

City of Scottsville

Zoning Ordinance

Ordinance References 665-98, 680-00, 700-02, 743-07, 784-12, 838-21, 872-23, 877-23 and 893-25

Scottsville-Allen County Planning Commission
Effective Date June 17, 2025

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ARTICLE I GENERAL PROVISIONS

SECTION 1. ZONING AFFECTS EVERY STRUCTURE OR USE

No Structure or land shall hereafter be used, and no Structure or part thereof shall be erected, moved or altered, unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any Structure damaged or destroyed may be restored if such Structure does not involve a non-conforming use.

SECTION 2. NON-CONFORMITIES

A. Intent

Within the districts established by this Zoning Ordinance or amendments that may later be adopted there exist lots, structures and uses of land and structures which were lawful before this Zoning Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Ordinance or future amendment. It is the intent of this Zoning Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Zoning Ordinance that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

B. Non-conforming Structures

Where a lawful Structure exists at the effective date of adoption or amendment of this Zoning Ordinance that could not be built under the terms of this Zoning Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the Structure, such Structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- i. No non-conforming Structure may be enlarged, moved, or structurally altered in a way, which increases its non-conformity, but any Structure or portion thereof may be altered to decrease its non-conformity.
- ii. Should such non-conforming Structure or non-conforming portion of Structure be destroyed by any means to an extent of 55% or more of its replacement cost exclusive of foundations, at time of destruction, it shall not be repaired or reconstructed except in conformity with the provisions of this Zoning Ordinance.

- iii. Should such Structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- iv. No non-conforming use may be reestablished after it has been discontinued for six consecutive months or for 18 months during any 3-year period except when government action impedes to the premises. The vacating of a premises or Structure of non-operative status shall be evidence of a discontinued use.
- v. No non-conforming use may be changed to any other use except one, which is permitted use in the district in which it is located.
- vi. Any Structure, in which a non-conforming use is superseded by a permitted use, the Structure shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

C. Non-conforming Uses of Land

Where at the time of passage of this Zoning Ordinance or amendments, lawful use of land exists which would not be permitted in the district under the terms of this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- i. No non-conforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance.
- ii. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Zoning Ordinance.
- iii. If any non-conforming use of land ceases for any reason for 6 consecutive months or more, or for 18 months during any 3-year period, except where government action impedes to the premises, any subsequent use of land shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- iv. No additional Structure not conforming to the requirements of this Zoning Ordinance shall be erected in connection with such non-conforming use of land.

D. Non-conforming Uses of Structures or of Structures and Premises in Combination

Where at the time of passage of this Zoning Ordinance or amendments, lawful use involving individual structures, or of Structure and premises in combination, exists which would not be permitted in the district under the terms of this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- i. No Structure, or Structure and premises in combination, devoted to a non-conforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the Structure to a use permitted in the district in which it is located.
- ii. Any Structure, or Structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- iii. If any non-conforming use of a Structure, or Structure, or Structure and premises in combination, ceases for any reason for six consecutive months, or more, except when government action impedes to the premises, any subsequent use of the Structure, or Structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. Vacating of premises or building of non-operative status shall be evidence of a discontinued use.
- iv. Where non-conforming use status applies to a Structure and premises in combination, removal or destruction of the Structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 55% or more of its replacement cost, exclusive of foundation, at time of destruction.

E. Non-conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Ordinance notwithstanding limitations imposed by other provisions of this Zoning Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, if yard dimensions and requirements other than these applying to area or width, or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only as provided in this Zoning Ordinance.

If two or more lots or combination of lots and portions of lots with continuous Frontage in single ownership are of record at the time of passage or amendment of this Zoning Ordinance and if all or parts of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Ordinance nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Zoning Ordinance.

- F. Repairs and Maintenance of Non-conforming Uses
- i. On any non-conforming Structure or portion of a Structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10% of the current replacement cost of the non-conforming portion of the Structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.
 - ii. If a non-conforming Structure or portion of a Structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
 - iii. Nothing in this Zoning Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order to such official.
- G. Uses Under Conditional Use Provisions are not Non-conforming Uses
- Any use which is permitted as a Conditional Use in a district under the terms of this Zoning Ordinance shall not be deemed a non-conforming use in such district but shall without further action be considered a conforming use.

SECTION 3. STREET FRONTAGE REQUIRED

No building shall be erected on a lot, nor shall a lot be created, which does not abut at least one improved street for not less than 40 feet except in the Downtown Business District.

SECTION 4. MINIMUM LOT AREA

No lot shall be created or developed which does not have at least ½ half of the minimum lot size for the zoning district where located above the 100-year frequency flood level.

SECTION 5. REAR DWELLINGS PROHIBITED

No building in the rear of a main building on the same lot may be used for residential purposes, except for domestic employees of the occupants of the main buildings.

SECTION 6. PLANS FILED, BUILDING PERMITS

In any case where plans and specifications have been approved to the extent required by law prior to the effective date of this Zoning Ordinance, which plans and specifications are for a building or Structure which would conform with the Zoning Regulations effective at the date of such filing, but not with the regulations of this Ordinance, a Building Permit for such building or Structure shall be issued; provided, however, that such permit shall be valid, only in the event that construction on such building or Structure, in accord with said plans and specifications, is begun within sixty (60) days after the date of issuance of said permit and shall be completed within one year of said date.

SECTION 7. REDUCTION IN LOT AREA PROHIBITED

No lot, although it may consist of one or more adjacent lots of record, shall be reduced in area to the extent that yards, lot area per family, lot width, building area, or other requirements of this ordinance, are not maintained. This Section shall not apply when a portion of the lot is required for a public purpose.

SECTION 8. OFF-STREET AUTOMOBILE STORAGE

- A. Off-street automobile storage space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular to a street or Alley. Off street parking shall be provided based upon the criteria set forth in this Section.
- B. For purposes of computing the number of parking spaces available in each area, the ratio of 300 square feet per parking space shall be used. The following are minimum requirements for specific uses, provided however that in the event of two or more of the following shall apply, then the greater number of spaces shall be required:
 - i. Dwellings – Two spaces for each family dwelling unit; provided however, if a garage or carport of at least 200 square feet is provided

for each dwelling unit, then said garage or carport shall count as one space.

- ii. Hotels, Motels and Tourist Accommodations – one space per bedroom.
- iii. Places of Public Assembly – one space for each 3 seats available at maximum capacity.
- iv. Industrial Plant – one space for each 5 persons employed or intended to be employed at said industrial plant for which the parking is provided.
- v. General Business District – one space for each 300 square feet of Gross Floor Area.
- vi. Day Care Center for Children – one space for each 420 square feet of Gross Floor Area exclusive of kitchen and bathrooms.
- vii. Hospitals – one space for each 4 authorized beds or beds in use, whichever is greater, plus 1 space for each 1,000 square feet of Gross Floor Area.
- viii. Medical Offices, Health Clinic and Apothecaries – one space for each 200 square feet of Gross Floor Area.
- ix. Light Industrial District – 2 parking spaces per 1,000 square feet of Gross Floor Area.
- x. Elementary and Middle Schools – Two spaces for each classroom.
- xi. Secondary and Post-Secondary Schools – 4 spaces per classroom and one space for each 6 seats in auditoriums, gyms, arena or stadium, whichever requires the greater number of spaces, but in no case shall more than 300 spaces be required.
- xii. Combination of Uses – Combined uses shall provide parking equal to the maximum total requirements for the individual uses.
- xiii. Other Uses – If parking is not otherwise provided for above, then the number of spaces shall equal one 300 square foot space shall be provided for each 300 square feet of Gross Floor Area of the Principal Structure.

SECTION 9. OFF-STREET LOADING AND UNLOADING SPACE

Except in the Downtown Business District, every building or Structure hereafter constructed for business or trade use shall provide adequate space for the loading or unloading of vehicles off the street or public Alley. Such space shall have to a public Alley, or if there is no Alley, to a public street.

SECTION 10. OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS, AND DRIVEWAYS, PROHIBITED

- A. Notwithstanding any other provisions of this Zoning Ordinance, in any zone, except the Downtown Business District at any street, Alley, or driveway

intersection, any Structure, fences, or shrubs shall conform with the limitations of the applicable Sight Distance triangle as follows:

- i. Street Intersections – No obstruction to vision will be permitted within the triangular area formed by a straight line connecting the points on the center lines of the street at ninety (90) feet from their intersections.
- ii. Alley or driveway intersecting with a street – No obstruction to vision will be permitted within the triangular area formed by a straight line connecting the points on the pavement edges of the street and alley/driveway at 20 feet on the street from the alley/driveway and 10 feet on the alley/driveway from the street.
- iii. Alley or Driveway intersecting with an Alley – No obstruction to vision will be permitted within the triangular area formed by a straight line connecting the points on the pavement edges of the alley/driveway and the Alley at 20 feet on the Alley from the alley/driveway and 10 feet on the alley/driveway from the Alley.
- iv. There shall be no obstruction of vision within the Sight Distance triangle between the height of 3 feet and 10 feet above the average grade of each street, Alley, or driveway. Exempted items will include the following:
 - a. Signs permitted by this Zoning Ordinance may be located within the site triangle provided that no part of such sign exceeds a horizontal dimension of 12 inches between the 3 foot and 10-foot vertical limitations mentioned above.

SECTION 11. ACCESSORY BUILDING REGULATIONS

- A. Accessory buildings, except as otherwise permitted by this Zoning Ordinance, shall be subject to the following regulations:
 - i. No Accessory Building or Structure shall extend beyond the front of the Principal Structure, excluding fences 4 feet or less in height and fences in the Light Industry and Heavy Industry districts.
 - ii. When a corner lot is involved, which adjoins in the rear another lot which is used for residential purposes, no Accessory Building or Structure shall extend beyond the front of the Principal Structure or be nearer to the side street than the depth of any required front yard for a dwelling along such side street, again excluding fences 4 feet or less.
 - iii. Where the Accessory Building is structurally attached to the Building, it shall be subject to, and must conform to, all regulations of this Zoning Ordinance applicable to the Building.
 - iv. An Accessory Building may not exceed the number of stories or height of Principal Structure.

- v. An Accessory Building may not exceed the ground floor area of the Building.
- vi. No detached Accessory Building shall be located closer than 10 feet to any Building.
- vii. An Accessory Building may be connected to the Building by a breezeway or other similar Structure but shall not be considered as an attached Accessory Building, carport, or similar Structure. Said breezeway shall not project nearer the side lot line than the minimum side yard required for the main building.
- viii. An Accessory Building located on a through lot shall conform to the required front yard building setback line as provided for in this Zoning Ordinance.

SECTION 12. BUILDING LINE SETBACK

- A. Building Line to establish a front yard for all buildings and structures shall be established at a distance from the right-of-way no less than 25 foot from the right-of-way of the street with the exception of the Downtown Business District (B-1) as detailed in Article VIII. This includes all frontages for lots fronting on more than one street.
- B. Lots that front on a cul-de-sac, or hammerheads, which have a mandatory 100 feet radius may use a minimum 25-foot building setback line provided the required lot width can be maintained. This setback would also apply to specially designed cul-de-sacs with wide rights-of-way and medians.
- C. Lots that abut an Interstate Highway, Parkway or other fully controlled highways which allow no direct shall have a building setback line from the right-of-way of said highway of 25 feet. This Building Line shall be the same without consideration of how any building or proposed building will face.
- D. Building setback lines, as established by this section, may be greater than these minimums; however, for purposes of establishing minimum lot width of a lot, this distance shall not exceed 100 feet.
- E. Where existing development on adjoining lots does not meet this front yard requirement, the front yard setback may be reduced to the average front yard setback of the adjoining lots to maintain the character of the neighborhood.
- F. This shall not apply to the pump islands of gasoline service stations whose required setback shall be limited to a maximum control of 30 feet.

SECTION 13. SANITARY PROVISIONS

- A. All new urban Density development as defined by the adopted Comprehensive Plan shall be served by public sanitary sewer if available.
- B. New urban Density development does not include construction of one- and two-family dwellings on residential lots of record and residential lots which have received at least preliminary subdivision approval as of the date of this amendment which are not served by sanitary sewer. Such lots may use on-site disposal systems approved by the Health Department.

SECTION 14. LOT WIDTH

The width between side lot lines on any lot shall not be less than 20 feet at any point.

SECTION 15. TEMPORARY CONSTRUCTION TRAILERS

In all zones under this Zoning Ordinance, Manufactured Home Residential, Manufactured Home Park and temporary construction trailer(s) as defined by the Zoning Ordinance shall be permitted. Such temporary construction trailer(s) may be located within such zones following the issuance of a Building Permit for construction upon the parcel where the temporary construction trailer(s) is to be located. Such temporary construction trailer(s) shall be removed from such parcel within 30 days of occupancy of the building or facility constructed pursuant to such Building Permit or within 30 days after the termination or expiration of such Building Permit, whichever shall first occur.

SECTION 16. HOME OCCUPATION

- A. The provisions of this Section shall control the conduct, establishment, and maintenance of home occupations. No Home Occupation shall be established unless and until a permit therefore has been issued in accordance with these provisions.
- B. Home occupations may be conducted within a dwelling or a permitted Accessory Building subject to compliance with all of the following conditions:
 - i. No person other than members of the family residing on the premises shall be engaged in such Home Occupation.
 - ii. The use of the dwelling unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
 - iii. No more than one Home Occupation permit shall be granted per dwelling unit.

- iv. The Home Occupation shall be conducted entirely within the dwelling unit or permitted Accessory Building and shall be restricted to one room, excluding the bathroom only if such facility is required by law.
 - v. There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such Home Occupation.
 - vi. There shall be no sales on the premises in connection with such Home Occupation.
 - vii. No traffic shall be generated by such Home Occupation in greater volumes than would be expected in residential neighborhood.
 - viii. No equipment or process shall be used in such Home Occupation, which creates noise, vibration, glare, fumes, odors, or electrical interferences, outside the dwelling unit. In the case of electrical interferences, no equipment or process shall be used which creates visual or audible interference in any television or radio receivers off the premises, or cause fluctuations in line voltage off the premises.
 - ix. Two parking spaces shall be provided for the proper conduct of the Home Occupation off the street and other than in a required front yard.
 - x. No exterior signs shall be permitted except as may be required by law, and if required then the minimum sign size shall be permitted.
- C. Applications for a Home Occupation shall be made in writing to the Planning Commission. The Planning Commission shall then hold at least one public hearing after notice as required by KRS Chapter 424. Notice of the hearing shall also be given at least 14 days in advance of the hearing by certified mail to the owners of all property adjoining where the Home Occupation will be conducted.
- D. The Planning Commission may attach such conditions to the conduct and nature of the Home Occupation as it deems necessary to ensure protection of the neighborhood involved and consistent with the purposes of this Section.
- E. Abatement
 - i. The Zoning Administrator or Administrative Official may initiate proceedings for the revocation of a Home Occupation permit and in the following manner:

- a. The application for revocation shall set forth precisely the grounds of revocation.
 - b. Notice of the application for revocation shall be given to the holder of the Home Occupation permit; the notice shall include a copy of the application for revocation and shall give the date, time, and location of the revocation hearing.
 - c. Notice of the revocation hearing shall be given at least 14 days in advance of the hearing by registered mail or by certified mail, return receipt requested, to the holder of the permit.
 - d. The return receipt shall be proof of the date of service and the 14-day period shall commence to run from the date of service.
- ii. Upon notice given at least 14 days prior to hearing, stating the intent to revoke the Home Occupation Permit, and stating the grounds there along with the time and date of the hearing, a public hearing shall be conducted. Following the presentation of evidence, the Planning Commission may revoke a Home Occupation permit upon a determination that the occupation or use has been and is conducted to create one or more of the following conditions:
 - a. A nuisance or other undesirable condition interfering with the public health, safety, morals, or general welfare of the community.
 - b. A violation of the provisions of the Zoning Ordinance or any other applicable law, ordinance, or violation of the conditions imposed upon the Home Occupation permit.

SECTION 17. MANUFACTURED HOME PERMITS

- A. Except when located in the MH-1 or MH-2 districts, a permit issued by the Commission shall be required to locate a Manufactured Home on any lot or tract of land.
- B. The Owner of the lot or tract where the Manufactured Home is to be located shall make application to the Commission or their designated agency and pay a fee, as from time to time established by the Commission or their designee.
- C. No permit for a Manufactured Home shall be granted unless all utilities which would otherwise be required for a dwelling under this ordinance are available to the Manufactured Home, the Manufactured home follows all governmental statutes and regulations, and the location of the Manufactured Home is otherwise in compliance with all zoning regulation and subdivision regulations.

- D. If all requirements of this ordinance are met, then such permit shall be issued.
- E. If all requirements of this ordinance are not met, then the permit shall not be issued by this Commission.

SECTION 18. WIRELESS TRANSMITTING STATIONS

- A. **Characteristics.** Wireless Transmitting Stations (Telecommunications facilities) includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self-supporting, guyed, or mounted on poles, other structures, light posts, power poles or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic or other landline transmission system.
- B. **Accessory Uses.** Accessory uses may include transmitter facility buildings, and telecommunication shelters.
- C. **Examples.** Examples include broadcast towers, attached telecommunications facilities, telecommunications support towers and point-to-point microwave towers, and ground mounted switch boxes.
- D. **Exceptions.**
 - (1) Receive-only antennas are not included in this category and amateur radio facilities that are owned and operated by a federally-licensed amateur radio station operator is not included in this category.
 - (2) Radio and television studios are classified as business activities.
 - (3) Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.
 - (4) Ground and pos -mounted telephone switch boxes not exceeding 6 feet in height are classified as Basic Utilities.
- E. **Specific Use Standards**
 - (1) Transmission Towers and Accessory Facilities
 - (2) The purpose and intent of this section are to avoid potential damage to adjacent properties from transmission tower collapse and falling ice through engineering and careful locating of transmission tower structures, and to maximize use of any new transmission tower and to encourage the collocation and clustering of new transmission towers to reduce the number of towers and tower sites needed.

- (3) The provisions of this section shall apply to the construction, erection, alteration, use, and location of transmission towers and accessory facilities in all zoning districts. Transmission towers and accessory facilities in legal existence on the effective date of this Zoning Ordinance that are not in conformity with this section may remain in place. Unless otherwise permitted by this Zoning Ordinance, no new transmission tower or accessory facility may be erected or constructed unless all provisions of this Section and the requirements of the Kentucky Public Service Commission are met.
- (4) Exceptions. An antenna and supporting structure for the following uses are permitted in any district if accessory to a permitted use and if they comply with applicable regulations of the district in which situated and are otherwise permitted by law.
 - (a) Amateur radios.
 - (b) Citizen band radios.
 - (c) A telecommunication device that only receives radio frequency signals.
 - (d) Portable, handheld, and vehicular transmissions.
 - (e) Industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the FCC.
 - (f) Transmission towers used for remote control of municipal or public facilities.

