

Spencer County, Kentucky
ORDINANCE NO. 1
Fiscal Year 2021-2022

AN ORDINANCE AMENDING
ARTICLE V
SECTION 500.4(C), SECTION 501.4(C)(D)(E)(F)(G),
SECTION 502.4(C)(D)(E)(F)(G), SECTION 503.4(C)(D)(E)(F)(G)
PERTAINING TO DIMENSIONAL REQUIREMENTS IN THE
RESIDENTIAL DISTRICTS OF THE
TAYLORSVILLE-SPENCER COUNTY ZONING REGULATIONS

WHEREAS, a public hearing was held before the Taylorsville-Spencer County Joint Planning

and Zoning Commission on the 1st day of July, 2021 after appropriate legal notice

and,

WHEREAS, pursuant to KRS 100.211 (2) and Article I, Section 101.2 of the regulations, the Taylorsville-Spencer County Joint Planning and Zoning Commission took the following action which

was to recommend the proposed amendment to Article V of the Taylorsville – Spencer County Zoning Regulations to the Spencer County Fiscal Court and the City of Taylorsville

and,

WHEREAS, the Spencer County Fiscal Court held a hearing on the 16th day of August, 2021, after appropriate legal notice, in regards to the proposed amendment and,

THEREFORE, BE IT ORDAINED by the Spencer County Fiscal Court (or the County of Spencer) that Article V of the Taylorsville-Spencer County Zoning Regulations are amended to read as follows:

ARTICLE V - PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

Intent: The purpose of the Residential Districts is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve. Residential zones are differentiated from one another by the density they allow and the areas in which they are appropriately applied.

Sect. 500 R-1 Single Family Residential

Intent: The intent of the R-1 District, when properly applied, is to provide a threshold development zone in which residential development can take place but at a relatively low density for what is traditionally or generally believed to be "subdivision" type development.

1.) Uses permitted:

One single family dwelling of site built construction per tract

Churches, schools, parks, playgrounds, community center, and similar uses.

Agricultural uses as stated in Article III pertaining to livestock and poultry provided that no livestock or poultry shall be housed or placed under roof within 100 feet of any neighboring dwelling except that of the owner or leaser of the tract and provided that no more than one (1) livestock or poultry animals per acre except household pets and provided that no more than five (5) household pets over 1 year of age, may be kept, provided that they are not kept for breeding or maintained for any commercial purposes and provided that they are not kept in such a manner as to create an offensive odor to neighboring dwellings. The disposal or feeding of garbage is prohibited. The housing or maintaining of livestock or poultry is prohibited within the city limits.

Golf courses and other planned recreational areas including country clubs, but not including miniature golf courses or driving ranges.

Lakes (artificial).

2.) Accessory uses allowed:

a) Accessory structures customarily incidental to any principal use located on the same lot when they meet the yard requirements.

b) Private swimming pools when they meet yard requirements and when adequately fenced as set forth in Article II Sect. 205.

3.) Conditional Uses allowed:

None, except those allowed in Section 210 (3)(b).

4.) Dimensional Requirements – subject to the special requirements of Article VIII.

- a.) Minimum Lot size – 1 acre whether served by on-site sewage disposal or sanitary sewers
- b.) Maximum building height - 3 stories not including basements. Public, semi-public, or public service buildings, hospitals, educational institutions, or schools may be erected to a height not exceeding 45 feet, and churches and temples may be erected to a height not exceeding 75 feet.
- c.) Lot Width - 50 feet at Property Line and 100 feet at Building Line
- d.) Front Yard Setback - 50 feet from right-of-way
- e.) Side Yard Setback - 15 feet
- f.) Street Side yard Setback - 50 feet from right-of-way
- g.) Rear Yard Setback - Dwelling - 25 feet;
Accessory Structures -15 feet

5.) Parking.

- a.) Three All-weather off-street automobile parking, paved with bituminous, concrete, crushed stone, gravel, or slag shall be provided on all lots on which any of the following uses are established such space shall be provided with vehicular access to a street or alley.
- b.) All other parking shall be provided as indicated in Article XIII.

