

**SCOTT COUNTY FISCAL COURT  
ORDINANCE NO. 2004-01**

**AN ORDINANCE RELATED TO THE AMENDMENT  
OF THE GEORGETOWN/SCOTT COUNTY ZONING ORDINANCE REGARDING QUALIFIED  
MANUFACTURED HOUSING AND RELATED COMPATIBILITY  
STANDARDS**

**WHEREAS:** In order to provide for the orderly development of property, the maintenance of property values, and to provide for suitable and affordable housing options within the community, it is necessary to maintain the planning and zoning process with periodic amendments to the Zoning Ordinance in response to new challenges;

**WHEREAS:** The 2002 Kentucky General Assembly passed a bill (Senate Bill 147) that enacted compatibility standards for manufactured housing. The legislature designed SB 147 to allow local governments to regulate compatibility for the purpose of protecting and preserving monetary value of property located within the local government's jurisdiction. The legislature recognized that manufactured housing and stick built homes should be treated in the same manner within the context of land use regulations. The best way to address this issue was to enact compatibility standards. The compatibility standards for manufactured housing would have to comply with the enactment of Senate Bill 147 and subsequent revisions to KRS 100 (Planning & Zoning Statutes) adding compatibility standards for qualified manufactured housing, which were effective as of July 1, 2003;

**WHEREAS:** This proposed amendment to the Zoning Ordinance has been submitted to the citizens through a properly advertised public hearing before the Georgetown-Scott County Planning and Zoning Commission conducted at their December 11, 2003 and January 8, 2004 public meetings. The Commission voted unanimously to recommend the adoption of this amendment to the City and County governments of Scott County;

**WHEREAS:** The proposed amendments set out below have been recommended by the Planning Commission after public hearings and compliance with all provisions of KRS Chapter 100 and 424.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF SCOTT COUNTY, KENTUCKY, as follows:**

**SECTION ONE: NEW PROVISIONS.** [New language is **Bold**. Language which is unchanged is not marked. Superseded language is shown as stricken.]

**SECTION TWO: ARTICLE II  
GENERAL REGULATIONS**

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## ARTICLE II GENERAL REGULATIONS

### Article II 2.1 DEFINITIONS

The words defined are those which have special or limited meaning as used in the Zoning Ordinance, which meanings might not otherwise be clear. Words whose meanings are self-evident as used in the Zoning Ordinance are not defined here.

**Manufactured Home** -a single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et.seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems contained therein.

**Qualified Manufactured Home** - a manufactured home that meets all the following criteria:

1. Is manufactured on or after July 15, 2002;
2. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.550;
3. 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;
4. Has a minimum total living area of nine hundred (900) square feet;
5. Is not located in a manufactured home land-lease community.

A. **Compatibility Standards**- standards that have been enacted by a local government under the authority of this section for the purpose of protecting and preserving the monetary value of real property located within the local government's jurisdiction.

B. **Local government**- a city, county, urban-county government, charter county government, or consolidated local government that is engaged in planning and zoning under KRS 100.

C. **Façade**- The main face or front of a building.

D. **Permanent foundation** - a system of supports that is

1. Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure;
2. Constructed of concrete; and
3. Placed at a depth below grade adequate to prevent frost damage.

### Article II, Section 2.5 SPECIFIC USE REGULATIONS

#### 2.51 QUALIFIED MANUFACTURED HOUSING, MANUFACTURED HOUSING AND MOBILE HOMES

##### 2.51.1

For the purpose of these regulations, four basic types of mobile homes development have been defined. They are: (1) mobile homes parks; (2) mobile home subdivisions; (3) mobile home camps (or trailer parks); and (4) a mobile home on a single lot and

solid foundation. All such uses shall conform with all applicable provisions of KRS 219.120 through 219.250, as amended, all provisions of this ordinance, and all attached special conditions.

