall be taken within thirty (30) calendar days after such action.
- f. **WAIVERS TO THESE REGULATIONS:** This Section sets forth a procedure by which the Planning Commission may allow for waivers of these regulations. The

purpose is to allow some flexibility in dealing with unique issues that are outlined in Subsection 4 below.

- i. An Application requesting a waiver, a \$500 fee, and any additional documentation necessary to meet the requirements of this section shall be submitted for review.
- ii. The Planning Commission shall hold at least one public hearing after giving notice as according to KRS 424 for the purposes of reviewing the requested waiver.
- iii. After the public hearing, the Planning Commission may approve, approve with conditions, or disapprove the requested waiver.
- iv. The Planning Commission may grant a waiver to these regulations balanced against the public interest, providing the Planning Commission finds that the waiver will not be detrimental to the public interest and that the City or unincorporated jurisdiction where the proposed Small Cell Tower is to be located approves the waiver, and at least one of the following criteria apply:
 - v. That strict compliance with these regulations will create a hardship or unsafe situation in the face of unusual conditions.
 - vi. That granting the waiver creates a situation more in keeping with unique character within the general vicinity.
 - vii. That the requested waiver better meets the objectives of these regulations.
 - viii. That granting the waiver creates a safer situation than strict compliance with these regulations.
 - ix. Failure to grant the waiver would create a violation of federal law by prohibiting or having the effect of prohibiting telecommunications services.
- g. In addition to GSCPC approval, separate applicable building, zoning, and electrical permits, and permission from the City or unincorporated jurisdiction, Right-Of-Way or property owner must be obtained prior to the beginning of construction.

15. **SMALL WIRELESS FACILITY AND SMALL CELL TOWER LOCATION AND DESIGN REGULATIONS**

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

be located. The design review and approval process, including any public hearing, shall be compliant with state and federal law.

- b. NON-TOWER WIRELESS COMMUNICATIONS FACILITIES LOCATIONS AND SMALL WIRELESS FACILITIES ON EXISTING UTILITY POLES OR SMALL CELL TOWERS:
 - i. Administrative review by Staff is required for Non-Tower Wireless Communications Facilities and Small Wireless Facilities on existing Utility Poles or Small Cell Towers.
 - ii. A Utility planning to erect said Non-Tower Wireless Communications Facilities and Small Wireless Facilities on existing Utility Poles or Small Cell Towers shall file an Application with the Planning Commission its intent to do so, including the name and address of the Utility, name of the owner of the structure, the latitude and longitude of the structure, and a description of the plan to locate the Small Wireless Facility including a statement documenting that the new Small Wireless Facility location does not change the height of the structure beyond the lower of 10 feet, or a 10% increase in height. These non-tower locations must adhere to all other applicable federal, state, and local zoning codes, building codes or permits and the design regulations herein, where applicable.
- c. NEW SMALL WIRELESS FACILITIES AND SMALL CELL LOCATIONS IN ALL ZONING DISTRICTS: The regulations in this subsection apply to all new Small Wireless Facilities and Small Cell Towers.
 - i. Except when deployed in response to temporary service outages; as a result of emergencies; or at the request of first responders, temporary, mobile or wheeled Cellular Antenna Towers or Small Cell Towers shall not be permitted.
 - ii. New Small Cell Towers shall not exceed the greater of the maximum building height for the zoning district (or adjacent zoning district if in Right-Of-Way) within which they are located or thirty-five (35) -feet. A height that is in excess of what is permitted within the zoning district may be approved by staff if it integrates Stealth Technology that better meets the objectives of these regulations.
 - iii. If technologically possible, new Small Cell Towers shall be designed and constructed to accommodate a minimum of two (2) service providers.
 - iv. New Small Cell Towers may be located on public or private non-residential land or within a public Right-Of-Way provided it does not interfere with other utilities, functionality of sidewalks, visibility, or other matters of public safety.
 - v. New Small Cell Towers shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the