F. Minimum Location Standards. The following minimum standards shall be met in the approval of a conditional use or building permit.

- (1) All self-supporting transmission towers will be set back from the property line on which it is located 25 percent of the overall height of the transmission tower.
- (2) All guyed transmission towers will be set back from the property line on which it is located 50 percent of the overall height of the transmission tower.
- (3) Transmission tower accessory facilities shall comply with the setback standard in the adjacent zoning district.
- (4) At least two off-street parking spaces and one additional space for each on-site personnel will be provided.
- (5) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (6) Transmission towers shall not be artificially lighted unless required by the Federal Aviation Administration or appropriate State authority.
- (7) Transmission tower accessory facilities in an Agriculture District zone and other such districts where transmission towers are a

conditional use, permitted accessory buildings and structures may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions, and in no event may exceed 25 percent of the floor area used for wireless transmission equipment.

- (8) The proposed use shall be consistent with applicable Federal and State regulations and shall have secured and submitted copies of compliance with these regulations.
- (9) An application for approval of a new transmission tower shall include the following.
 - (a) A copy of the Public Service Commission Uniform Application
 - (b) A site plan or plans drawn to scale and identifying the site boundary; towers; guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; and
 - (c) Uses, structures, and land use designations on the site and abutting parcels.
- (10) Color of Towers. Unless otherwise required by state or federal regulations, all transmission towers shall be light gray in color.
- (11) Multiple Transmission Towers. It is the intent of these regulations to encourage the collocation and clustering of multiple transmission towers and their antennas and accessory facilities and to discourage the use of individual transmission towers and accessory facility sites. Therefore, more than one transmission tower will be permitted under these regulations on a single tract of land not withstanding any other provision of this Zoning Ordinance, provided they meet all the required location standards.

ARTICLE II DISTRICT AND MAP

SECTION 1. ESTABLISHMENT OF DISTRICTS

- A. To this Zoning Ordinance, Scottsville is hereby divided into zoning districts which shall be designated as follows:
- i. AO Agriculture District
 - ii. SF Single Family Residential District
 - iii. MF Multi-Family Residential District
 - iv. GF Group Family Residential District
 - v. MH-1 Manufactured Home Residential District
 - vi. MH-2 Manufactured Home Park District
 - vii. B-1 Downtown Business District
 - viii. B-2 General Business District
 - ix. I-1 Light Industrial District
 - x. I-2 Heavy Industrial District
 - xi. HDO Historic District Overlay

SECTION 2. OFFICIAL ZONING MAPS

The boundaries of these zoning districts are hereby established on official zoning maps entitled “Zoning Map – Scottsville, Kentucky” which shall be permanently located in the office of the Scottsville-Allen County Planning Commission. These official maps, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Ordinance.

SECTION 3. RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES

- A. General. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:
- i. **Centerline**
Where a boundary line lies within and follows a street or Alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or Alley right-of-way, or utility easement. If such a street or Alley right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.

- ii. **Edge Line**

Where a boundary line follows the edge of a street or Alley right-of-way, or utility easement, the boundary shall be construed to be in the edge of such street or Alley right-of-way, railroad right-of-way, or utility easement. If such a street or Alley right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated roadbed or utility easement.
- iii. **Lot Line**

Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. If a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Zoning Ordinance for the district in which said part is located.
- iv. **City Limits**

Boundaries indicated as approximately following city limits or extraterritorial boundary lines shall be construed as following the city limits or extraterritorial boundary lines.
- v. **County Line**

Boundaries indicated as approximately following county lines shall be construed as following the county line.
- vi. **Watercourses**

Boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines.
- vii. **Extensions**

Boundaries indicated as parallel to, or as extensions of street or Alley rights-of-way, channelized waterways, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries, shall be so construed.
- viii. **Divided Lot**

When a lot held in single ownership on the effective date hereof is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district unless the application of this construction would increase the area of the less restrictive portion of the lot by more than 25 percent.
- ix. **Omitted Land**

In case any land subject to the jurisdiction of this Zoning Ordinance has not been specifically included within any of the districts shown on such map, such land shall automatically be classified as Agricultural (AO) until and unless otherwise rezoned in accordance with the amendment proceedings hereof.

SECTION 4. SEVERABILITY

- A. Invalidation
 - i. Should any Section, sentence, clause, phrase, or word of this Zoning Ordinance be held invalid or unconstitutional by a Court of competent jurisdiction of either the Commonwealth of Kentucky or the United States, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Zoning Ordinance which can be given effect without the invalid provision.
- B. Prejudicial Application
 - i. If any Section, sentence, clause, phrase, or word of this Zoning Ordinance be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

SECTION 5. LAWFUL PRESUMPTION

There shall be a conclusive presumption when an Enforcement Officer or the Planning Commission authorizes regulatory action, that such officer or board would not have authorized such action except in the belief that such action was lawful.

SECTION 6. LOT OF RECORD

The Owner of a lot of record which lot at the time of the adoption of this Zoning Ordinance does not include sufficient land to conform to the yard or other requirements of this Zoning Ordinance, may apply to the Board of Adjustments for a Variance from the terms of this Zoning Ordinance in accordance with provisions of this Zoning Ordinance.

SECTION 7. TRANSITIONAL PROVISIONS

- A. The following transitional provisions shall apply to various activities, actions and other matters pending or occurring on the original effective date of this Zoning Ordinance:
 - i. **Violations Continue**
Any violation of this Zoning Ordinance shall continue to be a violation and shall be subject to prosecution as such. Any such violation shall also be a violation subject to abatement, removal, or other equitable remedies hereunder unless the use, development, construction, or other activity is clearly consistent with the express, terms of this Zoning Ordinance.
 - ii. **Nonconforming Situations Under Prior Ordinances or Regulations**
Any legal nonconforming use, building or lot under a prior ordinance or regulation of the Legislative Body shall be a legal nonconforming use,

building or lot under this Zoning Ordinance, subject to the provisions of Article I of this Zoning Ordinance.

iii. **Continuing Construction**

Any building for which a Building Permit was issued prior to the date on which this Zoning Ordinance applied to it may be completed in conformance with the issued Building Permit and other applicable permits and conditions, including the plans submitted for the approval of the permit(s). If such building does not fully conform to the provisions of this Zoning Ordinance or if the use for which it was designed is not permitted under this Zoning Ordinance, such building may be occupied and used as a legal nonconforming building or use, subject to the provisions of Article I of this Zoning Ordinance. If construction is not timely begun or completed, in accordance with the applicable permit terms, the Planning Commission may, for good cause shown, grant not more than 1 extension of not more than 6 months for such construction. If the building is not timely completed, within the time allowed under the original permit or any extension granted, then the building may be constructed, completed and/or occupied only in strict compliance with the requirements of this Zoning Ordinance.

iv. **Continuing Development**

Any subdivision for which a final Plat was recorded in the office of the Allen County Clerk prior to the date on which this Zoning Ordinance applied to it may be completed in accordance with its terms. If such subdivision or development does not fully conform to the provisions of this Zoning Ordinance, the subdivision or development (including any buildings for which plans were included in a development approval) may be completed and used and shall exist as a legal nonconforming lot or nonconforming building, subject to the provisions of Article I of this Zoning Ordinance.

SECTION 8. PROVISIONS RELATED TO DEFINITIONS AND INTERPRETATION

A. General Rules of Construction

i. **Construction of Language, Meanings, and Intent**

All provisions, terms, phrases, and expressions contained in this Zoning Ordinance shall be construed according to the stated purpose and intent of this Zoning Ordinance. In construing this Ordinance all defined terms set forth herein shall govern interpretation, whether such terms are capitalized or not capitalized.

ii. **Headings, Illustrations and Text**

In case of any difference of meaning or implication between the text and any heading, drawing, table or figure, the text will control.

- iii. **Computation of Time**

In computing any period prescribed or allowed herein the day of the act, event which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday.
- iv. **References to Laws, Other Regulations, Publications and Documents**

Whenever reference is made to a state or federal law, another regulation, document, or publication, it will be construed as a reference to the most recent edition of such law, regulation (as amended), document or publication, unless otherwise specifically stated.
- v. **Technical and Non-technical Terms**

Words and phrases will be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law will be construed and understood according to such meaning.
- vi. **Mandatory and Discretionary Terms**

The words “shall” or “will” are mandatory requirements, the word “may” be permissive requirement, and the word “should” is a preferred requirement.
- vii. **Conjunctions**

Unless the context clearly suggests the contrary, conjunctions will be interpreted as follows: “and” indicates that all connected items, conditions, provisions, or events apply; and “or” indicates that 1 or more of the connected items, conditions, provisions, or events may apply.
- viii. **Tenses and Usage**

Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.
- ix. **Use of Word “Person”**

The word “person” includes a firm, entity, association, limited liability organization, organization, partnership, trust, company, or corporation as well as individual.

SECTION 9. RULES FOR MEASUREMENTS

When interpretation of this Zoning Ordinance requires a measurement, the measurements shall be made in accordance with this section, and the terms set out below shall be defined to mean the result of such measurements.

ARTICLE III GENERAL DEFINITIONS

SECTION 1. DEFINITIONS

ACCESS: A point at which provisions are made for vehicular entrance to or exit from or to a Lot or other street.

ACCESSORY BUILDING: A subordinate building, the use of which is clearly incidental to that of a Building on the same lot.

ACCESSORY STRUCTURE: A detached, subordinate Structure, the use of which is clearly incidental and related to that of the Principal Structure or use of the land, and which is located on the same lot as that of the Principal Structure.

ALLEY: A service roadway providing secondary Access to the abutting property and not intended for general traffic circulation.

APPLICANT: The Owner of land proposed to be subdivided or the owner's representative or agent who shall have express written authority to act on behalf of the Owner in all respects under these Subdivision Regulations.

BINDING ELEMENTS: Those conditions agreed to by the Planning Commission and the Owner which are imposed upon a development plan and which control the development and use of the property in question. The conditions may be in writing or by graphic representation.

BUILDING: Any Structure built for the support, shelter, or enclosure of persons, animals, chattels, process, equipment, goods, or materials of any kind.

BUILDING SETBACK LINE: A setback line parallel to a property line beyond which one may not build any improvements. . That line that is the required minimum distance between the building's wall and foundation and the lot line (this does not include eaves and overhangs of less than two feet) and that established area within which any structures (not including fences, landscaping or play equipment) must be erected or placed. See also setback line.

BUILDING PERMIT: A permit issued by the appropriate governmental agency allowing an Owner or his agent to construct, alter or remove a Building to construct out Buildings or accessory structures, or engage in similar activity which would alter the character of the Lot in question.

BUILDING, PRINCIPAL: A Building in which is conducted the principal use of the Lot on which it is located. In a residential district, any dwelling shall be deemed to be the Building on its Lot.

CONDITIONAL USE: 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.

CONDOMINIUM: A Building, or group of Buildings, in which each individual unit are held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered, and maintained by a corporation created pursuant to the provisions of KRS Chapter 381.805 to 381.910.

COMPREHENSIVE PLAN: The long-range plan adopted by the Planning Commission and the City of Scottsville and County of Allen in accordance with KRS Chapter 100, which is intended to guide the growth and development of the City and County. It contains the general location and extent of present and proposed physical facilities including housing, commercial and industrial uses, transportation facilities, recreation and parks, community facilities, and land use.

COUNTY COURT CLERK: The Allen County Court Clerk.

CUL-DE-SAC: A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DENSITY: The permitted number of dwelling units per gross acre of land to be developed.

DRAINAGE: The removal of surface water or groundwater from land by drains, grading, or other means.

DRIVEWAY: A paved or unpaved area used for ingress or egress of vehicles and allowing Access from a street to a Building or other Structure or facility.

DWELLING: A Building or Structure designed or used for permanent human habitation. The word “dwelling” shall not include mobile home or trailer; or

boarding or rooming house, motel, hotel, hospital, or other accommodations used for transient occupancy.

DWELLING, SINGLE-FAMILY: A detached Building designed for, or occupied exclusively by, one family.

DWELLING, GROUP FAMILY: A dwelling unit occupied as a single housekeeping unit by a small number of unrelated individuals. The primary purpose of the group home is to provide a family-like setting. This shall not be construed as a group home for the disabled as they are afforded protections by the Fair Housing Amendments Act of 1988.

DWELLING, MULTI-FAMILY: A dwelling unit within a building containing 2 or more dwelling units.

DWELLING UNIT: One or more rooms connected, constituting a separate, independent housekeeping establishment with separate toilets and containing independent cooking and sleeping facilities for Owner occupancy, rental or lease on a weekly, monthly or longer basis.

EASEMENT: A grant of one or more of the property rights by the property Owner to and for the use by the public, a corporation or another person or entity for a specific purpose.

FAMILY: One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit, but not including a group of persons living together because of similar status including hotel; club; boarding, rooming, lodging, fraternity, or sorority houses; commune; institution for human care; or other similar Building. Notwithstanding this definition, a family shall be deemed to include handicapped persons as defined in KRS 100.982(1).

FRONTAGE: That property line of a lot abutting on a street; the front lot line. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered Frontage, and yards shall be provided as indicated under yards in this ordinance. A property line, which abuts a fully controlled street and which permanently, has no to that street shall be deemed not to have Frontage.

GROSS FLOOR AREA: The sum of the gross horizontal areas of the several floors of a Building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured by the exterior faces of walls, including the walls of roofed porches

having more than one wall. The floor area of a Building shall include the floor area of accessory buildings on the same lot.

HEALTH DEPARTMENT: The public Health Department having jurisdiction for Scottsville, Kentucky.

HEIGHT OF BUILDING OR STRUCTURE: The vertical distance from the average ground level abutting a Building or Structure to the top of the top full story of a Building or highest point of any permanent part of a Structure other than a Building. Height, where not regulated in feet, shall be regulated by stories, and a story shall be equal to 12 feet for purposes of measuring structures other than buildings.

HOME OCCUPATION: Occupations of dressmaking, handicrafts, millinery, laundering, preserving and home cooking, beauty shops, art and music studio, and tutoring of individuals, maintained or conducted within a dwelling. The retail sale on the premises, the processing of materials except accepted handicrafts, or storage of any materials or product for sale shall not qualify as a Home Occupation.

LAGOON: A shallow artificial pool or pond for the processing of agriculturally produced sewage or storage of water for agricultural purposes. (Amended 02/14/00)

LOT: A parcel, tract, plot, or area of land established by a subdivision or other parcel of land as permitted by law, for the purpose, whether immediate or future, of transfer of ownership, or possession, lease, or Building development.

LOT DEPTH: The mean horizontal distance from the front street line to the rear line, excluding any required fence/buffer easements or parcels.

LOT LINE: A line of record, bounding a Lot, that divides one Lot from another Lot or from a street or any other public space.

LOT LINE, FRONT: The Lot Line separating a Lot from the street rights-of-way.

LOT LINE, REAR: The Lot Line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped Lots, a line ten feet in length entirely within the Lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE: Any Lot Line other than a front or rear lot line.

LOT OF RECORD: A Lot that (a) exists as shown or described in a plat of record, (b) is described in a deed fully executed, including the acknowledgement of all signatures, prior to the effective date of the Scottsville-Allen County Subdivision Regulations, or, (c) is described in a deed placed of record prior to the effective date of the Scottsville-Allen County Subdivision Regulations, or, (d) has been previously divided by public roadway that has not been re-described by a plat or by deed recorded in the office of the Allen County Clerk after the effective date of the Scottsville-Allen County Subdivision Regulations. (Amended 10/23/00)

LOT WIDTH: The horizontal distance between the side lines of a Lot measured at right angle to its depth along a straight line parallel to the front lot line at the minimum required Building setback line.

MANUFACTURED HOME: Shall mean Manufactured Homes Class A and Manufactured Homes Class B and Qualified Manufactured Home as defined in this Ordinance.

MANUFACTURED HOMES CLASS A: A single-family residential dwelling unit constructed in accordance with the Federal Manufactured Housing Construction and Safety Standards, after June 15, 1976, in an offsite manufacturing facility. The Manufactured Home is intended for installation or assembly at the building site as a permanent Structure with transport features removed, bearing a seal certifying that it is built in compliance with Federal Manufacturing Housing Construction and Safety Act standards and that satisfies each of the following additional criteria:

- A. The home has a length not exceeding 4 times its width.
- B. The pitch of the home's roof has a minimum vertical rise of 4 inches for each foot of run (4:12). The run is equal to one half the span.
- C. The roof is finished with a type of shingle that is commonly used on site-built residential construction, such as wood, tile, or composition shingles.
- D. Exterior covering material extending to the ground or to the top of the foundation shall be used.
- E. The exterior material shall be material customarily used for site-built dwellings, such as board siding, hardboard, or non-reflective aluminum, vinyl, stucco, brick, comparable in composition, appearance, and durability to the exterior siding commonly used in site-built residential construction.

- F. A continuous, permanent masonry foundation system, not pierced except for required ventilation and is installed under the home.
- G. The tongue axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- H. The Structure is no more than 3 feet off the ground at its highest point.
- I. Structural additions or alterations, which have been made to the dwelling unit, were made in accordance with all local ordinances and regulations.

MANUFACTURED HOME CLASS B: A single-family residential dwelling unit constructed in accordance with the Federal Manufactured Housing Construction and Safety Standards (Title 42 of the United States Code) after June 15, 1976, in an offsite manufacturing facility. The Manufactured Home is intended for installation or assembly at the building site as a permanent Structure with transport features removed, bearing a seal certifying that it was built in compliance with Federal Manufactured Housing Construction and Safety Standards (Title 42 of the United States Code) but does not satisfy each of the criteria necessary to qualify the home as a class A Manufactured Home. Structural additions or alterations, which have been made to the dwelling unit, were made in accordance with residential building code adopted by the City of Scottsville.

MANUFACTURED HOME PARK: Any parcel of land developed, used, or designed for the location, either temporary or permanent, of manufactured homes, on rental basis, and according to the procedures set for in Section 9.4 of these regulations.

MANUFACTURED HOME SPACE: A plot of ground within a Manufactured Home Park designed for the accommodation of one Manufactured Home.

MANUFACTURED HOME SUBDIVISION: A subdivision designed or intended for the sale of lots and for sitting Class A or B manufactured homes or modular homes and developed according to the procedures set forth in Section 9.5.1.