- A. Mobile Home Parks and Mobile Home Subdivisions: May be permitted as a conditional use only in R-2, R-3, and B-2 districts. Mobile home camping areas may be permitted by conditional use in B-2 districts or as accessory uses in recreational areas. All mobile home parks shall be subject to the standards of development established in the Subdivision Regulations. A plat plan shall be submitted to the Enforcement Officer who shall review such plan to see that the following information at a minimum is shown:
1. Name and address of applicant and/or owner.
  2. Name, location and size of mobile home park.
  3. Approximate dimensions and locations of lots (also numbered), roads and pavement, easements, parks, community buildings, existing buildings to remain, and existing buildings within 200 feet of exterior property lines.
  4. Contour lines at an interval of 10 feet along with existing natural features.
  5. General location of all utilities and method of sewage disposal.
  6. Public or community areas.
  7. Large scale plan of at least one typical mobile home lot showing mobile home location, automobile parking space, minimum yard requirements, etc.
  8. Location of planting for landscaping or buffer purposes when necessary.
  9. Identification of abutting property owners.
  10. Proposed street right-of-way and pavement type and widths along with curb, gutter and sidewalk proposals.
  11. Certificates from the County Health Officer.

When the Enforcement Officer has determined the application for mobile home parks or trailer camps complete, including payment of fees, the application is sent to the Board of Adjustment who shall proceed to consider the application in the same manner as set forth in Paragraph 2.33 and in KRS 100.217 through 100.263.

- B. In the case of Mobile Home Subdivision the applicant is expected to meet all of the requirements for preliminary plat approval in his initial application to the Board. Upon preliminary approval of the mobile home subdivision by the Board the application together with any conditions the Board might attach, the application is forwarded to the Planning Commission for Preliminary and Final Plat consideration. Both bodies must approve the application and act on all variances requested before any site preparation may begin.
- C. Singular Mobile-Homes on a solid foundation: Mobile homes are a permitted use in R-3 districts if placed on a solid foundation, underpinned, and meet all other requirements of a single family dwelling-unit. This provision is intended for the regulation of one mobile home placed on one lot, distinct from mobile home parks or mobile home subdivisions where more than one mobile home location is requested at-one time.

Singular mobile homes may also be permitted to be located in R-1C and R-2 Districts with a conditional use permit by the Board of Adjustment provided that all requirements of the zoning district, of the County Health Officer and the Subdivision Regulations are met, and provided further, that the mobile home is placed on a solid foundation and underpinned.

Mobile homes are permitted in Agricultural Districts and in Conservation Districts on the minimum lot size established for the district unless provisions of Article II, Section 2.1 (2) are applicable.

- D. Development Standards for Mobile Homes: The following standards and requirements are minimum standards for the development of mobile home facilities and may be increased at the option of the developer but may be decreased only by approved variances by the Board (and Planning Commission as in the case of subdivisions).

There are no minimum nor maximum numbers of mobile homes that may be permitted in an approved development, other than density requirements, special conditions that may be imposed by the Board (or Commission when subdividing), or self-imposed limitations that the developer presents.

Development shall be in strict accordance with the plans approved by the Board or Commission, including any and all staged development.

1. Mobile Home Parks, Mobile Home Subdivisions and singular mobile homes on a solid foundation on a single lot: All requirements of the Zoning District in which such use is proposed and KRS shall apply.\*

\*Note: This is in keeping with the philosophy that mobile homes should be regulated in the same manner as houses. Therefore, where permitted, mobile home parks, mobile home subdivisions and mobile homes on a single lot are subjected to the same regulations, subdivision and zoning, as single family houses.

2. Mobile Home Camps (or camping areas for trailers) are permitted as a conditional use only in B-3 districts or as conditional accessory uses in major recreational areas. Due to the temporary or seasonal nature of this use, special development regulations are necessary. In addition to fulfilling the requirements of KRS 219.120-219.250 as a minimum, the following requirements are to be followed:
  - a. The same application, unless changes were granted, that is submitted to the Board of Adjustment, shall be submitted to the Department of Health for their consideration.
  - b. The minimum lot for each trailer is 3,000 square feet.
  - c. Adequate open space and recreation areas shall be provided in accessible locations.
  - d. Accessory commercial uses are permitted, but no closer than 100 feet from the nearest trailer or camping lot.
  - e. The layout and lot arrangement shall be such that maximum privacy was an obvious consideration. This may be achieved through landscaping, natural features, radial or alternative lot arrangements, etc.