- Stealth Technology, such as design intended to look like a street light pole.
- vi. New Small Cell Towers shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one (1) square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the Stealth Technology. Such display shall not exceed the width of the pole, unless required by state or federal regulations or a wider sign is integral to the Stealth Technology such as design which integrates a decorative banner.
 - vii. If a new Small Cell Tower is located in an area with primarily Underground Utilities, or where no adjacent Overhead Utility lines exist, it shall not utilize Overhead Utility lines.
 - viii. In instances where an antenna is proposed to be constructed within a historic or commercial district with established public or private design control measures, regulations in subsection 2.557, C, shall be followed. Efforts shall be made to adhere to any established design control measures or existing furnishing or fixture styles within the district. Where additional local design review processes exist, such as Certificates of Appropriateness or Urban Design Review Boards, such approvals may be required.
- d. NEW SMALL WIRELESS FACILITIES AND SMALL CELL TOWERS LOCATIONS IN RESIDENTIAL ZONES: The regulations in this subsection apply to Small Cell Systems and Small Cell Towers to be located within, or immediately adjacent to, residential zoning districts as defined in Article II, Section 2.557, D., (1).
- i. Facilities in residential areas are strongly encouraged to be Non-Tower Wireless Communication Facilities, which are eligible for Staff approval from these regulations per Article II, Section 2.556, C.
 - ii. New Small Cell Towers and Small Wireless Facilities shall be camouflaged by Stealth Technology. Examples of appropriate Stealth Technology for residential areas includes, at a minimum, towers with all cables, wires, Transmission Equipment, electric meters, power equipment, etc. installed inside the Small Cell Tower to the extent technologically feasible. Other types of stealth technology or other methods which will reduce the visual impact may be approved by Staff.
 - iii. All poles and antennas shall be uniform grey or black in color, unless another color is integral to the Stealth Technology as approved by Staff or the Applicant shows that grey and black are not technologically feasible.

- iv. The use of cooling fans is discouraged. When needed, fans with lower noise profiles must be used.
 - v. New Small Cell Towers should avoid areas without Overhead Utilities. If a Small Cell Tower is located in an area with primarily Underground Utilities it must adhere to Stealth Technology that incorporates the telecommunications equipment into a streetscape amenity such as a decorative lamp post, streetlight or other approved design. In areas with Overhead Utilities, cylindrical antennas or antennas housed within cylindrical cannisters or shrouds are required.
 - vi. In residential areas, a Small Cell Tower shall not be located closer than the height of the proposed tower to an existing or proposed residential structure, or no closer than thirty (30) feet, whichever is greater.
 - vii. Efforts should be made to locate new Small Cell Towers in the yard location where other Overhead Utilities are located, in the event that Co-location has been demonstrated to be infeasible.
 - viii. New Small Cell Towers within residential areas should be located to avoid obstructing the view of building facades by placing the tower at a corner, intersection or along a lot line.
 - ix. When technologically feasible new Small Cell Tower shall not be located within five hundred (500) feet of an existing Small Cell Tower. Multiple carriers are permitted and encouraged to locate on one Small Cell Tower, where technologically feasible.
 - x. Reasonable efforts shall be made to locate new Small Cell Towers in the order of hierarchy below, based on the following functional roadway classification from the most to least preferred:
 - 1. Interstate
 - 2. Arterial
 - 3. Collector
 - 4. Local
- e. NEW SMALL WIRELESS SYSTEM AND SMALL CELL TOWER LOCATIONS IN NON-RESIDENTIAL ZONES: The regulations in this subsection apply to towers to be located within non-residential zoning districts.
- i. In instances where a facility is proposed to be constructed in the Right-Of-Way within one hundred (100) feet of a residential zone or use, even if the antenna's physical location is within a non-residential zone, regulations in subsection 2.557, C., shall be followed.

- ii. Antennas in commercial, institutional, or park areas are encouraged to be installed as Non-Tower Wireless Communication Facilities, which are eligible for Staff approval per Article II, Section 2.556.C.
- iii. Reasonable effort shall be given to locate new equipment based upon the following hierarchy of zones and land uses from the most to least preferred:
- iv. Co-locate on an existing structure whenever possible, which is exempt from these regulations, per Section 2.556. C.
 - 1. Institutional
 - 2. Industrial
 - 3. Commercial
 - 4. Public Parks
 - 5. Agricultural
- v. Equipment enclosures, including electric meters, should be nearly the same width as the pole or as small as possible.
- vi. Shrouds, risers, and conduits shall be used to reduce the appearance of external cabling.
- vii. All poles, antennas, brackets, cabling, risers, shrouds, and conduits shall be uniform grey or black in color, or other color as approved by Staff.
- viii. Cylindrical antennas or antennas housed within cylindrical canisters or shrouds shall be required, unless another antenna style is integral to the Stealth Technology as approved by Staff.
- ix. There shall be no more than a four (4) inch off-set between the pole and pole-mounted equipment enclosures.