MATERIAL RECYCLERS: Any establishment or place of business, including garbage dumps and sanitary fills, maintained, operated, or used for storing, keeping, buying, or selling of old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or motor vehicle parts, iron, steel, and other old or scrap ferrous or nonferrous material. (Amended 10/23/00)

MOBILE HOME: A Structure for residential use constructed prior to July 15, 1976, being the effective date of the Federal Manufactured Housing Construction and Safety Act Standards (Title 42 of the United States Code), and transportable which is built on its own chassis and designed with, or without, a permanent foundation for year-round living when connected to the required utilities. It can consist of one or more sections that can be telescoped when towed and expanded later for additional capacity or of 2 or more sections separately towable designed to be joined into one integral unit. As used herein, Mobile Home shall include a house trailer, but shall not include camping trailer, travel trailer, recreational vehicle, pickup coach, or auto camper.

Non-buildable Lot: A lot that is created for utility accessibility, drainage purposes or protection of environmentally sensitive areas and shall be designated on all subdivision plats as non-buildable. These lots shall have a minimum street frontage requirement of 20 feet to allow access and are not required to meet minimum lot sizes.

NON-CONFORMING USE: An established use of a Structure or land lawful prior to and at the time of the adoption, revision, or amendment of the Zoning Ordinance/Resolution, but which fails by reason of such adoption, revision or amendment, to conform to the present uses permitted in the zoning district.

OFF STREET PARKING: A temporary storage area for a motor vehicle that is directly accessible to an Aisle and that is not located on a dedicated street right-of-way.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment of owners and occupants of land adjoining or neighboring such Open Space.

OWNER: Any person, corporation, partnership or other entity, or any combination thereof, in whom is vested the legal title to real estate or other property.

PERSON: The word “person” includes individual, firm, association, organization, partnership, trust, limited liability company or partnership, company or corporation or other legal entity or combination thereof.

PLAT: A map representing a tract of land showing the boundaries and location of individual properties, Easements, streets, and other required information.

PREMISES: A general term meaning part or all of any lot or part or all of any Building or Structure or group of buildings or structures located thereon.

PRINCIPAL STRUCTURE: A Structure in which is conducted the principal activity or use of the lot on which it is situated. In any district, which permits residential uses, the dwelling unit shall be deemed to be the Building on the lot.

QUALIFIED MANUFACTURED HOME: a manufactured home that meets all of the following criteria:

- A. Is manufactured on a date not to exceed five (5) years prior to the date of installation and has all parts that operate only during transport removed;
- B. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- 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; and
- D. Has a minimum total of living area of nine hundred (900) square feet unless it meets the requirements of KRS 100.348 subsection 5.

RESTRICTED MOTOR VEHICLE DEALERS: A motor vehicle dealer (as defined in KRS 190.010) who exclusively sells, offers to sell, solicits, or advertises specialized motor vehicles, including, but not limited to, funeral coaches, emergency vehicles, and an automotive recycling dealer engaged in the business of dismantling, salvaging, or recycling salvage motor vehicles for the purpose of harvesting used parts, components, assemblies, and recyclable material for resale, reuse, or reclamation. (Amended 10/23/00)

RIGHTS-OF-WAY: A strip of land acquired by reservation, dedication, prescription, or condemnation that is occupied or intended to be occupied by a street, road, highway, crosswalk, railroad or for other similar use.

SCREENING: A method of visually or audibly shielding or obscuring an adjacent or nearby Structure or use from another by fencing, walls, berms or densely planted vegetation.

SETBACK: The distance between the Building and any Lot Line.

SETBACK, FRONT: A setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

SETBACK, INTERIOR SIDE: A setback that is to extend from the front lot line to the rear lot line along the side of a lot that is adjacent to another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

SETBACK LINE: That line that is the required minimum distance from any Lot Line and that established the area within which the Principal Structure must be erected or placed.

SETBACK, REAR: A setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot.

SETBACK, STREET SIDE: A setback that is to extend from the front lot line to the rear lot line along the street side of a corner lot, the required depth of which is measured as the minimum horizontal distance between the street side lot line and a line parallel thereto on the lot.

SEXUALLY EXPLICIT ENTERTAINMENT ACTIVITY(IES) OR SEXUALLY EXPLICIT ENTERTAINMENT ESTABLISHMENT: As defined in the City of Scottsville Ordinance 685-01 including Cabaret, Commercial Sexual Entertainment Center, Massage Parlor, Self-designated sexually explicit entertainment center, sexually explicit amusement arcade, sexually explicit bookstore, sexually explicit entertainment provider, sexually explicit escort or escort service, sexually explicit motion picture theater, sexually explicit stage show theater, sexually explicit video cassette center, taxi dance hall.

SIGHT DISTANCE: A straight line of unobstructed view measured between a point 4 feet above the finished surface of a street, at the center line of each traffic lane, and a point at a given minimum specified distance away from the first point, located one foot above the finished surface at the centerline of the same traffic lane.

SIGN: Any device, display, or Structure, other than a Building or landscaping, which is readily visible from public property and is used primarily for visual communication for the purpose of, or having the effect of, bringing the subject matter on the device, display, or Structure, to the attention of persons off the premises on which the sign is displayed. The foregoing definition includes (but is not limited to) numerals, pictorial representations, emblems, trademarks,

flags, banners, streamers, pennants, inscriptions, and patterns and shall include a Structure erected or used in connection with the display of any such device and all lighting or other attachments used in connection therewith.

STREET: Any vehicular way that, (1) Is an existing state, county, or municipal street; (2) is shown upon a Plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a Plat duly filed and recorded in the office of the County Court Clerk's Office from and after the effective date of these Subdivision Regulations.

STREET, PRIVATE: A means of within a subdivision which gives to a public street and is owned and maintained by the property owners within the subdivision.

STREET, PUBLIC: A street that has been accepted for maintenance by the City, County, or Commonwealth of Kentucky.

STRUCTURE: Anything constructed, erected, or attached, the use of which requires location on the ground or in the ground as may be required for the purposes of carrying out this ordinance. The term shall not include poles and appurtenances thereto used for the provision of public utilities. Structures includes any Building or Accessory Building, manufactured homes, signs, towers, billboards, porches, swimming or other recreation or commercial pools, and retaining walls, gas or liquid storage tank, fences and other man-made facilities or infrastructures.

SUBDIVISION: The division of a parcel of land into 3 or more Lots, for the purpose, whether immediate or future, of sale, lease, or building development, including all changes in street or Lot Lines, or if a new street is involved, any division of a parcel of land. The division of land for agricultural purposes, in parcels of more than 10 acres not involving a new street, shall not require a Plat, unless it has been subdivided prior to the effective date of these Subdivision Regulations and now contains 10 acres or less. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. (Amended 02/14/00)

SURVEY: The process of precisely ascertaining the area, dimensions, and location of a piece of land.

TOPOGRAPHY: The existing soil, rock, or other landform, which would constitute the slope of the land. (Amended 02/14/00)

TRACT: A Lot. The term "tract" is used interchangeably with the term "Lot".

USE: The purpose or activity for which a land or Building or Structure or combination thereof is designed, arranged, or intended, or for which it is occupied or maintained.

VARIANCE: A departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS Chapter 100.

VEHICLE RECYCLERS: Any place where five (5) or more junked, wrecked or non-operative automobiles, vehicles, machines and other similar scrap or salvage materials, excluding inoperative farm equipment, are deposited, parked, placed or otherwise located; or any business or person engaged as an automobile dealer, body shop operator, wrecker service operator, service station operator, or other activity which may buy, sell or repair non-operative vehicles, automobiles or machinery as a service, where ten (10) or more junked, wrecked, or non-operative automobiles, vehicles, machines and other similar scrap or salvage materials are deposited, parked, placed or otherwise located. (Amended 10/23/00)

YARD: An Open Space that lies between the building and the nearest Lot Line.

YARD, FRONT: A space extending the full width of the Lot between any Building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

YARD, REAR: A space extending across the full width of the Lot between the Building and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line.

YARD, SIDE: A space extending the front yard to the rear yard between the principal Building and the side lot line and measured perpendicular to the side Lot to the closest point to the front lot line.

SECTION 2. EXCEPTION OF HEIGHT LIMITS

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, flag poles, radio and television towers, masts, aerials, chimneys and smokestacks.

SECTION 3. HORIZONTAL PROPERTY, RULES AND REGULATIONS

A. GENERAL PROVISIONS

- i. All projects subject to one or more provisions of KRS 381.805 to 381.910 shall be subject to these regulations.
- ii. All projects whether referred to as horizontal properties or Condominium properties shall be in accord with the Comprehensive Plan of Allen County.
- iii. A master deed or lease which sets forth the particulars enumerated by KRS 381.835 shall not be recorded and established as a horizontal property regime without having first been reviewed and approved by the Planning Commission.
- iv. Floor plans meeting the standards set forth in KRS 381.835(5) shall not be filed in the office of the recording offices without having first been reviewed and approved by the Planning Commission.
- v. The maximum permitted overall densities and floor area ratios and the minimum outdoor area, living space, and recreation area ratios shall be controlled by the zoning district classification in which the project is located.
- vi. The permitted uses will be controlled by the zoning district classification in which the project is located.

ARTICLE IV AGRICULTURAL DISTRICT (AO)

SECTION 1. USES PERMITTED

- A. The following uses shall be permitted in the agricultural district:
- i. Agricultural use as defined in KRS Chapter 100, and including the raising and feeding of animals, including poultry, in connection with an incidental and subordinate to the maintenance of pasture for the feeding of animals or the tillage of soil, but not including the industrial scale raising and feeding of animals, including poultry, which is not incidental to the overall farming operation. The industrial scale raising and feeding of animals, including poultry, when that is the primary purpose of the operation, is not a permitted use in the agricultural district.
 - ii. Churches and buildings associated with the worship at such churches.
 - iii. Commercial riding stables and horse training, commercial fishing lakes, commercial kennels, unlighted commercial golf driving ranges, commercial sportsman farms, including commercial gun clubs, commercial skeet shooting ranges and rifle ranges, provided that any building in which animals are housed shall conform to the minimum distance requirements of this Article.
 - iv. One family detached dwellings and bed and breakfast inns, which are occupied by the Owner.
 - v. Public parks, playgrounds, and community centers; private recreation area, institutional or recreational centers including country clubs and golf courses but not including lighted golf courses designed for night play and not including miniature golf courses; public and private forests and wildlife preserves, and similar conservation areas.
 - vi. Three minor subdivisions, whose aggregate total lots do not exceed 4 lots or 20 acres, whichever is less, as defined in the Scottsville-Allen County Subdivision Regulations.
 - vii. Those commercial uses which are ancillary to and required for farming operations, which by way of example shall include welding and mechanical shops for the repair and maintenance of agricultural equipment.

SECTION 2. CONDITIONAL USES

- A. The following uses are declared to possess such characteristic of unique or special form, nature of operation, extent, or limited application that each specific use shall be considered on an individual case and shall be subject to written approval by the Board of Zoning Adjustments in accordance with the provisions of this ordinance:

- i. Airports and landing fields, provided further that the location, size and plans for such airport or aircraft landing field and its operational features are approved by all state or federal agencies having jurisdiction.
- ii. Cemeteries, crematories, columbaria, mausoleums, and animal burial grounds; provided however, that such establishment conforms to the minimum distance requirements of Ordinance.
- iii. The industrial-scale raising and feeding of animals, including poultry, where the industrial-scale raising and feeding of animals is the primary purpose of the operation; provided however, that the Applicant meets all the Animal Feeding Operations Surface Water Standards enacted by the Planning Commission.
- iv. Disposal of garbage or refuse.
- v. Public and private sewage disposal plants.
- vi. Wireless transmitting stations.
- vii. Travel trailer parks and campgrounds subject to the following:
 - a. The minimum park area shall be 10 acres.
 - b. No travel-trailer park or campground shall be located except within direct to an arterial highway as designated from time to time by the Scottsville-Allen County Planning Commission and with a minimum of 50 feet of Frontage thereon to permit the proper design of entrances and exits. No entrance or exit from a travel-trailer park or campground shall be permitted through a residential district, and the movement of traffic from the park shall not be permitted through any such residential district.
 - c. Spaces in the travel-trailer park and campground may be used by travel trailers, equivalent facilities constructed in or on automotive vehicles, or other short-term housing or shelter arrangements or devices. Spaces shall be rented by the day only, and occupants of such space shall remain in the same trailer park not more than 14 consecutive days.
 - d. All plumbing fixtures shall conform to appropriate Commonwealth of Kentucky plumbing code and health rules and regulations for recreational areas. Every application for construction, operation, maintenance and occupancy for travel-trailer parks and campgrounds shall submit a plot plan designating at a minimum all rental lots, internal streets, and points to arterial highways. The plot plan shall also provide the same information as required for a Development Plan under these Regulations.
 - e. No spaces located in any part of the travel-trail parks or campgrounds shall be within 50 feet of the right-of-way line of

- any street or thoroughfare or within 25 feet of any adjoining public or private property.
- f. A 50-foot setback with protective screening or fencing shall be required on property boundaries adjacent to a public right-of-way. These property boundaries adjoining private property shall require a setback of 25 feet and protective fencing.
- viii. Childcare centers; nurseries; day care centers and kindergartens.
- ix. Landfarming or land spreading of any solid waste or special wastes as defined in KRS Chapter 224, and all administrative regulations under authority of this chapter, may be established and maintained in an agricultural district as a Conditional Use in accordance with the following:
 - a. Any Conditional Use permit granted shall be conditioned upon the granting and continuation of a solid waste permit pursuant to KRS Chapter 224 and shall become effective on the date the solid waste permit is issued by the Natural Resources and Environmental Protection Cabinet of the Commonwealth of Kentucky.
 - b. For information purposes, a copy of the permit application required by KRS Chapter 224 submitted to the Kentucky Cabinet for Natural Resources and Environmental Protection, including all amendments thereto, shall be filed simultaneously with the Board of Adjustments.
 - c. For informational purposes, the Applicant shall provide the Board of Adjustments with a copy of written notice regarding excessive cumulative concentrations of contaminants as required by title 401 of the Kentucky Administrative Regulations and KRS Chapter 224 and a copy of any report describing corrective actions to be taken pursuant to title 401 of the Kentucky Administrative Regulations.
 - d. When a Conditional Use permit for landfarming is revoked, notice of revocation shall be provided by letter from the Board of Adjustments to the Natural Resources and Environmental Protection Cabinet. A Conditional Use permit for landfarming shall be revoked:
 - 1. When the Applicant fails to provide copies of test result, affidavits or notices required by this Article to the Board of Adjustments within sixty (60) days of the date test are taken or notice or reports are due to be sent to the Natural Resources and Environmental Protection Cabinet.

2. When the area ceases to be used as a landfarming site.
 3. When the applicant's land farming permit issued pursuant to KRS Chapter 224 and title 401 of the Kentucky Administrative Regulations by the Natural Resources and Environmental Protection Cabinet has been rescinded, suspended, or revoked.
 4. If the information on which the application for Conditional Use permit was granted is proved to be false; or
 5. Upon the occurrence of hydrological changes in the landfarming site which affect the site's capacity for removal or control of contaminants.
- e. Quarries and gravel pits; provided that any building housing power or power producing machinery or equipment shall conform to the building setback requirements of the Zoning Ordinance/Resolution, and when adjacent to a residential or agricultural zone, shall be located to provide a minimum side and rear yard of 50 feet.

SECTION 3. PROHIBITED USES

A. The following shall be prohibited uses in the agricultural zone:

- i. Major subdivisions containing any lots of less than 5 acres; and
- ii. 4 or more minor subdivisions.

SECTION 4. ACCESSORY USES PERMITTED

- A. Accessory uses and structures customarily incidental to any of the above permitted principal use, located on the same lot with such use, such as agricultural structures, tenant homes, private garages, private stables and exercise tracts, or parking areas; but in no event shall this include and business, trade, or industry nor any driveway or walkway to such business, trade or industry unless clearly incidental to the permitted principal use.
- B. Customary incidental home occupations.
- C. Keeping of roomers or boarders by a resident family.
- D. Roadside stands offering for sale agricultural produced on or near the premises. Such stands shall be located at least 10 feet from the pavement or off the established right-of-way, whichever is the greater distance from the center line of the road.

SECTION 5. HEIGHTS, LOTS, AREAS, AND WIDTHS, YARD AND COURTS

The requirements set forth in Article I of this Ordinance shall be observed, except that height, lot area, lot widths, yard and courtyard requirements shall not apply to agricultural buildings.

SECTION 6. RESIDENCES

Residences shall have a minimum lot size of $\frac{1}{4}$ of one acre or more if connected to a public sanitary sewage disposal system, or .7 of one acre or more if connected to an on-site sanitary sewage disposal system approved by the Health Department and shall conform to other lot requirements of the single-family residential district of this Zoning Ordinance/Resolution.

- i. The side yard and rear yard of the lot contain setbacks of 25 feet or more; and
- ii. The front yard setback is not less than $\frac{1}{2}$ the distance of the right-of-way or a minimum of 25 feet.

ARTICLE V
RESIDENTIAL DISTRICTS (SF, MF, and GF)

SECTION 1. USES PERMITTED

A. The following shall be permitted uses in the residential districts:

- i. SF Single family dwellings and customary horticultural uses, and buildings incidental thereto, this includes Qualified Manufactured Homes.
- ii. MF Any use permitted in the SF District and multi-family dwellings, and buildings incidental thereto.
- iii. GF Any use permitted in the SF District, multi-family dwellings, multi-residential group homes, and buildings incidental thereto.

SECTION 2. CONDITIONAL USES

A. The following shall be conditional uses in the residential districts:

- i. The following uses are declared to possess such characteristics of unique or special form, nature of operation, extent, or limited application that each specific use shall be considered an individual case and shall be subject to written approval of the Board of Zoning Adjustments in accordance with the provisions of this ordinance:
 - a. Nurseries, day-care centers; kindergartens; churches and other places of worship; parish houses; public libraries, schools offering a general education course; childcare centers; country clubs and golf courses; public parks and noncommercial public recreational facilities; municipal, county, state, or federal use; public utilities; cemeteries; private hospitals for human care; philanthropic institutions and philanthropic clubs; bed and breakfast when located in a private home.
 - b. Off street parking shall be required for all conditional uses.

SECTION 3. ACCESSORY BUILDINGS

Accessory buildings or uses customarily incidental to any permitted uses are permitted.