- f. The surface of the parking area shall be improved, either paved or (8") compacted gravel or as approved by the Board.
- g. All roads shall be improved as approved by the Board.
- h. All lots and streets shall be properly drained.

E. Issuance of Building Permit: The Planning Commission or the Board of Adjustment, if delegated by the Planning Commission, may attach reasonable special conditions to its approval of a mobile home development and may direct the Enforcement Officer to issue a building permit. The Enforcement Officer shall not issue a building permit until he has received written authorization from the Planning Commission or Board of Adjustment, and the applicant shall not

- start construction until he has also obtained a valid construction permit from the State Department of Health as required by Kentucky Revised Statutes 219.150.

F. Issuance of Certificate of Occupancy: The Enforcement Officer shall issue a certificate of occupancy only after he has determined that the mobile home development has been prepared according to all applicable regulations and special conditions. The applicant must also obtain a valid permit to operate from the State Department of Health as required by Kentucky Revised Statutes 219.130.

G. Non-conforming mobile homes and mobile home parks: All mobile homes within the county which are non-conforming may continue in their present location as long as the mobile home is occupied by the present occupant.

Should the present occupant move elsewhere, the right to maintain a substandard mobile home park shall terminate and the owners shall be required to move the mobile home.

H. Mobile homes in agricultural and conservation districts: the following regulations shall be applicable in A-1 and C-1 districts.

Mobile homes may be permitted in Agricultural districts and in Conservation districts on the lot sizes specified for farm dwellings.

## **2.51.2 Qualified Manufactured Housing**

### **Proposal Process**

**Step One: Choosing a site for a Qualified Manufactured Home and/or Manufactured Home**. A qualified manufactured house may be placed on residential lots consisting of urban infill, urban development or development with urban densities (lot sizes up to 1.0 acre or for densities greater than 1 dwelling unit per acre). Manufactured housing may be placed on agricultural lots providing 1 dwelling unit per 5 acres.

**Step Two: Site Selection and design**. Once you have selected your site, you should review this document to fully understand the application process and how the compatibility standards relate to your property. These standards as well as the application process will be explained in the following sections of the document.

**Step Three: Review.** Formal review of proposals will be in conformance with the process and procedures contained within the Subdivision & Development Regulations and outlined in the Zoning Ordinance.

**Step Four: Permits and Application.** The applicant will be required to obtain a building permit from the Building Inspection Department. In addition, an application and supplemental materials will be required. The application will include materials such as photographs of surrounding property, site plan, and facade elevation.

#### **Design and Application Submittal and Review Process**

**INTENT:** The purpose of compatibility standards for manufactured housing is to permit local governments to adopt and enforce, as a part of its zoning regulations, compatibility standards governing the placement of qualified manufactured homes in residential zones, within the local government's jurisdiction.

**GUIDELINES:** The qualified manufactured home shall be reviewed for its compatibility with architectural appearance and similarity with (1) adjacent development or surrounding developments (i.e. either side of the proposed site within the same block face and adjacent to the rear), (2) development within the same zone or general area, or (3) within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured home.

#### **ARCHITECTURAL COMPATIBILITY GUIDELINES**

##### **1. Facades and Exterior Material**

Exterior material shall be material customarily used on site-built dwellings, such as board siding, plywood, or press wood siding, non-glossy vinyl siding, stucco, brick, or non-reflective aluminum.

##### **2. Roof Pitch and Material**

Roofing material shall be of wood, tile or composition shingles, and must have an eave projection of no less than 6 inches. The roof of each proposed unit shall have a pitch at least equal to the average of the two residential buildings in the same block face (residential buildings on either side of the lot, or two nearest residences, if the adjacent structures are not residential).