16. **EVALUATION CRITERIA**

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

17. **AMENDMENTS TO APPROVED PLANS**

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

2.5.7 KENNELS

Added 09/22/2000 Scott County Ord. 2000-07.

1. Kennels shall be designed according to the following guidelines:
 - a. All buildings and areas used in whole or in part for a commercial kennel, including animal runs, shall be a minimum 100' from all property lines.
 - b. All animal runs, exercise yards or any outside area used for the kennel shall be located on the property so as to minimize any off-site impacts including, but not limited to noise. 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.

2.5.8 ADULT ORIENTED USES

Added 01/06/2000 City of Georgetown Ord. 00-003 & 01/27/2000 Scott County Ord. 00-01).

1. **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.

2. **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.
3. **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.
4. **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.
5. **LOCATIONAL STANDARDS:**
 - a. 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.
 - b. 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.

- c. 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.
 - d. 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.
 - e. 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.
6. **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.
 7. **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.
 8. **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.
 9. **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.
 10. **MISCELLANEOUS ADULT DANCING PERFORMANCE STANDARDS:**
 - a. No person shall display or expose specified anatomical areas.

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

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

- a. No zone classification permits the display or exposure of specified anatomical areas or simulation of specified sexual activities in any establishment approved for the sale or consumption of alcohol.
- b. No person shall display or expose specified anatomical areas or simulate specified sexual activities, except while on the premises of an approved adult oriented use.

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

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

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

2.5.9 SHORT TERM RENTALS

Added 03/28/2022 City of Georgetown Ord 2022-07, 08/12/2022 Scott County Ord 22-07.

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

Zoning District⁶	Renting Individual Sleeping Rooms (3 or less)	Renting Individual Sleeping Rooms (4 or more)	Un-Hosted Home Sharing
A-1	Not Permitted	Not Permitted	Permitted
A-5	Not Permitted	Not Permitted	Permitted
R-1A	Not Permitted	Not Permitted	Permitted
R-1B	Permitted	Conditional Use	Permitted
R-1C	Permitted	Conditional Use	Permitted
R-2	Permitted	Conditional Use	Permitted
R-3	Permitted	Conditional Use	Permitted
B-3	Permitted	Permitted	Permitted

2.5.10 TEMPORARY USES

Added 01/25/2010 Scott County Ord & 02/22/2010 City of Georgetown Ord 10-06.

1. **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.
 - a. 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:

⁶ For law-fully non-conforming residential structures, short-term rentals are permitted to the same degree as long-term rentals would be permitted based on the non-conforming status of the building.

- i. Uses accessory to a major event, such as the World Equestrian Games, and which serve the needs of that event at an off-site location;
- ii. Uses, which include outdoor storage uncharacteristic of the general area;
- iii. Uses, which are reasonably anticipated to alter established traffic patterns in the general area;
- iv. Uses, which are reasonably anticipated to create significant public health need, such as the creation of substantial on-site sewage uncharacteristic of the general area;
- v. Uses, which require, or serve the personal needs of a substantial number of workers, or service providers, who do not work, or whose services are otherwise uncharacteristic of the general area;
- vi. Uses, which otherwise significantly alter the character of the general area; or
- vii. Uses, which require substantial construction of facilities, e.g., parking, housing, public health uncharacteristic of the general area;
- viii. Uses, which are reasonably anticipated to create significant storm water runoff or silt uncharacteristic of the general area;

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

- a. 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."
- b. 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.
- c. 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.