SECTION 4. MULTI FAMILY BUILDING REQUIREMENTS

- A. All proposed group housing, with more than 4 residents and multi-family residential structures exceeding 4 family units per building, shall be presented at a public hearing conducted by the Planning Commission.
- B. All multiple dwelling units shall meet the following requirements:
 - i. Space Requirements:
 - a. Each dwelling unit shall provide complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
 - b. Every dwelling unit shall have at least one habitable room, which shall have not less than 150 square feet of floor area. Other habitable rooms shall have an area of not less than 70 square feet. Every kitchen shall have not less than 50 square feet of floor area.
 - c. Habitable rooms except kitchens shall be not less than 7 feet in any horizontal dimension.
 - d. Every dwelling unit shall be provided with a water closet, lavatory, and a bathtub or shower.
 - e. Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink of approved nonabsorbent material.
 - f. Every dwelling unit shall conform to all other applicable codes and ordinances.
 - ii. Access:
 - a. Vehicular access shall be provided to the property from an abutting street or Alley.
 - b. Driveways shall be provided for convenient access to the living area.
 - iii. Light and Ventilation:

Light and ventilation shall be provided in all habitable rooms by means of windows in outside walls. Basement apartments shall have outside lighting.
- C. All Group quarter dwelling units shall meet the following requirements:
 - i. Space Requirements:
 - a. Each dwelling unit shall provide complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
 - b. Every dwelling unit shall have no more than 4 individual sleeping quarters, with no more than 4 unrelated persons in each, which shall have not less than 150 square feet of floor area. Other habitable rooms shall have an area of not less than 70 square

- feet. Every kitchen shall have not less than 50 square feet of floor area. Staff quarters may be added.
- c. Habitable rooms except kitchens shall be not less than 7 feet in any horizontal dimension.
 - d. Every dwelling unit shall be provided at least one water closet, lavatory, and a bathtub or shower for every six persons.
 - e. Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink of approved nonabsorbent material. Grease Traps shall be required for each kitchen unit.
 - f. Every dwelling unit shall conform to all other applicable codes and ordinances.
- ii. Access:
- a. Vehicular access shall be provided to the property from an abutting street or Alley.
 - b. Driveways shall be provided for convenient access to the living area.
 - c. One parking space shall be provided for each individual group home resident and staff person.
- iii. Light and Ventilation:
- Light and ventilation shall be provided in all habitable rooms by means of windows in outside walls. Basement sleeping quarters shall meet lighting.
- ventilation and egress requirements.
- iv. Site Requirements:
- a. Site shall not be located within 1,000 feet of a private or public-school property. Post-secondary education facilities are excluded.
 - b. Site shall not be located within 1,000 feet of a licensed daycare facility or community recreational area designated for children's activities (i.e. Public playgrounds) if registered sex offenders are housed or treated.

SECTION 5. SIDE AND REAR YARDS

- A. All buildings (except unattached one-story buildings of accessory uses) shall have the following yard space:

REAR AND SIDE YARD REQUIREMENTS			
	Rear Yard	Side Yard Both Sides	Min. One Side
SF District	25'	20'	10'
MF District	25'	15'	7 ½' ¹
GF District	25'	50'	25'

¹All buildings in the MF and GF District having 3 or more units shall have a side yard equal to one-half of the height of the building. In the MF District, all buildings containing more than two dwelling units shall have a minimum side yard of 10 feet. Uses permitted by Conditional Use shall have a minimum side yard of 10 feet.

- B. Unattached one-story buildings of accessory use, unless there is a party wall, shall have the following space to the lot line.

REAR YARD DEPTH: 6 Feet

SIDE YARD DEPTH: 5 Feet

SECTION 6. SPECIAL ACCESSORY USES

- A. The following is special accessory use:
- A swimming pool as an accessory use to a residential Structure shall be located no closer than 10 feet to the rear property line and no closer than 10 feet to a side property line. On a corner lot the side yard setback shall be no less than 25 feet. The setback shall be measured from the wall of the swimming pool to the nearest property line.
 - The swimming pool area must be enclosed by a fence or other suitable barrier with a minimum height of not less than 4 feet. Openings in the fence shall be small enough to prevent a child from entering the enclosure other than through the gate.

SECTION 7. PROHIBITED USES

The following uses and structures shall be prohibited:

- Camping trailer, travel trailer, pickup coach or auto camper shall not be occupied as living quarters.
- Motels and tourist courts.
- Advertising signs or billboards, other than those specifically permitted under subsections of Article XII.
- Telecommunication Facilities.

- v. Manufactured Home Class A and/or Class B not meeting the definition of Qualified Manufactured Home, as well as mobile homes.

SECTION 8. REQUIRED LOT AREA AND WIDTH

A. The following shall constitute minimum required lot areas and widths in the residential zones:

i. SF DISTRICT

Minimum required lot area for single family dwellings shall be ¼ of one acre or more if connected to a public sanitary sewage disposal system, or .7 of one acre or more if connected to an on-site sanitary sewage disposal system approved by the Health Department. Minimum required lot width at the Building Line shall be 100 feet. Building and required parking shall not cover more than 25 percent of the total lot area.

ii. MF DISTRICT

Minimum lot areas for the MF District are as follows:

Number of Units	Minimum Lot Area if on Public Sanitary Sewer	Minimum Lot Area not Public Sanitary Sewer
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**All square footage minimums are per lot.*

1	8,000 sq. ft.	30,492 sq. ft.
2	11,000 sq. ft.	43,560 sq. ft.
3	14,000 sq. ft.	Not Allowed
4	17,000 sq. ft.	Not Allowed
5	19,000 sq. ft.	Not Allowed
6	21,000 sq. ft.	Not Allowed
7	23,000 sq. ft.	Not Allowed
8	25,000 sq. ft.	Not Allowed

Maximum number of dwelling units per building shall be 8 units. Total impervious surface area shall not exceed 50 percent of the total lot area. Minimum required lot width at the Building Line shall be 75 feet.

iii. GF DISTRICT

Minimum lot areas for the GF District are as follows:

Number of Sleeping Quarters	Minimum Lot Area if on Public Sanitary Sewer	Minimum Lot Area not Public Sanitary Sewer
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**All square footage minimums are per lot.*

1	13,000 sq. ft.	30,492 sq. ft.
2	21,780 sq. ft.	43,560 sq. ft.
3	29,000 sq. ft.	Not Allowed
4	36,300 sq. ft.	Not Allowed

Maximum number of sleeping quarters per building shall be 4 units impervious surface area shall not exceed 50 percent of the total lot area. Minimum required lot width at the Building Line shall be 100 feet. Developments with more than one building shall utilize the same lot size ratio in calculating total development land area requirements.

SECTION 9. APPROVAL OF MULTI FAMILY AND GROUP FAMILY UNIT

The Planning Commission must approve all multi-family unit plans and group-family plans to protect the integrity of the neighborhood and to ensure that proposed apartments will utilize equal or superior building materials to conform to the adjacent structures.

SECTION 10. ACCESS

- A. The following requirements shall apply in the Residential Districts:
- Vehicular access shall be provided to the property from an abutting street or Alley.
 - Driveways shall be provided for convenient access to the living area.

SECTION 11. COMMON PROPERTY OWNERSHIP AND PRIVATE STREETS

- A. If a subdivision, created under the Subdivision Regulations, contains Common Property or private streets then the property owners shall enter into an agreement providing for the ownership and maintenance of the Common Property and private street(s) for so long as held in such capacity. Such Agreement shall be approved by the Planning Commission, it shall be recorded after approval in the office of the County Court Clerk with the real estate records. The agreement shall contain, as a minimum, the following:
- The names of the owners of the Common Property or private streets.

- ii. A mete and bounds legal description of the property, including source of title, comprising the Subdivision containing the Common Property or private streets.
- iii. Terms providing for the proper care and maintenance of the Common Property or private streets.
- iv. A sketch plan of the proposed development at a scale of 1 inch = 100 inches or less clearly showing the development and the designated Common Property or private streets.

Nothing in this Section shall impose or create liability on the part of the Planning Commission or the Legislative Bodies for the care, maintenance or ownership of the Common Property or private streets.

ARTICLE VI
MANUFACTURED HOME RESIDENTIAL DISTRICT (MH-1)

SECTION 1. PERMITTED USES AND STRUCTURES

- A. The following Principal Uses and Structures are permitted:
- i. Single family dwellings.
 - ii. Class A Manufactured Homes and placed on a permanent foundation.
 - iii. Qualified Manufactured Homes.

SECTION 2. PERMITTED ACCESSORY USES AND STRUCTURES

- A. The following Accessory Uses and Structures are permitted:
- i. Uses and structures customarily accessory and clearly incidental to any residential use shall be permitted provided they meet the same requirements as set forth in the SF District of this Ordinance/Resolution.
 - ii. Parks, playgrounds, community centers, open space, golf courses, shuffleboard courts, swimming pools, tennis courts, game rooms and libraries used exclusively for residents of this subdivision.

SECTION 3. CONDITIONAL USES

- A. The following uses are declared to possess such characteristics of unique or special form, nature of operation, extent or limited application that each specific use shall be subject to written approval of the Board of Zoning Adjustments in accordance with the provisions of this Ordinance/Resolution:
- Churches and other places of worship; parish houses; public libraries, schools offering a general education course; child care centers; nurseries; day-care centers; and kindergartens; public parks and non-commercial public recreational facilities; municipal, county, state or federal uses; public utilities; private hospitals for human care; philanthropic institutions and philanthropic clubs, The Board of Zoning Adjustment may attach conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district in which the proposed use would be located.

SECTION 4. PROHIBITED USES AND STRUCTURES

- A. The following Uses and Structures shall be prohibited:
- i. Camping trailer, travel trailer, pickup coach or auto camper shall not be occupied as living quarters.
 - ii. Manufactured Homes sales.
 - iii. Professional offices, fraternity, sorority, or fraternal associations, lodging or rooming houses.
 - iv. Motels, hotels, and tourist courts.
 - v. Advertising signs or billboards, other than those specifically permitted under subsections of Article XIII.
 - vi. Telecommunication Facilities.

SECTION 5. DIMENSIONAL AND AREA REQUIREMENTS

- A. The following minimum land areas shall apply in this district:
- i. Each Manufactured Home Residential Subdivision shall contain a minimum of 5 contiguous acres of land and a minimum of 10 lots. Development of a smaller tract of land adjacent to an existing Manufactured Home Subdivision may be permitted if:
 - a. The proposed development conforms to and extends the original Manufactured Home Subdivision, and.
 - b. The proposed development otherwise conforms to all the requirements of this Ordinance/Resolution.
- B. Minimum Lot Area:
- i. The Minimum Lot Area of $\frac{1}{4}$ of one acre or more if connected to a public sanitary sewage disposal system; or
 - ii. The minimum Lot Area .7 of one acre or more if connected to an on-site sanitary sewage disposal system approved by the Health Department.
- C. The Minimum Lot Width at Building Setback Line shall be 75 feet.
- D. The total impervious surface area shall not exceed 50 percent.
- E. YARD REGULATIONS
- i. The following yard sizes shall apply in this district:
 - a. Minimum Side Yard Width to each side lot line shall be 10 feet.
 - b. Minimum rear yard setback shall be 25 feet.
 - c. The Minimum front yard setback shall be in no case less than 25 feet.
- F. HEIGHT REGULATIONS
- i. No Structure shall exceed 35 feet in height, except as otherwise provided in the additional height and area regulations of the RESIDENTIAL DISTRICTS of this Ordinance.

- G. **PARKING REGULATIONS**
Two off-street parking spaces shall be provided for each Manufactured Home lot.
- H. **SEWER REQUIREMENTS**
All Manufactured Homes shall be connected to the public sanitary sewage system or an on-site sanitary sewage disposal system approved by the Health Department.
- I. **WATER REQUIREMENTS**
All Manufactured Homes shall be connected to the public water supply system.
- J. **STREET ACCESS AND DESIGN STANDARDS**
i. General Requirements: The Manufactured Home Subdivision shall be located with direct to a public street and shall have a minimum of 50 feet of Frontage. Entrances and exits for the Manufactured Home subdivisions shall be designed for safe and convenient vehicular to and from abutting public streets. All traffic into and out of the Manufactured Home Subdivision shall only be through entrances and exits approved under the provisions of this article with a maximum of two points. No entrance or exit for a Manufactured Home Subdivision shall have an intersection angle less than 80 degrees and the radii of curbs and pavements at intersections shall not be less than 35 feet.
ii. The individual lots within the Manufactured Home Subdivision shall not be located with direct to the public streets except those streets within the subdivision approved under this article.
iii. Development involving new or additional streets, or any public dedication of land shall be subject to Planning Commission review and approval, as provided in the Subdivision Regulations.
- K. **DEVELOPMENT STANDARDS**
In addition to the standards set forth in this Ordinance, each Manufactured Home Subdivision shall comply with all appropriate provisions of the Subdivision Regulations.

ARTICLE VII
MANUFACTURED HOME PARK DISTRICT (MH-2)

SECTION 1. PERMITTED USES AND STRUCTURES

- A. The following principal uses, and structures are permitted:
- i. Single family Class A, Class B and Qualified Manufactured Homes.

SECTION 2. PERMITTED ACCESSORY USES AND STRUCTURES

- A. The following Accessory Uses and Structures are permitted:
- i. Parks, playgrounds, community centers, and non-commercial recreational facilities such as golf courses, shuffleboard courts, swimming pools, tennis courts, game rooms and libraries.
 - ii. One caretaker's or manger's dwelling; this dwelling may contain a caretaker's or manager's office if no building is constructed or utilized for this purpose in accordance with this Article.
 - iii. One service building to house services for occupants of the Manufactured Home Park only, including management office, restrooms, vending machines, postal facilities, laundry and dry-cleaning facilities and recreation facilities accessory to the Manufactured Home Park, also maintenance equipment storage facilities related to the Manufactured Home Park.
 - iv. Any other Accessory Building or Structure, which is clearly incidental, to any principal use.

SECTION 3. PROHIBITED USES AND STRUCTURES

- A. The following Uses and Structures shall be prohibited:
- i. Camping trailers, travel trailers, pickup coaches or auto campers shall not be occupied as living quarters.
 - ii. Manufactured Home sales.
 - iii. Professional offices, fraternity, sorority, or fraternal associations, lodging or rooming houses.
 - iv. Motels, hotels, and tourist courts.
 - v. Advertising signs or billboards, other than those specifically permitted under subsections of Article XII.
 - vi. Manufactured Home Subdivisions.
 - vii. Telecommunication Facilities.

SECTION 4. ADMINISTRATIVE PROCEDURE AND ZONING APPROVAL PROCESS

- A. Concurrently with the filing of an application for a zoning map amendment for Manufactured Home Park, a General Development Plan as provided for in Article XIV of this Ordinance must be submitted to the Planning Commission.
- B. A Building Permit, if required, shall not be issued for construction of any Manufactured Home Park except in accordance with the provisions of this Ordinance.
- C. Certificates of Zoning Compliance Required:
 - i. A certificate of zoning compliance shall be necessary before occupancy of any Manufactured Home or the placement of any home, or occupancy of any other Structure in a Manufactured Home Park and shall be issued only when the Zoning Administrator determines that the structures, Manufactured Home spaces, Manufactured Home stands, Open Space, streets, and other improvements and uses conform with the approved development plan.
- D. Construction Deadline:
 - i. If construction is not initiated within 3 years from the date of approval of the development plan by the Planning Commission, an application to revert the Manufactured Home Park zoning map amendment may be initiated by the Planning Commission, unless an extension is granted by the Planning Commission. Any action to revert the Zoning Map Amendment to its original zoning classification which originates because of the provisions of this section shall be taken in the same manner as the original Zoning Map Amendment. Failure of the Planning Commission to commence action to revert the Zoning Map Classification immediately after the 3 years shall not prevent the Commission from taking such action later.

SECTION 5. DIMENSIONAL AND AREA REQUIREMENTS

- A. Minimum Area of Park:

Each Manufactured Home Park shall contain a minimum of 5 contiguous acres of land and 25 Manufactured Home spaces. Development adjacent to an existing Manufactured Home Park may be permitted if:

 - i. Proposed development conforms to and extends the original Manufactured Home Park.
 - ii. The proposed tract is in identical ownership to the original Manufactured Home Park.
 - iii. Proposed development site is properly zoned.
 - iv. Proposed development otherwise conforms to all the standards and requirements of this Article.

SECTION 6. MINIMUM SPACE AREA AND WIDTH

- A. The minimum width at the Building Line for a single-family Manufactured Home shall be 50 feet.
- B. The minimum lot size shall be 5000 square feet.
- C. Manufactured Homes shall be separated from each other and from any building by at least 20 feet.
- D. Any Accessory Structure whether attached or detached, such as an awning, cabana, storage cabinet, carport, windbreak, and porch shall be separated from any other Manufactured Home or building by at least 20 feet.

SECTION 7. MINIMUM OPEN SPACE AREAS

- A. In each Manufactured Home Park there shall be provided one or more areas, which shall be easily accessible to all park residents. The design criteria for the Open Space shall be as follows:
 - i. The size of such Open Space area shall be equal to a minimum of 400 square feet for each Manufactured Home.
 - ii. The Open Space area shall be so located as to be free of traffic hazards and should be centrally located.

SECTION 8. DESIGN STANDARDS

- A. All Manufactured Home spaces and permitted accessory uses, and structures shall be located at least ½ the width of the right-of-way or 50 feet, whichever is greater, from any park property boundary line abutting upon a public street and at least 25 feet from other park property boundary lines.
- B. There shall be a minimum distance of 20 feet between the Manufactured Home stand and the edge of the abutting internal park street.
- C. All Manufactured Home parks shall be provided with visual screening such as fences or natural growth along the property boundary line separating the park and other land uses. The Planning Commission shall specifically approve the screening specifications.
- D. The Manufactured Home Park shall be located with direct to an arterial or collector street as from time to time designated by the Planning Commission and shall have a minimum of 50 feet of Frontage. Entrances and exits for Manufactured Home Parks shall be designed for safe and convenient vehicular to and from abutting public streets. All traffic into and out of the Manufactured Home Park shall only be through entrances and exits approved under the provisions of this Article. No entrance or exit for a Manufactured Home Park shall have an intersection angle less than 75 degrees and the radii of curbs and pavements at intersections shall not be less than 35 feet.
- E. All Manufactured Home spaces and permitted accessory uses, and structures must front on an internal park street only.