##### **3. Windows**

Front facing windows must have consistent size, spacing, and proportion to that of the adjacent residences.

##### **4. Porches**

Roofed front porches must be included on each structure if more than 50% of the structures in the same block face or within 200 feet

of the structure of the subject site, whichever is less, include them.

Porches shall equal the average size and must resemble the same architectural style, roof pitch, foundation and façade material of the existing porches within the existing block face.

#### **5. Foundation**

The structure shall be permanently attached to a permanent foundation system and shall be anchored in accordance with the state standards set forth in KRS 227.550 through KRS 227.590.

#### **6. Size/Height**

The first floor elevation of the proposed dwelling shall be no lower than the average floor elevations of the existing adjacent buildings on either side of the infill lot or two nearest residences, if the adjacent structures are non-residential. The building height of the new structure shall be comparable to the building heights within the same block face.

#### **7. Additions/alterations**

Structural additions or alterations shall be subject to the same building code regulations as apply to additions or alterations to a conventionally built house. Any other alteration or conversion of a manufactured house must be performed in accordance with KRS 227.550 et seq., 815 KAR 25:050, Section 2 and 42 USC Chapter 70.

##### **2.51.2.1 Application Instructions For Qualified Manufactured Housing Compatibility Standards**

###### **Introduction:**

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

###### **Application Procedures**

To be an applicant, you must be an owner, leasee or prospective owner with a purchase contract to place a qualified manufactured home on designated residential areas.

These standards are set forth in the Zoning Ordinance. If you have questions whether an action you propose is subject to review, you should consult with the Chief Building Inspector or Planning Commission staff, where applicable. When it is determined that you

need approval, you should complete the attached application form and file it with the Building Inspector.

#### **Specific Instructions for Completing Application Form**

**APPLICANT:** Provide the name, address and telephone number of the applicant. The applicant is the owner, leasee, or purchaser under contract for the property. The telephone number should be where the applicant can be reached during normal business hours.

**PROPERTY AFFECTED:** Provide address for the property to be reviewed. If the property is a newly created lot, an address will be assigned at the time of the building permit.

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

**Site Plan:** A site map should be submitted. This map should be drawn to scale and preferably submitted on an 8 1/2 x 11 sheet, but in no case exceed 11 x 17. The plan should show the property lines, building footprint, building setbacks and significant site features such as fences, sidewalks, driveways, accessory buildings, and trees.

**Building Elevations:** All applications involving compatibility standards to the exterior of the building shall provide an elevation drawing. The drawing must be to scale and should not exceed 11 x 17 in size. The drawing should be produced for every façade that will change, no matter how slight the change.

The façade elevations should show the proposed changes or designs. Each change or new element should be clearly identified on the elevations. All new materials should be clearly identified.

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

Provide photos clearly detailing general views of properties immediately adjacent to the project site. The photos may be taken from public spaces such as the sidewalk and streets. If a camera is not available for use, the applicant may use the Property Valuation cards provided in the P.V.A. office located on the 2<sup>nd</sup> floor of the Scott County Courthouse.

**Specifications:** Provide specifications for the construction or the materials to be added to the project on a separate sheet if they cannot be included in façade elevation.

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



**Picture 1. The location of entry is facing the street. The compatibility is based on the roof pitch, stucco exterior, porch and entry location.**



**Picture 2. Compatibility standards are applied to the structure that includes second level, porch, portico and garage.**

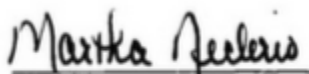
**SECTION THREE: EFFECTIVE DATE:** This Ordinance shall take effect upon passage and publication.

The foregoing Ordinance was introduced and read for the first time at the Fiscal Court's regular meeting February 13, 2004, and for the second time, adopted and approved, at the Fiscal Court's regular meeting February 26, 2004.

APPROVED BY:

  
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GEORGE LUSBY, JUDGE-EXECUTIVE

ATTESTED BY:

  
\_\_\_\_\_  
MARTHA NECLERIO, CLERK