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

2.5.11 MEDICINAL CANNABIS REGULATIONS

Added 12/09/2024 City of Georgetown Ord 2024-23, Added 12/27/2024 Scott County Fiscal Court Ord 24-11

1. **PURPOSE.** The purpose of this section is:
 - a. To acknowledge the passage and enactment of Kentucky Revised Statutes (KRS) Chapter 218B and associated regulations for Medicinal Cannabis by Kentucky General Assembly and the Cabinet for Health and Family Services (CHFS).
 - b. Develop local standards for the placement and development of Medicinal Cannabis land uses.
 - c. Minimize potential adverse impacts to residents by developing land use regulations regarding the location and development standards for Medicinal Cannabis businesses.
 - d. Provide a consistent and predictable path for the development of Medicinal Cannabis land uses and encourage their placement in areas where adverse impacts of odors, noise, lighting and/or other nuisances can be minimized with surrounding properties.
 - e. Establish siting standards for Medicinal Cannabis Businesses to maximize, bolster, and diversify local economic development and job creation, as well as the healthcare and treatment options in our community.
 - f. Preserve the essential character of the general vicinity adjacent to any Medicinal Cannabis Business.
 - g. Act as a supplement to all relevant safety, health, or environmental requirements of applicable federal, state, and/or local laws and regulations.
2. **APPLICABILITY.**
 - a. This article applies to the siting, development, and construction of any new Medicinal Cannabis Businesses after the effective date of this ordinance.
 - b. This article shall apply to those Medicinal Cannabis Businesses that are licensed in compliance with KRS Chapter 218B, Kentucky Administrative Regulations (KAR) Title 915 Chapter 1, and applicable local ordinances.

- c. Nothing in this article shall be construed to supersede state law prohibiting the acquisition, possession, manufacture, sale, or use of cannabis in any manner not authorized by KRS Chapter 218B.

3. **GENERAL DEVELOPMENT STANDARDS.**

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

4. **ADVERTISING & SIGNAGE**

- a. All plans for signage shall be submitted to the Board of Adjustment for consideration as part of the Conditional Use Permit.
- b. No signs referring to the use of Medicinal Cannabis and/or Medicinal Cannabis product directly or indirectly visible from the outside shall be permitted, except as any reference may be contained in the name of the business establishment.

- c. Exterior signage may, at most, include text that displays the: (1) business or trade name, (2) location and contact information; and (3) business type. Exterior signage shall comply with the regulations promulgated in KAR Title 915 and may not include a logo, symbol, branded colors or any images, including but not limited to depicting Medicinal Cannabis or Medicinal Cannabis products, nor the imagery or action, or any byproducts of consumption therein.

5. USE REVIEW TABLE.

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

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

6. SPECIFIC DEVELOPMENT STANDARDS.

a. CULTIVATORS

- i. Dimensional considerations as noted in the table above.
- ii. A development plan shall be submitted and approved by the Planning Commission prior to start of business operations and pursuant to the adopted Zoning Ordinance and Subdivision & Development Regulations.

- iii. All use shall occur in an enclosed, locked facility. Enclosed, locked facility means an indoor growing space such as room, greenhouse, building, or other indoor enclosed area that is maintained and operated by a cultivator or producer and is equipped with locks and other security devices that permit access only by authorized agents of the cultivator or producer, as required by KRS or KAR.
- iv. If the parcel abuts, residential, office, industrial, and/or commercial use, a ventilation/air filter system is required that prevents odor from being detectible at the boundaries of the parcel where it abuts such residential, office, industrial, and/or commercial use.
- v. The cultivation of Medicinal Cannabis is not permitted as part of any agricultural use allowed by the *Zoning Ordinance* unless otherwise exempted from local regulation by state law.

b. PRODUCERS

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

c. SAFETY COMPLIANCE FACILITY

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

d. DISPENSARY

- i. A dispensary shall not co-locate in a shared space or have any financial arrangement with a Medicinal Cannabis practitioner.

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

7. **SEVERABILITY.**

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

ARTICLE IV

4.3 RESIDENTIAL DISTRICTS

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 ~~gross acre~~ ~~net acre~~.
- C. Planned development projects for residential use ~~only with or without neighborhood commercial uses as defined~~. The procedure under Section 2.32 shall be followed.