- F. Internal Park Streets: All internal streets shall meet the following minimum requirements:
- i. All internal streets shall have a minimum width of 18 feet with no on-street parking or 24 feet with on-street parking.
 - ii. Dead-end streets shall be limited in length to 600 feet and shall be provided at the closed end with a cul-de-sac having a minimum diameter of 80 feet.
 - iii. All Manufactured Home spaces shall be placed so that the Manufactured Home can be moved on or off the Manufactured Home stand without moving any other Manufactured Home.
- G. Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests. Such areas shall be accessible by motor vehicles from the internal park street and shall:
- i. Be furnished at a rate of at least 600 square feet for each Manufactured Home unit located on an internal street providing on-street parking, or at a rate of at least 900 square feet for each Manufactured Home unit located on an internal street not providing on-street parking.
 - ii. In addition to the parking requirements of these an additional 300 square feet for each 5 units shall be provided for guest parking, and for delivery and service vehicles. These spaces may be clustered.
 - iii. All parks shall be equipped with lighting units which shall comply with the minimum recommended standards contained in the American Association of State Highway and Transportation Officials (AASHTO) publication entitled, "Information Guide for Roadway Lighting."
 - iv. All streets within the Manufactured Home Park shall conform to the street construction and design standards of the Subdivision Regulations.
- H. The area of the Manufactured Home stand shall be improved to provide adequate support for the placement and tie down of the Manufactured Home, thereby securing the superstructure against uplift, sliding, rotation, and overturning. The Manufactured Home stand shall not heave, shift, or settle unevenly under the weight of the Manufactured Home due to frost action, inadequate drainage, vibration, or other forces acting on the Structure. The Manufactured Home stand shall be provided with permanent anchors and tie down which shall secure the stability of the Manufactured Home.
- I. Each Manufactured Home placed within the Manufactured Home Park shall be secured in such a manner as to prevent the uplift, sliding, rotation, or overturning of the superstructure.
- J. All Manufactured Home parks shall be served by a public water system that can provide adequate water service and, if within the City of Scottsville, fire protection.
- K. All Manufactured Home parks shall be attached to a public sanitary sewer system or an approved package sanitary sewage treatment system approved

by the Health Department. No on-site sanitary sewage system, including a septic tank system, shall be permitted.

- L. The Manufactured Home Park shall conform to the storm water requirements of the Planning Commission.

SECTION 9. MANUFACTURED HOME PARK EXPANSIONS AND CONVERSIONS

- A. For existing parks, properly zoned desiring to expand their operation onto contiguous land or to convert existing single-family spaces into two-family spaces, the following shall apply:
 - i. Any extension, expansion or conversion proposals shall be processed, developed, and constructed according to the most current standards and requirements of this Ordinance.
 - ii. Any extension or expansion of existing parks shall be required to file a Detailed Development Plan.
 - iii. Conversions of spaces in existing parks shall require the filing of a Detailed Development Plan or amending its original development plan.

SECTION 10. MISCELLANEOUS REQUIREMENTS

- A. The Manufactured Home Park Owner shall be responsible for operating the park in compliance with this Ordinance meeting all standards and requirements herein and shall be responsible for and provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. Manufactured Home Placement:
The Manufactured Home Park Owner shall supervise and be responsible for the placement of each Manufactured Home on its Manufactured Home stand in accordance with the Ordinance which includes but is not limited to securing the stability of the Manufactured Home and installing all utility connections.
- C. Manufactured Home Space Numbering:
The Manufactured Home Park Owner shall number each Manufactured Home Space and shall submit a plan of the Manufactured Home Park with each space numbered thereon to the Allen County 911 Coordinator, Allen County Sheriff's Office, Planning Commission, ambulance service, the fire department within the district where the Manufactured Home Park is located and the Scottsville Police Department, if located within the corporate limits of Scottsville. If the numbering of the Manufactured Home spaces shall change, the Manufactured Home Park Owner shall submit changes to the entities set forth above.

ARTICLE VIII
DOWNTOWN BUSINESS DISTRICT (B-1)

SECTION 1. PERMITTED USES AND STRUCTURES

- A. The following uses shall be permitted in the Downtown Business District:
- i. Any use permitted in the Residential Districts with the exception of Manufactured Homes.
 - ii. Any business use that is not otherwise prohibited by this Ordinance.
 - iii. Churches and other places of worship.

SECTION 2. PROHIBITED USES AND STRUCTURES

- A. The following uses shall be prohibited in the Downtown Business District:
- i. Any business which is primarily of wholesale, storage, or warehousing nature
 - ii. Live animal or poultry sales, gasoline, oil, or alcohol storage above ground more than 1,100 gallons, light industrial uses as defined in this Ordinance and heavy industrial uses as defined in this Ordinance.
 - iii. Manufactured Home Park or Manufactured Home Subdivision.
 - iv. Any manufactured home.

SECTION 3. REQUIRED LOT AREA AND YARD AREA

- A. There shall be no minimum lot size or lot width in this district.
- B. All buildings on lots adjacent to a residential zone shall be located to conform on the adjacent side with the yard requirements for residential districts.

SECTION 4. HEIGHT

Buildings more than 70 feet in height, may be permitted in the Downtown Business District provided such buildings are approved by the Kentucky Department of Public Safety and certified to the Building Inspector prior to the issuance of a Building Permit.

SECTION 5. CONDITIONAL USES

- A. The following uses are declared to possess such characteristics of unique or special form, nature of operation, extent, or limited application that each specific use shall be considered an individual case and shall be subject to written approval of the Board of Zoning Adjustments in accordance with the provisions of this ordinance:
- i. Printing, publication or engraving, childcare centers, nurseries, day care centers and kindergartens.

**ARTICLE IX
GENERAL BUSINESS DISTRICT (B-2)**

SECTION 1. USES PERMITTED

Any use permitted in the Downtown Business District shall be permitted uses in the General Business District.

SECTION 2. ACCESSORY USES PERMITTED

Accessory uses and buildings customarily accessory and incidental to any permitted principal use shall be permitted, except of a type which is expressly prohibited in this district as a principal use.

SECTION 3. REQUIRED CONDITIONS

Processes and equipment employed, and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.

SECTION 4. PROHIBITED USES

Any use prohibited in the Downtown Business District shall be prohibited in the General Business District.

SECTION 5. REQUIRED LOT AREA AND YARD AREA

- A. All buildings intended for residential use in whole or in part shall comply with the area and yard requirements of the MF District.
- B. All buildings on lots adjacent to a residential zone shall be located so as to conform on the adjacent side with the yard requirements for residential districts.
- C. All buildings intended for commercial use in whole shall have a minimum lot size of ¼ of one acre or more if connected to a public sanitary sewage disposal system .7 of one acre or more if connected to an on-site sanitary sewage disposal system approved by the Health Department Minimum width at the Building Line shall be 50 feet.
- D. There shall be no side or rear setbacks, other than meeting building and fire codes, if located adjacent to business or industrial districts. The general provisions of this Ordinance for Building Line Setback shall apply for other setback requirements.

SECTION 6. OFF STREET PARKING, LOADING AND UNLOADING

All buildings shall provide space for off-street parking, loading and unloading in conformance the provisions of this Ordinance.

SECTION 7. CONDITIONAL USES

Childcare centers, nurseries, day care centers and kindergartens are uses declared to possess such characteristics of unique or special form, nature of operation, extent or limited application that each specific use shall be considered an individual case and shall be subject to written approval of the Board of Zoning Adjustments, or Planning Commission when filed concurrently with a zone change request, in accordance with the provisions of this ordinance:

SECTION 8. PROVISIONS RELATING TO SHOPPING CENTERS

- A. The following provisions apply to shopping centers:
- i. A development plan as provided in this Ordinance shall be approved by the Planning Commission for all Shopping Centers. Each development plan shall include each of the items set forth in this Section for the Planning Commission's review and approval.
 - ii. The floor area ration (FAR) of all buildings shall not exceed in the aggregate 40 percent of the total area of the lot or tract.
 - iii. Notwithstanding any other provision of this Ordinance, there shall be provided 4.5 parking spaces per 1,000 square feet of gross area available for lease provided for each Shopping Center.
 - iv. For purposes of computing the area of parking spaces available for a Shopping Center, the ratio of 300 square feet per parking space shall be used. The parking space shall include both the parking stall and the adjacent passageway.
 - v. Vehicular locations shall be provided so that vehicles entering or departing a Planned Shopping Center site shall do so only at specified locations. Elsewhere along the property lines of the Planned Shopping Center site a physical separation between the site and public rights-of-way shall be provided. A vehicular location shall consist of such entrance and exit driveway openings so designed and located as to minimize hazardous vehicular turning movements and traffic congestion.
 - vi. Access ways and parking areas shall be lighted adequately by lighting fixtures, which shall be so installed as to reflect light away from adjoining properties.
 - vii. Where a Shopping Center abuts or is contiguous to any Residential District, without an intervening public street, but with or without an intervening Alley, there shall be provided, as a part of the development plan provided for in this chapter, landscaping, including screening, to assist in the prevention of the transmission of light and noise from within the planned shopping center.
 - viii. Article I, Section 3 of the Zoning Ordinance/Resolution shall not apply internally to the Shopping Center provided ample evidence is

presented to the Planning Commission that permanent easements have been granted the tenant/land or building owners. Evidence shall be considered ample by filing a copy of the master deed, easement, or other legal documents, which subsequently will be filed at the Allen County Court Clerk's office.

ARTICLE X
LIGHT INDUSTRIAL DISTRICTS (I-1)

SECTION 1. USES PERMITTED

- A. The following uses shall be permitted in the Light Industrial District:
- i. Any use permitted in the General Business District.
 - ii. Wholesale distribution or sales, storage or warehouse, building material yard, cabinet making, carpenter shop, ice plants, printing or engraving plants, trucking terminals, shops of general trade, machine shops, welding shops, automobile body shops, sales of feed, sales of grain and sales of agricultural machinery or supplies.
 - iii. Sexually Explicit Entertainment Activity(ies) or Sexually Explicit Entertainment Establishment as defined in City of Scottsville Ordinance 685-01.

SECTION 2. REQUIRED LOT AREA AND YARD AREA

- A. Minimum lot size $\frac{1}{4}$ of one acre or more if connected to a public sanitary sewage disposal system .7 of one acre or more if connected to an on-site sanitary sewage disposal system approved by the Health Department
Minimum width at the Building Line shall be 50 feet.
- B. No side or rear setbacks, other than meeting building and fire codes, if located adjacent to business or industrial districts. On lots adjacent to a residential district, all buildings shall be so located to provide a minimum side yard of 25 feet as between buildings in the industrial area. Streets or public right-of-way 30 feet or more in width may be included as the side yard requirement of this Section of this ordinance relating to Building Line setback shall apply for other setback requirements.

SECTION 3. HEIGHT

No building shall exceed 70 feet in height.

SECTION 4. OFF-STREET PARKING, LOADING AND UNLOADING

All buildings shall provide space for off-street parking, loading and unloading in conformance with Article I of this Ordinance.

SECTION 5. CONDITIONAL USES

- A. The following uses are declared to possess such characteristics of unique or special form, nature of operation, extent or limited application that each specific use shall be considered an individual case and shall be subject to written approval of the Board of Zoning Adjustments in accordance with the provisions of this ordinance: child care centers, nurseries, day care centers and kindergartens when operated in conjunction with a business or industry

located in the I-1 District, tobacco processing, central mixing plants for asphalt, cement or mortar.

- B. A Conditional Use may be granted if the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the Light Industry or Heavy Industrial Districts in which it is located, or that such use will not be located within 300 feet from any Residential District, or within 100 feet from any other district except a Light Industry District.

SECTION 6. PROHIBITED USES AND STRUCTURES

Manufactured Home Park, or Manufactured Home Residential shall not be permitted in this district.

ARTICLE XI
HEAVY INDUSTRIAL DISTRICT (I-2)

SECTION 1. PERMITTED USES AND STRUCTURES

- A. Any use permitted in the I-1 District, provided that no Structure shall be used, erected, altered, enlarged, or constructed for any dwelling use.
- B. Any use not in conflict with any other local ordinance and which would not emit detrimental or obnoxious noise, vibrations, smoke, odors, dust or other objectionable conditions beyond the confines of its property.

SECTION 2. CONDITIONAL USES

- A. The following uses are declared to possess such characteristics of unique or special form, nature of operation, extent, or limited application that each specific use shall be considered an individual case and shall be subject to written approval of the Board of Zoning Adjustments in accordance with the provisions of this ordinance:
 - i. Childcare centers, nurseries, day care centers and kindergartens when operated in conjunction with a business or industry located in the Heavy Industry District.
 - ii. Bag-cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster, or paving materials; coke oven; curing, tanning and storage of rawhides and skins; distillation of bones, coal, wood or tar; fat rendering; forge plant foundry or metal fabrication plant; slaughter house or stockyards; smelting plant; and the manufacture of acetylene, acid, alcohol or alcoholic chemicals, brick, pottery, terra-cotta or tile; candles; disinfectant; dye stuffs; fertilizers; illuminating or heating gas (or storage of same); linseed oil, paint, oil, turpentine, varnish, soap and tar products, and any use which in the opinion of the Zoning Administrator may emit detrimental or obnoxious noise, vibrations, smoke, odors, dust or other objectionable conditions beyond the confines of its property.
 - iii. Restricted Motor Vehicle Dealers, and Vehicle, Machinery and Material Recycler
 - 1. All Restricted Motor Vehicle Dealers, and Vehicle, Machinery and Material Recyclers must comply with the Commonwealth of Kentucky Motor Vehicle Commission and Department of Highways Statutes and Regulations. (Amended 10/23/00)
- B. A Conditional Use may be granted if the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the Light Industry or Heavy Industrial Districts in which it is located, or that such use will not be located within 300 feet from any Residential District, or within 100 feet from any other district except a Light Industry District.

SECTION 3. PROHIBITED USES AND STRUCTURES

Any residential use, Manufactured Home Park or Manufactured Home shall not be permitted in this district.

SECTION 4. LOT AREA AND YARD AREA

- A. Minimum lot size shall be 5,000 square feet.
- B. No side or rear setbacks, other than meeting building and fire codes, if located adjacent to business or industrial districts. On lots adjacent to a residential zone, all buildings shall be located to provide a minimum side yard of 50 feet on the side adjacent to the residential district. Streets or public rights-of-way 30 feet or more in width may be included as the side yard requirement of this subsection.

SECTION 5. HEIGHT

No building shall exceed 70 feet in height.

SECTION 6. REQUIREMENT FOR SANITARY SEWER

Either a public sanitary sewer or a private package sanitary sewage system approved by the Health Department shall be available for property in this district and all buildings located thereon shall be connected to such sanitary sewer.

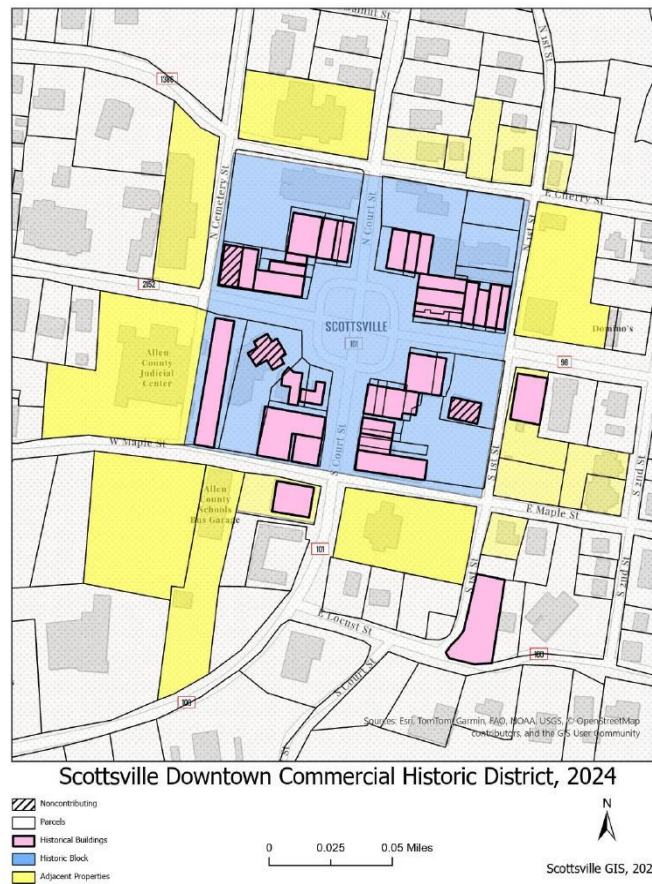
SECTION 7. OFF-STREET PARKING, LOADING AND UNLOADING

All buildings shall provide space for off-street parking, loading, and unloading in conformance with Article I of this Ordinance.

ARTICLE XII HISTORIC DISTRICT OVERLAY (HDO)

The Historic District Overlay is created as an overlay. This overlay places limitations on some uses and notifies the public of the requirement of application to the Historic Preservation Commission for design review on building remodels, signs and etc. Additionally, the HDO may incentivize uses the City of Scottsville and Historic Preservation Commission would like to promote in the downtown.

The HDO shall apply to the areas below shown in yellow, blue and pink:



SECTION 1. PERMITTED USES

Any use permitted in the Downtown Business District shall be permitted uses in the General Business District unless specifically prohibited or limited in this Article.

SECTION 2. ACCESSORY USES PERMITTED

Accessory uses and buildings customarily accessory and incidental to any permitted principal use shall be permitted, except of a type which is expressly prohibited in this district as a principal use.

Alcohol package sales, malt beverage sales and sales of tobacco shall be permitted as accessory uses when conducted in the principal structure.

SECTION 3. REQUIRED CONDITIONS

Processes and equipment employed, and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.

SECTION 4. PROHIBITED USES

Any use prohibited in the Downtown Business District shall be prohibited in the HDO. Smoke Shop, Dispensary, Cigar Lounge, Tattoo Parlor, Casino, Gambling Hall, Palm Reading, Psychic services, Blood Bank and/or Transfusion Center, and Pawn Shop are prohibited uses.

Tobacco Stores as a principal use.

CBD, THC, Marijuana, cannabis, vape, hookah, recreational drugs, kratom, and similar sales are all prohibited.

Alcohol Package Stores and Malt Beverage Stores as a principal use.

Camping, panhandling and soliciting.

Group Homes and homeless shelters.

Sexually Explicit Entertainment Activity(ies) or Sexually Explicit Entertainment Establishment as defined in City of Scottsville Ordinance 685-01.

SECTION 5. LIMITED USES

All areas shown in pink in the Scottsville Downtown Commercial Historic District, 2024 map shall have residential use limited to above street level apartments, and/or dwelling units.

SECTION 6. DESIGN REVIEW

The properties within the HDO may be subject to additional design guidelines, reviews and procedures as established by the Scottsville Historic Preservation Commission.

ARTICLE XIII

SIGNS AND BILLBOARDS

SECTION 1. INTENT

This article provides content-neutral sign standards that allow legitimate signage for agricultural, residential, professional office, business, and industrial activities while promoting signs that:

- A. Reduce intrusions and protect property values;
- B. Minimize undue distractions to the motoring public;
- C. Protect the tourist industry by promoting a pleasing community image; and
- D. Enhance and strengthen economic stability.

Section 2. Scope

These provisions apply to the display, construction, erection, alteration, location, and maintenance of all new and existing signs within Scottsville.

Section 3. Exempt Signs

The following signs are exempt from the provisions of this Article and are, therefore, exempt from the requirement to obtain a sign permit:

- A. Signs not visible beyond the boundaries of the property upon which they are located.
- B. Government signs that are placed by government officers in the performance of their professional/elected duties.
- C. Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties.
- D. Vehicle signage when painted directly on a vehicle or attached magnetically.
- E. Temporary signage of 3 square feet or smaller placed on or after April 1 and removed by the last day of May. Temporary signage of three-square feet or smaller placed on or after the first day of September 20 and removed by November 15.
- F. Temporary signs for a new business for up to 30 consecutive days from the first day of business. Exempt signage shall only be displayed on the property where the new business is located.
- G. Signage placed by realtors in the performance of their professional duties. Signs may be displayed 30 days prior to auction and must be removed within 2 working days after completion of auction. This exception shall not apply to any other rights-of-way but city rights-of-way.
- H. Window signage.

Section 4. Permit Requirements

A. No sign regulated by this ordinance (except those specifically exempted in Subsection i. in this Section) shall be displayed, erected, relocated, or altered unless all necessary permits have been issued by the Scottsville-Allen County Planning Commission. Applicants shall submit an application form to the department before any permit may be issued.

B. Property owner shall obtain a Certificate of Appropriateness from the Historical

Preservation Commission (HPC) for signage proposed within the Historic District Overlay (HDO).

C. Signs shall only be erected or constructed in compliance with the approved permit.

D. Applicants shall obtain a building permit for the footer of freestanding and monument signs over 7' in height above grade. Applicants shall also obtain an electrical permit for signs that require electrical service. Final inspections for building permits and electrical permits require a minimum notice of 72 hours to the city's building inspector and/or state electrical inspector.

E. Signs permitted as an accessory to a legal, nonconforming use shall be subject to the regulations of the zone in which the nonconforming use is located.

i. Signs Exempt from Permit Requirements

The following signs shall not require a permit:

- a. Incidental signs
- b. Historic markers
- c. Change of copy on any sign where the framework or other structural elements are not altered.

Section 5. Nonconforming Signs

A legal, nonconforming sign may continue in existence as long as it is properly maintained in good condition. These provisions shall not prevent the repair or restoration to a safe condition of any sign, but a nonconforming sign shall not be:

- A. Changed to another nonconforming sign except where only the face or copy is changed;
- B. Structurally altered so as to increase the degree of nonconformity of the sign;
- C. Expanded or enlarged;
- D. Reestablished after its removal; or
- E. Moved to a new location on the building or lot.

Section 6. Illegal Signs

All illegal signs shall be subject to immediate enforcement action as outlined in Article XVIII. Section 2 of the Scottsville Zoning Ordinance.

Section 7. General Requirements

All signs in all zones shall meet the following requirements:

- A. Illuminated signs shall be located in a fashion which prevents all direct rays of light from shining beyond the property lines of the lot on which the sign is located.
- B. No light, sign, or other advertising device shall be designed or erected to imitate or resemble any official traffic sign, signal, or device or use any words, phrases, symbols, or characters implying the existence of danger, or the need to stop or maneuver the vehicle.
- C. No sign shall be attached to or painted on the surface of any tree, utility pole, or streetlight.
- D. Projecting signs shall have at least 7' of clearance above a road or sidewalk.
- E. Neon or other lighted tubing signs shall not be permitted except where such lighting is used behind solid lettering to produce a "halo" effect, or where it is used indirectly. Neon lighting shall not be used to outline buildings, structures, or ornamental features.
- F. No sign, except for government signs, shall be located within the sight triangle of any intersection.
- G. No sign shall be placed in or project into the public or private street right-of-way, except as specifically permitted herein.
- H. Freestanding, monument, and projecting face sign area shall be computed as follows:
 - i. Double-faced signs shall have only one face counted in calculating the area.
 - ii. Sign with more than two faces shall have the area calculated by summing the area of all sign faces and dividing by two (2).
 - iii. The area enclosing the perimeter of each cabinet shall be calculated to determine the area.
 - iv. The perimeter of the measurable area shall not include embellishments (e.g., pole covers, framing, or decorative roofing) provided there is no written copy on such embellishments.
 - v. Maximum height shall be measured from the finished grade at the center of the sign and shall include the sign's base.
 - vi. Every sign, including those for which a permit is not required, shall be maintained in good condition at all times.

Section 8. Prohibited Signs in All Districts

The following signs and/or sign features shall be prohibited in all zones:

- A. Mobile signs;
- B. Roof signs that extend higher than the top of the roof;
- C. Rotating or moving signs;
- D. Abandoned signs;
- E. Streamers, pennants, and tag signs or similar signs or devices except when attached to a permitted temporary sign;
- F. Any sign which emits any noise or odor;
- G. Freestanding signs which overhang any part of a building;
- H. Flashing or blinking signs;
- I. Billboards with an electronic message display system;
- J. Signs in a public right-of-way; and
- K. Handbills.

Section 9. Signs Requiring a Conditional Use Permit in All Districts

- A. Signs painted directly on a building.
- B. Only the Board of Zoning Adjustments shall have the authority to approve sign variances or conditional use permits for signs unless the request is made to the Planning Commission in conjunction with a Development Plan. Applications for these signs shall be submitted and processed as outlined in this Article of the Scottsville Zoning Ordinance,
- C. Historical Preservation Commission to approve paintings/murals in Historical District.

Section 10. Signs Permitted by Specific District

Any sign not specifically permitted shall be prohibited.

A. Agricultural District (AO)

- i. Residence - One wall sign not exceeding one (1) square foot in area.
 - a. Every parcel shall be entitled to one sign not exceeding 36 square inches in area to be placed in any of the following locations:
 - 1. On the front of every building, residence or structure;
 - 2. On each side of an authorized U.S. Postal Service mailbox; and
 - 3. On one post which measures no more than 48 inches in height and four (4) inches in width.
- ii. Farm
 - a. Two signs per entrance if incorporated into a fence or wall feature, or one freestanding sign per entrance. Signs shall not exceed 32 square feet in area each.
 - b. Incidental signs - which shall not exceed two (2) square feet in area nor require sign permits,

- iii. Buildings Used for Religious or Educational Activities
 - a. One freestanding sign not exceeding 32 square feet in area and eight (8) feet in height.
 - b. One bulletin board, not exceeding 12 square feet in area and eight (8) feet in height.
 - c. One wall sign per building not exceeding 32 square feet in area.
 - d. Incidental signs ,which shall not exceed two (2) square feet in area and do not require sign permits.
- iv. All Other Conditional Uses
 - a. One freestanding sign for any other permitted or conditional use not noted herein; signage shall not exceed 32 square feet in area and eight (8) feet in height.
 - b. One wall sign that shall not exceed 12 square feet in area, and eight (8) feet in height.

B. Manufactured Home Residential (MH-1) and Manufactured Home Park (MH-2) Districts

- i. One freestanding sign per park entrance. Sign shall not exceed 32 square feet in area, eight (8) feet in height, and shall have a minimum setback of 20 feet from any street.
- ii. One nameplate wall sign per mobile home that shall not exceed one (1) square foot in area.

C. Single Family Residential District (SF)

- i. **Residence** - One nameplate wall sign not exceeding one (1) square foot in area.
 - a. One wall sign not exceeding one (1) square foot in area.
 - 1. Every parcel shall be entitled to one sign not exceeding 36 square inches in area to be placed in any of the following locations:
 - 2. On the front of every building, residence or structure;
 - 3. On each side of an authorized U.S. Postal Service mailbox; and
 - 4. On one post which measures no more than 48 inches in height and four (4) inches in width.
- ii. **Home Occupation** - One wall sign not exceeding six (6) square feet in area.
- iii. **Subdivision** - One freestanding sign per entrance into the subdivision not to exceed 32 square feet in area and eight (8) feet in height.
- iv. **Buildings Used for Religious or Educational Activities**
 - a. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height;
 - b. One wall sign that shall not exceed 12 square feet in area;

- c. One bulletin board that shall not exceed 12 square feet in area and eight (8) feet in height; and
- d. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.

v. All other Conditional Uses:

- a. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height;
- b. One wall sign that shall not exceed 12 square feet in area; and
- c. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.

D. Multi-Family and Group Family Residential Districts (MF and GF)

i. **Single Family Residence** - All single-family homes within these zones shall comply with the signage regulations for low-density residential zones regulated under Subsection C. in this Article.

ii. **Multi-Family Residence** - Multi-family residential buildings and conditional uses may have:

- a. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height and shall have a front yard setback of 20 feet;
- b. One wall sign that shall not exceed 12 square feet in area; and
- c. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.

iii. **Buildings Used for Religious or Educational Activities**

- a. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height;
- b. One wall sign per building that shall not to exceed 12 square feet in area;
- c. One bulletin board that shall not exceed 12 square feet in area and eight (8) feet in height; and
- d. Incidental signs - which shall not exceed two (2) square feet in area nor require sign permits.

E. Standard Signage Permitted in all Industrial Districts (B-1, B-2, I-1, and I-2)

- i. One freestanding or monument sign per street frontage with a maximum of two (2) signs per lot.
 - a. Freestanding signs shall not exceed 75 square feet in area, 25 feet in height, and shall have a minimum setback of 10 feet. When street frontage permits two (2) signs, the two freestanding signs may be combined into one (1) freestanding sign that shall not exceed 110 square feet in area. For buildings with more than one occupying business this freestanding sign may list all businesses within the

building.

b. Monument signs shall not exceed 60 square feet in area, eight (8) feet in height, and shall have a minimum setback of 10 feet.

ii. One wall sign, canopy sign or awning sign per street frontage with a maximum of two (2) signs per building. The maximum allowed area for all signage in this category is 32 square feet or 15 percent of the wall area to which the sign, canopy or awning is attached, whichever is greater. Awnings shall have at least seven (7) feet of clearance when fully extended. When a building contains two or more separate businesses, these requirements

shall be applied separately to the wall area of the portion of the building occupied by the individual business.

iii. One wall sign per tenant or lessee not exceeding two (2) square feet in area,

iv. One attraction board either attached to the wall or attached to the permitted freestanding sign not to exceed 32 square feet in area and eight (8) feet in height.

v. One menu board per drive-thru lane, walk-up window or drive-up curbside for every property that includes a drive-thru lane, walk-up window or drive-up curbside. Menu boards shall not exceed 55 square feet in area and shall have a maximum height of eight (8) feet.

vi. Temporary signs - Shall include banners, streamers, tethered balloons, and inflatable signs and objects. One temporary sign per street frontage shall be allowed subject to the following conditions:

- a. Shall not exceed 50 square feet per sign where non-rigid materials are used.
- b. Shall not exceed 32 square feet per sign where rigid materials, such as wallboard or plywood, are used.
- c. Shall comply with the applicable regulations for the zone in which they are located.
- d. Shall not remain in place for a period of more than 14 continuous days.
- e. Shall not be displayed for more than a total of eight (8) times in any calendar year.
- f. Shall not be placed within the public right-of-way or the sight triangle at intersections.

vii. Incidental signs - which shall not exceed two (2) square feet in area nor require sign permits.

vii. Buildings Used for Religious or Educational Activities

a. In addition to signage permitted above, one bulletin board, not exceeding 32 square feet in area and eight (8) feet in height.

b. Signs with electronic message display systems shall be prohibited in the B-1 (Downtown Business) district. Electronic

message display systems may be incorporated into one freestanding or wall sign for each property located within the B-1, I-1, and I-2 zones.

F. Additional Signage Permitted in Specific Commercial and Industrial Districts

i. **Downtown Business District (B-1)** - In addition to the signage permitted in Subsection E in this Article, the following signs shall be permitted:

a. Permanent sidewalk sign - Where a building is located adjacent to the public right-of-way, one non-illuminated, freestanding sign may be permanently placed on the public sidewalk with the following restrictions:

1. Sign shall not exceed five and one-half(5.5) square feet in area.
2. The edge of the sign shall not extend beyond the curb line.
3. The maximum dimensions of the support frame shall not exceed eight (8) square feet in area (maximum 48 inches wide or 36 inches high).
4. The bottom of such support shall be seven (7) feet above the sidewalk and the vertical support shall be 24 inches from the curb.

b. Portable sign - One shall be permitted for each business entrance subject to the following restrictions:

1. Maximum surface area of the sign shall be six (6) square feet per face, maximum height of the sign shall be three (3) feet, and maximum width of the sign shall be two (2) feet.
2. A minimum 36 inches wide pedestrian travel-way shall be maintained on the sidewalk. Signs may be designed with a changeable face and shall be removed from the public sidewalk when the business is closed.

ii. **General Business District (B-2)** - In addition to the signage permitted in Subsection E of this Article, the following signs shall be permitted:

a. Shopping Center Malls larger than 100,000 square feet may have one freestanding sign per street frontage with a maximum of 250 square feet per sign face and a maximum height of 30 feet. All other shopping malls may have one freestanding sign per street frontage with a maximum of 75 square feet per sign face and a maximum height of 25 feet.

iii. **Light Industrial, and Heavy Industrial Districts (I-1, and 1-2)**-In addition to the signage permitted in Subsection E of this Article, the following signs shall be permitted:

a. One billboard shall be permitted subject to the following restrictions:

1. The sign shall not have an electronic message display system.
2. The property on which the billboard is located shall abut a federal or state highway.
3. The sign shall be the principal use; there shall be no other buildings, freestanding signs, etc., on the lot.
4. Signage face shall not exceed 720 square feet in area.
5. The sign shall be located no closer than 300 feet to any other structure.
6. The sign shall be at least 150 feet away from any residential zone or residential use.
7. There shall be a 40-foot setback requirement from any right-of-way.
8. Maximum height shall be 35 feet.

Section 11. Maintenance Standards

Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times.

Section 12. Penalties for Violation

Violation of the provisions of these sign regulations shall constitute a violation which shall be subject to the fines and penalties as set forth in Article XVII for violation of this Zoning Ordinance.

Section 13. Substitution Clause

The owner of any sign which is otherwise allowed by this chapter may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

Section 14. Severability Clause

In the event any word or sentence in this Article, or provision or portion of this Article, or rules adopted by this ordinance is invalidated by any court of competent jurisdiction, the remaining words

and/or sentences, provisions, or portions thereof shall not be affected and shall continue in full force and effect.

Section 15. Sign Definitions

The definitions contained in this section shall be applied in the interpretation of all sections within this Article, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense, singular number shall include the plural, and plural include the singular.

Abandoned Sign: Signage that has been neglected and fallen into disrepair.

Attraction Board: Copy is changed manually or electronically on a regular basis.

Awning Sign: Applied directly to the surface of an awning; defined as a shelter supported entirely on a wall and made of non-rigid material supported by a frame.

Banner Sign: Made of non-rigid material with no enclosing framework.

Billboard: Signage intended for lease to a variety of businesses, organizations, and/or individuals. In such case, the sign itself shall be the income generator and the primary commercial use of the property.

Bulletin Board: Allows the manual or electronic change of copy and is used to notify the public of noncommercial events or occurrences such as church services, political rallies, civic meetings, or similar events.

Canopy Sign: Applied directly to the surface of a canopy; defined as a permanently roofed shelter covering a sidewalk, driveway, or similar area. Canopies may be supported by a building, columns, poles, braces, or a combination of both.

Double-faced Sign: Two (2) faces either set parallel or up to a 45 degree angle. Any two sign faces set at an angle greater than 45 degrees shall be considered two (2) separate signs.

Electronic Message Display System: Copy which uses rotating reflective discs, direct illumination, rotating veins, light emitting diodes (LEDs), liquid crystal diodes (LCDs), or other digital devices and is changed by a central computer.

Farm: A tract of at least 10 contiguous acres used for the production of agricultural or horticultural crops. Agricultural and horticultural crops shall be defined as, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, Pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, ornamental plants, vineyards, and wineries.

Flashing or Blinking: Intermittent or sequential illumination for the purpose of attracting attention to the sign.

Freestanding Sign: Attached to the ground by columns, poles, braces, or other means and not attached to any building.

Government Sign: Temporary or permanent, erected by government employees or officers in the performance of their professional/elected duties.

Handbill: Printed or written material, circular, leaflet, pamphlet, or booklet designed for distribution on vehicles or other property, excluding postal distribution, which advertises merchandise, commodities, or services.

Illegal Sign: Does not meet the requirements of this zoning ordinance and has not been identified as a legal, nonconforming sign.

Illuminated Sign: Emits or reflects artificial light from any source.

- a. **Directly illuminated:** Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.
- b. **Indirectly illuminated:** Light source projects light onto the exterior of the sign surface or onto the building where the sign is located.
- c. **Internally illuminated:** Light source is within the sign, with a transparent or translucent background or cover which silhouettes letters or designs.

Incidental Sign: Not exceeding two (2) square feet in area.

Interstate Sign: Sign that is designed to be seen from an interstate highway.

Marquee Sign: Used in conjunction with a theatre, is attached to the building, and projects from the building.

Menu Board: Freestanding signs placed at properties where there is a drive-thru lane, walk-up window or drive-up curbside.

Mobile Sign: Affixed to a frame having wheels or capable of being moved. Mobile signs do not have a permanent foundation and cannot withstand the wind-load stress requirements of the adopted building code as they are designed to stand free from a building. The removal of wheels from such a sign or temporarily seeming a sign of this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle.

Monument Sign: Attached to a permanent foundation or decorative base and not attached to or dependent for support from any building, pole, post, or similar upright.

Nonconforming Sign: Legally erected but does not comply with the current regulations for the zone in which it is located.

Non-illuminated Sign: Does not emit or reflect artificial light from any source.

Portable Sign: Small sign, easily transported by hand, placed outside during business hours and brought into the business after hours, usually tent style or A frame.

Projecting Sign: Attached to a building, extends more than 24 inches.

Roof Sign: Projects above the cornice of a flat roof or the ridgeline of a gabled or hipped roof. In determining the top edge of the roof, calculation shall not include cupolas, pylons, chimneys, or other projections above the roofline,

Rotating or Moving Sign: Any portion of which moves by mechanical means or the wind; does not refer to changing copy with an electronic message display system.

Sign: Any copy, including material used to differentiate the copy from the background, which is applied to a surface as a means of identifying, advertising, announcing, or illustrating products, services, and/or events.

Sign Clearance: The vertical distance between the lowest point of any sign and the grade at the base of the sign.

Sign Copy: Any word, figure, number, symbol, or emblem affixed to a sign.

Sign Height: The vertical distance measured from the highest point of the sign, including the frame and any embellishments, to the bottom of the base of the sign.

Sign Setback: The horizontal distance between any street right-of-way and a sign. The measurement shall be taken at the closest point between the right-of-way and any part of the sign.