4.34 PERMITTED USES IN THE R-3 DISTRICTS

- A. ~~All residential uses meeting lot dimension standards, excluding Mobile Home Parks & Mobile Home Subdivisions (see 4.35 below), with maximum density of 16 units per gross acre.~~
~~Single family dwellings.~~

- ~~Duplexes and multiple family dwellings with a maximum of 16 units per net acre.~~
- B. ~~Planned unit development projects for residential use with or without neighborhood commercial uses as defined. The procedure under Section 2.32 shall be followed.~~

~~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

~~Neighborhood commercial facilities as part of a planned development project. The procedure under Section 2.32 shall be followed.~~

- A. Mobile home parks and mobile home subdivisions. *(Amended 05/10/2021 City of Georgetown Ord. 2021-04)*
- B. Licensed Type II Day care facilities. *(Amended dated 8/20/85)*
- C. Home Occupations, as defined in section 2.1, above. *(Sections 4.35 D and E, Amendment dated 1/26/88).*
- D. 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)*
- E. Bed and Breakfast as defined in Section 2.1 above. *(Added 05/20/1991 Scott County Ordinance 92-003. In effect in County only).*
- F. Assisted Living Facilities *(Adopted 09/03/1998 City of Georgetown Ord. 98-020 & 09/14/1998 Scott County Ord. 98-06).*

4.4 COMMERCIAL DISTRICTS

The following regulations shall apply in commercial districts as indicated:

4.41 B-1 NEIGHBORHOOD COMMERCIAL

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

~~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.
- D. Planned development projects for the above uses with or without residential use. Residential density shall not to exceed 4.4 dwelling units per gross acre. The procedure under Section 2.32 shall be followed.

4.412 CONDITIONAL USES

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

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 with or without residential use above the first floor. Residential density shall not to exceed 12 dwelling units per gross acre. 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.

D. Commercial Landscape Operations. *(Added 09/09/2022, Scott County Ord. 22-11, In effect in County only).*

E. In-patient medical facilities.

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.
 - 1. On-street parking is permitted if roadway is designed to 36-foot section.
 - 2. 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 linear feet of the individual property. Placement and maintenance shall be the responsibility of the land owner.

(Added Section 4.44, B-4, Community Commercial, 10/19/1993 by the City of Georgetown.)

SCHEDULE OF DIMENSION AREA REGULATIONS

District	A-1 C-1	A-5	R-1A	R-1B	R-1C	R-2	R-3	P-1 P-1B	B-1	B-2	B-3	B-4	B-5	I-1 I-2
Max. Height of Bldgs ¹	Two (2) stories or 30 feet						Three (3) stories or 50 feet	Six (6) stories or 75 feet	Six (6) stories or 75 feet				Six (6) stories or 75 feet	
Min. Lot Area (ft ²)	5.0 acres	5.0 acres	12,000	10,000	7,500	7,500	7,500	7,500	7,500	7,500	N/A			7,500
When served by sanitary sewer														
Duplex	4	N/A	N/A	N/A	N/A	8,500	8,500	N/A	N/A	N/A	5			N/A
Three or more dwelling units	4	N/A	N/A	N/A	N/A	8	9	N/A	N/A	N/A	5			N/A
Max. Density (units/gross acre)	1/5 acre	1/5 acre	2.9	3.6	4.4	8	9	N/A	N/A	N/A				N/A
Min. Lot Area (w/o sanitary sewer)														
Max Building Ground Coverage of Lot (%)	20	20	40	40	40	40	40	50	75	50	90			50
Single Family	250	250	100	80	70	60	60	60	60	60	N/A			60
Duplex	N/A	N/A	N/A	N/A	N/A	80	75	N/A	N/A	N/A	N/A			N/A
Three or more dwelling units	N/A	N/A	N/A	N/A	N/A	13	13	N/A	N/A	N/A	N/A			N/A
Setbacks:														
Min. Front Yard ¹⁰	50 ²	50 ²	40	35	30	30	30	25	25	50	N/A			50
Min. Side Yard ¹⁵	50	50	12	12	10	7.5 ¹¹	7.5 ¹¹	12 ³	0 ³	0 ³	0 ³			12 ¹²
Min. Rear Yard ¹⁵	50	50	25	25	25	25	25	20 ³	20 ³	0 ³	0 ³			25 ³
Min. Front Yard	50	25 ¹⁴	35	35	30	30	30	25	25	50	N/A			50
Min. Side Yard ^{6, 10, 15}	50	25	5	5	5	5	5	5 ³	5 ³	0 ³	0 ³			12 ³
Min. Rear Yard ¹⁵	50	25	5	5	5	5	5	5 ³	5 ³	0 ³	0 ³			25 ³

5.0 acres

SCHEDULE OF DIMENSION AREA REGULATIONS

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