Sign Surface: That part of the sign on which the message is displayed.

Square Foot: A unit of area equal to one foot by one foot square.

Street Frontage: Property line that lies adjacent to the street right-of-way.

Temporary Sign: A banner, pennant, poster, advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended to be displayed for a limited period of time. They are intended to be displayed for not more than 14 continuous days or more than eight (8) times per calendar year.

Vehicle Signage: Signage painted directly on a vehicle or attached magnetically.

Wall Sign: Attached directly to a building; includes mansards, canopies, awnings, and signs attached to a roof which do not project above the roofline.

Window Display: Merchandise or other objects placed inside a building to be viewed from outside the building.

Window Sign: Attached to or located within three (3) feet of the interior of a window and which can be seen through the window from the exterior of the structure.

ARTICLE XIV BOARD OF ADJUSTMENTS

SECTION 1. CREATION AND APPOINTMENT

- A. A board of adjustment is hereby created which shall be known as the Scottsville Board of Adjustments, in accordance with KRS Chapter 100. The board shall have powers, duties and responsibilities set forth in KRS Chapter 100.
- B. The board of adjustment shall consist of 5 citizen members, all of whom must be citizen members and no more than 2 members of whom may be citizen members of the Planning Commission. 2 of the members shall be county members and the remaining 3 members shall be city members. The Mayor of the City of Scottsville shall appoint the city members subject to approval of the respective legislative bodies.
- C. Subject to the provisions of KRS 100.217, the terms of office shall be 4 years ending on June 30 of the designated year. The Board of Adjustment shall otherwise be organized and operated in accordance with KRS Chapter 100.
- D. The area of jurisdiction of the Board of Adjustment shall include all land within Scottsville.

SECTION 2. APPEALS: HOW TAKEN

An appeal to the Board of Zoning Adjustment may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Administrative Official or any zoning enforcement officer. Such appeal shall be taken within 30 days after the person affected by the decision of the Administrative Official or any zoning enforcement officer or his agent receives notice of the action appealed from by filing with the Board of Adjustment and with said officer a notice of appeal, specifying the ground thereof and giving notice of such appeal to all parties of record. The Administrative Official or other officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed was taken and he shall be treated as and be the respondent in such further proceedings. The Board of Adjustment shall fix a reasonable time for the hearing of an application for Conditional Use or for the hearing of an appeal. At any hearing by the board any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

SECTION 3. POWERS

- A. The Board of Adjustment shall have the following powers:
 - i. **Administrative Review**
 - a. To hear and decide appeals where it is alleged by the appellants that there is an error in any order, requirement, permit, decision, determination, or refusal made by the Administrative Official or

other administrative official in carrying out or enforcement of any provision of this ordinance, and for interpretation of the Zoning Map. The concurring vote of 3 members of the Board shall be necessary to reverse or modify any order, decision, or determination of the Administrative Official. A pass vote, which is cast on any matter before the Board of Adjustment, shall have no force or effect and shall not count as a vote with the majority of votes cast.

- b. In reviewing an administrative appeal, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other Sections of this Ordinance, and:
 - 1. The danger to life and property due to flooding or erosion damage.
 - 2. The danger that storage materials may be swept onto other lands to the injury of others.
 - 3. The danger that storage materials may be swept into the underground stream system and cause pollution or injury to others.
 - 4. The availability of alternative locations, not subject to flooding or erosion damage.
 - 5. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.
 - 6. The safety of the property in times of flood for ordinance and emergency vehicles.
 - 7. The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- c. Appeals shall not be taken without accompanying engineering studies, which adequately address each of the items contained in this Zoning Ordinance.
- d. Variances shall not be issued within any designated floodway or flood hazard area.

ii. **Conditional Use**

- a. The Board shall have the power to hear and decide applications for Conditional Use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met:
 - 1. The Board may approve, modify, or deny any application for a Conditional Use permit. If it approves such permit, it may attach necessary conditions such as time

limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the Conditional Use permit, along with a reference to the specific section in the zoning regulation listing the Conditional Use under consideration. The Board shall have power to revoke Conditional Use permits for noncompliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment for such cost.

2. Granting of a Conditional Use permit does not exempt the Owner from complying with all the requirements of building, housing, and other regulations.
3. In any case where a Conditional Use permit has not been exercised within the time limit set by the Board, or within 1 year, if no specific time limit has been set, such Conditional Use permit shall not revert to its original designation unless there has been a public hearing. "Exercised", as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, are completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
4. In addition to, or where other standards, criteria and other items for consideration are not cited within the individual zoning district the following shall be considered as standards for review and findings of fact in the record of each public hearing for the granting of a Conditional Use permit:
 - (i) That the use 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.
- (ii) That the use will not contribute toward an overburdening of public services such as streets, fire protection, ambulance service or utilities.
 - (iii) That the use will not result in increased traffic congestion, additional parking problems, substantial increase in population Density, environmental problems, or constitute a nuisance.
 - (iv) That the use is a matter of public need or convenience.
 - (v) That the use is otherwise in agreement with the Zoning Ordinance.
5. The concurring vote of 3 members of the Board of Adjustment shall be necessary to grant a Conditional Use. A pass vote, which is cast on any matter before the Board of Adjustment, shall have no force or effect and shall not count as a vote with the majority of votes cast.
6. A Conditional Use Permit will be required for any facility or operation providing childcare, guidance, or supervision for which a license is required from the Cabinet for Human Resources. This does not apply to religious organizations providing childcare, guidance, or supervision while religious services are being conducted or to kindergarten programs operated as a part of a public educational system. When considering child-care centers, nurseries, day-care centers and kindergartens, the Board of Adjustment shall require as a minimum the following standards to be provided for each facility:
- (i) The lot shall contain an Open Space area of not less than 100 square feet per child.
 - (ii) A solid wall or adequate security fence not less than 4 feet high is maintained along all interior lot lines, which separate play areas from adjacent properties.
 - (iii) A letter from the fire marshal and the Kentucky Department of Human Resources, Bureau of Social Services or their successor agency certifying to the Board of Adjustment that this use complies with the requirements of that agency. This documentation must be supplied to the Board of Adjustment prior to issuance of a

Certificate of Occupancy. There shall be no construction or alteration of any facility to be used as a childcare center, nursery, day care center or kindergarten until approval of such facility has been granted by the Board of Adjustment under this section.

- (iv) Adequate and safe on-site parking, loading, and unloading areas and driveways providing for safe ingress and egress with backing into the street specifically prohibited.
- (v) Outdoor play area, which lies within or adjoins any Residential zone, shall be buffered by landscaping or a solid privacy fence. The Board of Adjustment may set hours or otherwise limit outdoor play times for any facility located within a Residential zone or adjacent to a residential Structure.

iii. **Variance**

- a. The Board shall have the power to hear and decide on applications for variances. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.
 - 1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board of Adjustment shall consider whether:
 - (i) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
 - (ii) The strict application of the provisions of the regulation would deprive the Applicant of the reasonable use of the land or would create an unnecessary hardship on the Applicant; and
 - (iii) The circumstances are the result of actions of the Applicant taken after the adoption of the zoning regulation from which relief is sought.
- b. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the Applicant after the adoption of the zoning regulation from which relief is sought.

1. All variance applications must be accompanied by a survey prepared by a surveyor licensed in Kentucky locating existing buildings and property boundary lines and new or intended new structures shall be shown by broken lines. Inspection of the location shall be made before the date of the public hearing by the Administrative Official.
 - (i) The concurring vote of 3 members of the Board shall be required to grant a variance. A pass vote, which is cast on any matter before the Board of Adjustment, shall have no force or effect and shall not count as a vote with the majority of votes cast.
 - c. The Board does not possess the power to permit a use prohibited by this ordinance.
- iv. **Notice Requirements**
- a. When a Conditional Use hearing is scheduled before the Board of Adjustment, or Planning Commission as empowered by the Zoning Ordinance/Resolution under this Zoning Ordinance, the following notice shall be given in addition to any other notice required by statute, local regulations, or ordinance:
 1. Notice of the hearing as required by KRS Ch. 424.
 2. Notice of the hearing shall be given at least 14 days in advance of the hearing by certified mail to the Owner of every parcel of property adjoining the property upon which this use is proposed to be established. It shall be the duty of the person or persons proposing the Conditional Use to furnish to the Planning Commission the names and addresses of the owners of all adjoining property. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of the Owner. If the property is in Condominium or cooperative forms of ownership, the person notified by mail shall be the president or chairman of the Owner group, which administers property commonly, owned by the Condominium or cooperative owners. A joint notice may be mailed to 2 or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
 3. Notice of the hearing shall be posted conspicuously on the property the Conditional Use is proposed for 14 consecutive days immediately prior to the hearing.

- b. When a Variance hearing is scheduled before the Board of Adjustment, or Planning Commission as empowered by this Zoning Ordinance, the following notice shall be given in addition to any other notice required by statute, local regulations, or ordinance:
 - 1. Notice of the hearing as required by KRS Ch. 424.
 - 2. Notice of the hearing shall be given at least 14 days in advance of the hearing by certified mail to the Owner of every parcel of property adjoining the property upon which this use is proposed to be established. It shall be the duty of the person or persons proposing the variance to furnish to the Planning Commission the names and addresses of the owners of all adjoining property. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of the Owner. If the property is in Condominium or cooperative forms of ownership, the person notified by mail shall be the president or chairman of the Owner group, which administers property commonly, owned by the Condominium or cooperative owners. A joint notice may be mailed to 2 or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- c. When an appeal hearing is scheduled before the Board of Adjustment, the following notice shall be given in addition to any other notice required by statute, local regulations, or ordinance:
 - 1. Notice of the hearing as required by KRS Ch. 424.
 - 2. Notice of the hearing shall be given at least 14 days in advance of the hearing by certified mail to the Owner of every parcel of property adjoining the property upon which this use is proposed to be established. It shall be the duty of the person or persons making the appeal to furnish to the Planning Commission the names and addresses of the owners of all adjoining property. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of the Owner. If the property is in Condominium or cooperative forms of ownership, the person notified by mail shall be the president or chairman of the Owner group, which administers property commonly, owned by the Condominium or cooperative owners. A joint notice may

be mailed to 2 or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

ARTICLE XV AMENDMENT PROCEDURE

Such regulations, restrictions and boundaries as are provided for in this Zoning Ordinance may be amended, supplemented, changed, modified or repealed in accordance with KRS Chapter 100.

SECTION 1. APPLICATION PROCESS

- A. Applications for amendment to the Official Zoning Maps shall be made only in accordance with this Article.
 - i. Initiation of Amendment Applications for amendment of the Zoning Maps may be initiated by:
 - a. The Planning Commission.
 - b. The legislative body within the county having zoning authority over an affected property.
 - c. The Owner of the property in question.
 - ii. The procedures for those Amendments to the Zoning Map originating with the Planning Commission or the legislative body shall be as prescribed in KRS 100.211.
 - iii. Prior to formal application for amendment of the Zoning Maps, the Applicant, and/or his attorney, must hold a conference with the Planning Commission staff to discuss the effect of the Comprehensive Plan, the Zoning Ordinance/Resolution, the Subdivision Regulations, and other land development controls on the proposed development. The pre-application conference shall include discussions of apparent characteristics of the site that would affect the proposed development. In addition, the pre-application conference may be utilized for discussing whether a general development plan should be submitted with the application for amendment of the Zoning Map. No application will be accepted for a public hearing prior to the pre-application conference being held, and no pre-application conference may be scheduled for any day which is a filing deadline.
 - iv. Amendment Application
 - Application for amendment of the Official Zoning Maps shall be filed with the Planning Commission in accordance with the Planning Commission By-Laws and this Zoning Ordinance and shall contain the following:
 - a. Demonstration of Appropriateness
 - Any application for amendment to the Official Zoning Map shall be submitted with a written detailed explanation as to the following:

1. How the proposed map amendment would conform to the Comprehensive Plan.
2. Why the original zoning classification of the property in question was inappropriate or improper
3. What major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and which have substantially altered the basic character of the area, which make the proposed amendment to the Zoning Map appropriate. The explanation for this section shall include:
 - (i) A list of such specific changes
 - (ii) A description as to how said changes were not anticipated by the Comprehensive Plan.
 - (iii) A description as to how said changes altered the basic character of the area.
 - (iv) A description as to how said changes make the proposed amendment to the Official Zoning Map appropriate
- v. A description as to how utilities and essential public services will be provided to the property in question.
- vi. Property Owners Signature
 - a. All applications for amendment to the Official Zoning Map shall:
 1. Be signed by all persons necessary to convey in fee simple absolute the property in question or the attorney for all such persons.
 2. Identify all lessees, option-holders and developers of the subject property.
 3. Identify all attorneys who will represent the applicants before the Planning Commission.
- vii. An accurate boundary survey of the property in question shall be filed with the application and shall contain the following information:
 - a. Owner/applicant name; scale; bearings and distances; locating distance (to nearest road/railroad center line or right-of-way); north arrow; rights-of-way of road; adjacent property owners (showing property lines); acreage of property; Kentucky Registered Land Surveyor's stamp and vicinity map.
- viii. Responsibility for Accuracy
 - a. The Applicant shall be responsible for the accuracy of the information filed and shall demonstrate that the identity of all adjoining property owners is made known to the Planning Commission by him as part of the Zoning Maps Amendment application.

- B. Applications for Variances or Conditional Uses and may be filed concurrently with the application for zoning map amendment on the same property to be considered by the Planning Commission for a zoning map amendment.
- i. In the event the Applicant elects to file for a Variance or Conditional Use under this Zoning Ordinance, the Planning Commission shall hold the public hearing concurrently with the zoning map amendment. In the event the Applicant fails to file for a Variance or Conditional Use concurrently with the zoning map amendment application, then they shall file an application with the Board of Adjustment for the Variance or Conditional Use.
 - ii. Each requested Variance or Conditional Use filed under this section shall be considered as separate applications and shall otherwise be administered, advertised and handled in accordance with the requirements of this Zoning Ordinance and KRS Ch.100 except that the notice by mail for the zoning map amendment shall include the notice for the Variance or Conditional Use shall state that these items will be concurrently heard by the Planning Commission.
 - iii. The Planning Commission shall assume all the powers and duties otherwise exercised by the Board of Adjustment in considering a Conditional Use or Variance but shall only have this authority when subject Conditional Use or Variance is being considered concurrently with the property being considered for a zoning map amendment, except that it shall take 4 concurring votes of the Planning Commission to approve a Variance or Conditional Use.

ARTICLE XVI
DEVELOPMENT PLAN PROVISIONS

- A. As a condition to the granting of any amendment to the official zoning map the Planning Commission is authorized to require the submission of a development plan. The development plan shall be filed in accordance with the provisions and requirements of this section. Where agreed upon, this development plan shall be followed and shall be binding on all parties. A development plan may be either a general development plan or a detailed development plan or both as specified by this section.
- B. All references herein to the filing and approval of an initial development plan shall include all amendments thereto.

SECTION 1. PURPOSE AND INTENT

- A. The development plan is a review procedure whereby the Planning Commission may determine the character and objectives of the proposed development in order to ascertain the following:
 - i. Impact the development will have on capacity of community facilities and services
 - ii. Impact the development will have on the character of the neighborhood.
 - iii. Impact the development will have on the neighborhood and community.
 - iv. The general development plan is intended to demonstrate to the Planning Commission the character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the proposed development and to determine what shall be binding on the use and development of the property in question.
 - v. A detailed development plan is intended to contain specific plans for developing the property in question including implementation of the Binding Elements of an approved general development plan.

SECTION 2. AGREEMENT TO DEVELOPMENT PLAN CONDITIONS

- A. The filing of a development plan shall constitute an agreement between the Planning Commission and the persons signing the application, their heirs, successors, personal representatives and assigns that:
 - i. If the Zoning Map amendment is enacted the Binding Elements of the development plan will be strictly adhered to.
 - ii. Building permits for improvements of the property in question shall be applied for and issued only when in conformance with the Binding Elements of the development plan. The filing for a Building Permit not

in conformance with these provisions shall constitute a breach of agreement enforceable by the Planning Commission or appropriate legislative body.

- B. The Binding Elements placed on the general development plan shall be strictly complied with and be enforceable in the same manner as any of the elements of this Zoning Ordinance/Resolution.

SECTION 3. DEVELOPMENT PLAN REQUIREMENTS

- A. General Development Plan
 - i. A general development plan shall be filed with the application for an amendment to the official Zoning Maps.
 - ii. The general development plan filed with an application for an amendment to the official Zoning Maps shall be considered as a binding element of the zoning map amendment.
 - iii. The above provision notwithstanding, where property is already in use for single family residence, a general development plan is not required to accompany an application for an amendment to the Zoning Map from Agriculture to the most restrictive zone classification which would permit the existing single-family residence. Applications filed under this provision shall not expand the area presently in actual use for single family residence. The presence of one or more vacant lots of one acre or less which are surrounded on at least two sides by lots in use for single family residences shall not be deemed an expansion of the area.
 - iv. A General Development Plan shall be filed when the use, topography or elevation of any lot is changed, regardless of the current zone, except when the intended change in elevation is to create or re-establish the use of a Lagoon for agricultural purposes. The developer shall file an application, pay all applicable fees to the Planning Commission, and submit four (4) copies of the development plan containing all materials, which are required by this Ordinance. The Planning Commission chair, or the vice-chair in the absence for the chair, may approve the Development Plan if it meets all the requirements set forth in this Ordinance. If the chair or vice-chair declines to approve the General Development Plan, then the General Development Plan will be presented for action at the next regular meeting of the Planning Commission. (Amended 02/14/00)
- B. Detailed Development Plan Required
 - i. Prior to the issuance of building permits or the commencement of construction, a detailed development plan shall be approved by the Planning Commission for all zoning districts except the Agricultural District with no Conditional Use Permit.

- ii. When a detailed development plan is required in the Binding Elements of the general development plan may be conceptual in nature with more specific aspects of these elements designated on the detailed development plan when submitted.
- C. General Development Plan Alternative
 - i. The Planning Commission may accept a preliminary subdivision plan in lieu of a general development plan for proposed Zoning Map amendments.

SECTION 4. PUBLIC NOTICE

A general development plan concerning this amendment to the official Zoning Map may be filed by the Applicant up to 12 days prior to the date of the public hearing before the Planning Commission.

SECTION 5. ELEMENTS OF DETAILED DEVELOPMENT PLAN

- A. When a detailed development plan is required by this Zoning Ordinance the Development Plan shall contain the following information:
 - i. Name of development, name and addresses of owners, developers, engineers, surveyors and architects, vicinity map with accurate measurements to existing streets, date, scale, source of title and north arrow.
 - ii. Existing topography with a contour interval not greater than 2 feet unless specifically waived by the Planning Commission. Proposed contours with a contour interval corresponding to the existing contour interval may also be required.
 - iii. Names of adjacent subdivisions, together with the names and addresses of its Owner(s) and the names and addresses of owners of adjacent non-subdivided land.
 - iv. Names, location, arrangement and dimensions of all existing platted streets, driveways, or other public ways within or adjacent to the property and existing utility easements.
 - v. Names, location, arrangement and dimensions of proposed streets and driveways or other public ways, including width of rights-of-way, parking areas (including total area of off-street parking), points of ingress and egress and sight distances of all entrances to existing streets.
 - vi. Building setback lines or building envelopes whichever is appropriate.
 - vii. Preliminary size and location of all proposed underground utilities lines for water, sewer, gas, telephone, and cable television if applicable.
 - viii. Provisions for handling surface water drainage within the project and surrounding area including drainage courses to natural waterways or sinks and size and location of detention areas.

- ix. Copy of proposed property owner's association covenant or master deed or restrictions if applicable.
- x. Lot size and location.
- xi. Height, floor area and arrangement of proposed buildings or structures; and number of dwelling units.
- xii. Location of all existing buildings, structures, and parking.
- xiii. Boundary survey including area and bearings and dimensions of all exterior property lines.
- xiv. When mixed uses are proposed, show location of these uses by general type, i.e., commercial, industrial, office and residential.
- xv. Existing tree masses, significant rock outcroppings, streams, flood plains, and other natural features.
- xvi. Provisions for landscaping if applicable.
- xvii. Recreational and Open Space area if applicable.
- xviii. Proposed stages of development if applicable, and the anticipated time required to develop each stage.
- xix. Marketing or traffic study if applicable.
- xx. All development plans shall be drawn to a sufficient scale to clearly delineate the applicant's proposed use and development of the subject property. Such scale shall be indicated on the development plan.

SECTION 6. ENACTMENT OF DEVELOPMENT PLAN

A. Planned Commission Action

- i. The procedure for obtaining a Zoning Map amendment shall be the same defined in KRS Chapter 100 and in addition, as follows:
 - a. If no general development plan is submitted with a zoning map amendment application, then the Planning Commission shall hold at least one public hearing and shall vote either to recommend approval or denial of the zoning map amendment and shall forward such recommendation to the appropriate legislative body for final action.
 - b. If a general development plan is submitted with a zoning map amendment application, then a general development plan public hearing shall be conducted concurrently with the zoning map amendment public hearing.
 - c. If a general development plan is not submitted with a zoning map amendment application but is subsequently filed in accordance with this Article, then a general development plan public hearing shall be conducted concurrently with the zoning map amendment public hearing.
 - d. Following the concurrent public hearing the Planning Commission shall then first vote on the general development

plan and following such vote shall then vote on the zoning map amendment.

- e. The Planning Commission may approve with Binding Elements or disapprove the general development plan.
- f. If the Planning Commission approves the general development plan with Binding Elements and recommends approval of the zoning map amendment, then the approved zoning map amendment shall be forwarded to the appropriate legislative body for final action.
- g. If the Planning Commission approves the general development plan with Binding Elements and recommends disapproval of the zoning map amendment, then the disapproved zoning map amendment shall be forwarded to the appropriate legislative body for final action.
- h. If the Planning Commission votes disapproval of the general development plan and votes to recommend disapproval of the zoning map amendment, then the recommendation for disapproval of the zoning map amendment shall be forwarded to the appropriate legislative body for final action.
- i. If the Planning Commission disapproves the general development plan and recommends approval of the zoning map amendment, then the Planning Commission shall set out in writing the changes that will render the general development plan acceptable.
 - 1. The Planning Commission shall forward its findings to the Applicant in writing within 15 days of the Planning Commission action. The Applicant may submit a revised general development plan within 15 days of the date of the Planning Commission vote to disapprove the general development plan.
 - (i) If no amended general development plan is filed within said 15-day period, then the Planning Commission shall hold a public hearing, advertised pursuant to KRS Chapter 424, and shall vote to recommend disapproval of the zoning map amendment then the disapproved zoning map amendment shall be forwarded to the appropriate legislative body for final action.
 - 2. If an amended general development plan with Binding Elements which addresses each of the written reasons for disapproval by the Planning Commission is submitted to the Planning Commission within 15 days of its action to disapprove the general development plan, then the

Planning Commission shall hold a public hearing, advertised pursuant to KRS, Chapter 424, to review the amended general development plan with Binding Elements and shall determine whether or not said amended general development plan with Binding Elements satisfies the written reasons for disapproval. If the Planning Commission finds the amended general development plan with Binding Elements does not meet the written reasons for disapproval, then the Planning Commission shall vote to recommend disapproval of the zoning map amendment.

3. The disapproved zoning map amendment shall be forwarded to the appropriate legislative body for final action. If the Planning Commission finds that the amended general development plan with Binding Elements does meet the written reasons for disapproval, then the approved zoning map amendment shall be forwarded to the appropriate legislative body for final action.

B. Detailed Development Plan

Within one year of the final action on the zoning map amendment as defined by this Zoning Ordinance or within 5 years from the date of enactment of this amendment to this Zoning Ordinance, where a zoning map amendment is not required, a detailed development plan shall be submitted to the Planning Commission for review and approval; provided, however, if the plan is not submitted, then an application shall be filed by the Planning Commission to revert the zoning district designation to its previous zoning designation. Said application for reverting the zoning designation shall be processed as any other zoning application. The detailed development plan shall conform to the approved general development plan and to the requirements of this Article. The Planning Commission shall approve the detailed development plan when it makes a determination that the detailed development plan conforms to the general development plan and other requirements of this Article.

C. Condition of Enactment

A condition to the enactment of any zoning map amendment applied for pursuant to this section shall be established requiring that building permits for improvement of any such property be issued only in conformance with the Binding Elements of the general development plan or where required a detailed development plan. Such Binding Elements shall be strictly complied with and be enforceable in the same manner as this Zoning Ordinance.

SECTION 7. PARTIES BOUND BY BINDING ELEMENTS

The Binding Elements enacted under the provisions of this article, including any amendment thereto, shall be binding upon the Owner, as of the time of approval by the Planning Commission, his heirs, successors, personal representatives, assigns, the Planning Commission, and legislative bodies.

SECTION 8. RECORDATION OF BINDING ELEMENTS

Following the approval of a zoning map amendment and general development plan, or any amendment thereto, a statement of Binding Elements shall be filed in the office of the Allen County Clerk. The statement of Binding Elements shall contain the name of the Owner as of the time of approval by the Planning Commission, a description of the property in question, source of title, and an enumeration of the Binding Elements as adopted by the Planning Commission and date of adoption and same shall be signed by the Owner. The Applicant shall be responsible for the preparation of the statement of Binding Elements and all fees for its recordation.

SECTION 9. AMENDMENTS TO THE ENACTED DEVELOPMENT PLAN

- A. Amendments to an approved development plan, including any expiration date or binding element of a general development plan, shall require the approval of the Planning Commission. Requests for amendment of any such plan shall be submitted to the Planning Commission and the Commission shall act thereon within ninety (90) days of the receipt thereof. Amendments shall be processed in the same manner as the original development plan. A public hearing on the proposed amendment to the plan shall be held by the Planning Commission in the same manner as the original development plan. Public notice of said hearing shall be at the applicant's expense. An amendment to any binding element for an approved development plan shall be approved only upon a finding that:
 - i. There have been major changes of an economic, physical or social nature within the area of the property in question which were not anticipated at the time of the adoption of the development plan which is being amended or.
 - ii. There have developed physical conditions which would not permit development of property in question in accordance with the development plan which is being amended.

SECTION 10. IMPLEMENTATION OF DEVELOPMENT PLAN AND ZONING DISTRICT REGULATIONS

- A. Building Permits:
- i. Construction or the issuance of building permits for improvement on lands shall occur only in conformance with the Binding Elements of the general development plan (including the development plan expiration date) which has been approved by the Planning Commission.
 - ii. Construction or the issuance of building permits for improvements on lands shall occur only in conformance with the Binding Elements of that portion of a detailed development plan (including the development plan expiration date) which has been approved by the Planning Commission.
 - iii. Building permits issued in conflict with the Binding Elements of the appropriate development plan approved by the Planning Commission or in conflict with other applicable requirements of this Ordinance/Resolution shall be void and of no effect.

SECTION 11. CONFLICTS BETWEEN BINDING ELEMENTS AND ZONING DISTRICT REGULATIONS

No binding element approved by the Planning Commission shall permit the development or use of land in a manner prohibited by the zoning regulations. To the extent a binding element of a development plan may purport to grant such permission, it shall be deemed in conflict with the zoning district regulations and be void and of no effect.

SECTION 12. SUBDIVISION REGULATIONS COORDINATION

When a detailed Development Plan is required by this article and preliminary subdivision review under the subdivision regulations shall be considered simultaneously with Detailed Development Plan review; provided, however, the Applicant may elect to obtain preliminary subdivision Plat approval at a date following detailed Development Plan approval.

SECTION 13. TIME LIMIT FOR HEARING A ZONING MAP AMENDMENT

- A. The Planning Commission shall not consider a parcel of land, or any portion thereof, for zoning map amendment, including amendment of Binding Elements of development, until 12 consecutive months shall have elapsed from any final action as defined in this Zoning Ordinance upon any application for such zoning map amendment.

- B. The Planning Commission as a condition to the granting of any zoning map amendment, shall require that substantial construction be initiated within 5 years of the date of any final action upon the zoning map amendment as defined in this Zoning Ordinance. If such construction is not initiated within the said 5-year period, the Planning Commission shall initiate an application to revert the zoning map designation to its previous designation. Any action to revert the Zoning Map amendment to its previous zoning classification which originates because of the provisions of this section of the Zoning Ordinance, shall be taken in the same manner as any other Zoning Map amendment. Failure of the Planning Commission to commence action to revert the Zoning Map classification immediately after 5 years shall not prevent the Commission from taking such action later.

SECTION 14. TIME LIMIT FOR HEARING BEFORE BOARD OF ADJUSTMENT

The Board of Adjustment shall not consider a parcel of land, or any portion thereof for any variance, Conditional Use permit or appeal from any administrative official until 12 consecutive months shall have elapsed from any final action as defined in this Zoning Ordinance hereof upon any application for such variance, Conditional Use permit or appeal from any administrative official.

SECTION 15. FINAL ACTION

For purposes of this Article, "Final Action" shall be defined as any final adjudication of the application for any Zoning Map amendment, variance, Conditional Use permit or appeal from any administrative official before the Board of Adjustment or the Planning Commission, or the appeal from the decision of the Board of Adjustment or the Planning Commission to any legislative body, or the highest state or Federal court to which any appeals shall be taken.

ARTICLE XVII ENFORCEMENT OF ORDINANCE

SECTION 1. ADMINISTRATION PROCEDURE

- A. The establishment, expansion or diminution of a horizontal property regime shall be subject to review and approval by the Planning Commission in the same manner as approval of multi-family development and for Development Plans as set out in this Zoning Ordinance.
- B. Conflicting ordinances and Subdivision Regulations of the Planning Commission shall be subordinate to this section and this section shall be the controlling provision.

SECTION 2. ENFORCEMENT

A. ENFORCING OFFICER

- i. The provisions of this Zoning Ordinance shall be administered and enforced by Administrative Official or Zoning Administrator as are from time to time designated. Such Administrative Officials or Zoning Administrator shall have the power to:
 - a. Make inspection of any premises necessary to carry out the duties of the Administrative Official and the enforcement of this Zoning Ordinance.
 - b. Issue citations for violation of this Zoning Ordinance in accordance with the provisions of KRS 100.991 and the procedures as set forth in KRS 431.015.

B. PENALTIES

- i. In addition to any other penalties provided in KRS 100.991, any person or entity who violates any of the provisions of this Zoning Ordinance shall upon conviction, be fined not less than \$10.00 but not more than \$500.00 for each conviction. Each day of violation shall constitute a separate offense.
- ii. Any person, Owner or agent who violates this chapter shall, upon conviction, be fined not less than \$100.00 nor more than \$500.00 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

SECTION 3. REMEDIES

In such case any building is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, Structure or land is used in violation of this Zoning Ordinance, the Planning Commission or any other appropriate authority, or any adjacent or neighboring property Owner who would be damaged by such violation, in addition to other remedies may institute an

injunction, mandamus or other appropriate action of proceeding to prevent the occupancy of such building, Structure or land.

ARTICLE XVIII
VALIDITY OF ZONING ORDINANCE AND EFFECTIVE DATE

SECTION 1. CONFLICT WITH OTHER ORDINANCES AND PRIVATE DEEDS

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Scottsville or Allen County or the whole or part of any existing or future private covenants or deeds, the most restrictive shall in all cases apply with the exception of lot width.

SECTION 2. VALIDITY

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of the ordinance which is not in itself invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE

This Zoning Ordinance and any amendments or revisions shall be effective immediately upon final approval by the City of Scottsville City Council, unless the City Council specifies an effective date.

ARTICLE XIX NONCONFORMITIES

SECTION 1. INTENT

If, within the districts established by this Ordinance or amendments that may be later adopted, there exists lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon or expanded, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 2. NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No conforming structure may be enlarged, moved, or structurally altered in a way which increases its nonconformity, but any structure or portion therefore may be altered to decrease its nonconformity. Voluntary demolition or removal of a nonconforming structure nullifies its nonconforming rights. Should a nonconforming structure or nonconforming portion of structure be voluntarily destroyed, moved or removed to an extent of 55 percent or more of its replacement cost at time of destruction (exclusive of foundations), it shall not be repaired or reconstructed except in conformity with the provisions of this Ordinance.

SECTION 3. ENFORCEMENT OFFICER

The provisions of this Zoning Ordinance shall be administered and enforced by the Building Inspector or Code Enforcement Officer of any Legislative Body or the City-County Planning Commission, or any other person authorized by a Legislative Body or the City-County Planning Commission. Such enforcement personnel shall have the power to:

- A. Make inspections of any premises necessary to carry out this Zoning Ordinance
- B. Issue citations for violations of this Zoning Ordinance in accordance with the provisions of KRS 100.991 and the procedures as set forth in KRS 431.015; or
- C. Issue citations for violations of this Zoning Ordinance in accordance with the provisions of any Legislative Body's Code Enforcement Board.

SECTION 4. Penalties for Violations

Violations Pursuant to KRS 100.991

Violations of this ordinance pursuant to KRS 100.91 shall be subject to the following:

- A. Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction be fined not less than (\$10) but not more than (\$500) for each conviction. Each day of violation shall constitute a separate offense.
- B. Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than (\$100) nor more than (\$500) for each lot or parcel which was subject of sale or transfer or a contract for a sale or transfer.
- C. Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than (\$100) no more than (\$500).

Violations Pursuant to KRS 65.8801 through 65.8839

Violations of this zoning Ordinance pursuant to KRS 65.8801 through 65.8839 (Local Government Code Enforcement Board Act) shall be subject to the following:

- A. If a citation for a violation of the Zoning Ordinance is not contested by the person charged within the violation, the maximum penalties below shall apply; however, the Code of Enforcement may waive any or all of the penalty for an uncontested violation, if in its discretion, the Code of Enforcement Board determines that such waiver will promote compliance with the zoning Ordinance in issue. The penalties listed below are for each day a violation continues beginning on the eighth day after the date the citation was issued. A second offense is an offense that occurs within five (5) years of the determination by the Code Enforcement of a prior offense. All others are those that occur within five (5) years of the determination by the Code Enforcement of two or more prior offenses. If the citation is contested and hearing before the code enforcement Board is required, the schedule of maximum penalties listed below may be doubled at the discretion of the Code Enforcement.
- B. Violations of the Zoning Ordinance within the incorporated jurisdiction of the City of Scottsville pursuant to KRS 65.8801-65.8839 and Scottsville Code of Ordinances that are enforced by the Code Enforcement and Scottsville- Allen County Planning and Zoning shall be subject to following schedule of the uncontested maximum civil fines:

	First Offense	Second Offense	All Others
Use Violations	\$100	\$200	\$300
Yard/Dimensional Violations	\$50	\$100	\$200
Sign Violations	\$50	\$100	\$200
Violation of Development Plan Conditions	\$100	\$200	\$300
Violation if Development Review Procedures	\$100	\$200	\$300
Violation of Overlay District Standards	\$250	\$500	\$750

C. Violations of this Zoning Ordinance within the unincorporated jurisdiction of Allen County Pursuant to KRS 65.8801-65.8839 and Allen County Ordinance, that are enforced by the Code Enforcement and Scottsville Planning and Zoning, shall be subject to the following schedule of uncontested maximum civil fines:

	First Offense	Second Offense	All Others
Use Violations	\$100	\$200	\$300
Yard/Dimensional Violations	\$50	\$100	\$200
Sign Violations	\$50	\$100	\$200
Violation of Development Plan Conditions	\$100	\$200	\$300
Violation of Development Plan Procedures	\$100	\$200	\$300
Violation of Overlay District Standards	\$250	\$500	\$750

ARTICLE XX TINY HOME AND ACCESSORY BUILDING

No accessory building may occupy a lot that does not have a principle residential building existing on the same lot. No accessory building qualifies as a living quarters. Any residential habitable building must be located on .25 acres inside the city limits of Scottsville, this includes tiny homes. Tiny homes must meet the residential building code requirements of the KRC. Any accessory building established will require a signed affidavit stating it will not be used as a habitable dwelling.

Any accessory building requires a building permit.

The tiny home square footage must be at least 400 sq ft.

All walls, rafters, joists, etc. must meet the minimum requirements of current KRC. The structure must be anchored using listed tie-downs.

A permanent foundation is required.

The structure must meet these minimum insulation requirements:

Wall-R-13

Floor-R-19

Ceiling-R-38 *Most of these minimums cannot be met unless spray foam insulation is used due to the smaller framing members used for small buildings.*

At least one habitable room must be 120 Sq. ft.

Other habitable rooms must be at least 70 sq. ft.

Habitable space and toilet rooms require a minimum ceiling height of 7 ft.

A sleeping room must have either an egress door that directly exits the building, or an egress window that allows for a minimum opening of 3'-0 x 5'-0.

All dwellings require a toilet, sink, tub, or shower.

All dwellings require a connection to a septic system or public sewer, and connection to approved water supply.

The structure must meet all safety requirements, handrail, guardrail, etc.

Hard wired smoke alarms with battery back-up are required in sleeping rooms and outside the sleeping room in the immediate vicinity.

The structure must meet all requirements of the electrical, plumbing, and HVAC code.

A building is not considered a dwelling unless it provides room for cooking, sleeping, and sanitation.