6.) Signage:

- a.) Signs permitted as indicated in Article X.
- b.) Electronic Signs are prohibited.

Sect. 501 R-2 High Density Single Family Residential

Intent: The intent of the R-2 District, when properly applied, is to provide a development zone in which residential development can take place but at a higher density for what is traditionally or generally believed to be “subdivision” type development served by public sanitary sewer systems.

1.) Uses permitted.

- a.) One single family dwelling of site built construction per tract
- b.) Churches, schools, parks, playgrounds, community center, and similar uses.
- c.) Household pets are allowed provided not to exceed more than two (2) household pets over 1 year of age, may be kept, provided that they are not kept for breeding or maintained for any commercial purposes and provided that they are not kept in such a manner as to create an offensive odor to neighboring dwellings. The disposal or feeding of garbage is prohibited. The housing or maintaining of livestock or poultry is prohibited.
- d.) Golf courses and other planned recreational areas including country clubs, but not including miniature golf courses or driving ranges.
- e.) Lakes (artificial).

2.) Accessory uses allowed.

- a.) Accessory structures customarily incidental to any principal use located on the same lot when they meet the yard requirements.
- b.) Private swimming pools when they meet yard requirements and when adequately fenced as set forth in Article II, Sect. 205.

3.) Conditional Uses allowed.

None, except those allowed in Section 210 (3)(b).

4.) Dimensional Requirements – subject to the special requirements of Article VIII.

- a.) Minimum Lot size – 7200 sq. ft. when served by public sanitary sewer system, 1 acre when served by on-site sewage disposal
- b.) Maximum building height - 3 stories not including basements. Public, semi-public, or public service buildings, hospitals, educational institutions, or schools may be erected to a height not exceeding 45

feet, and churches and temples may be erected to a height not exceeding 75 feet.

c.) Lot Width - 50 feet at Property Line and ~~100 feet at Building Line~~

d.) Front Yard Setback - 50 feet from right-of-way
30 feet from right-of-way on lots served by sanitary sewer

e.) Side Yard Setback - ~~45 feet~~ 10 feet

Street Side yard Setback - 50 feet from right-of-way
30 feet from right-of-way on lots served by sanitary sewer

g.) Rear Yard Setback - Dwelling - 25 feet;
Accessory Structures -15 feet 10 feet on lots served by sanitary sewer

h.) Maximum lot coverage – 30%

5.) Parking.

a.) Three All-weather off-street automobile parking, paved with bituminous, concrete, crushed stone, gravel, or slag shall be provided on all lots on which any of the following uses are established such space shall be provided with vehicular access to a street or alley. All parking spaces within the city shall be paved or concrete.

b.) All other parking shall be provided as indicated in Article XIII.

6.) Signage.

a.) Signs permitted as indicated in Article X.

b.) Electronic Signs are prohibited.

Sect. 502 R-3 Multi-Family Residential District

Intent: The intent of the R-3 District, when properly applied, is to provide a development zone in which residential development can take place at a higher density including duplex and multi-dwelling unit/apartment type development primarily served by public sanitary sewer systems.

1.) Uses permitted.

- a.) One single family dwelling of site built construction per tract, including manufactured housing
- b.) Duplex or multi unit housing structures developed and constructed per the density guidelines and requirements contained in Section 502(4).
- c.) Churches, schools, parks, playgrounds, community center, and similar uses.
- d.) Household pets are allowed provided not to exceed more than two (2) household pets over 1 year of age, may be kept, provided that they are not kept for breeding or maintained for any commercial purposes and provided that they are not kept in such a manner as to create an offensive odor to neighboring dwellings. The disposal or feeding of garbage is prohibited. The housing or maintaining of livestock or poultry is prohibited.
- e.) Golf courses and other planned recreational areas including country clubs, but not including miniature golf courses or driving ranges.
- f.) Lakes (artificial).

2.) Accessory uses allowed.

- a.) Accessory structures customarily incidental to any principal use located on the same lot when they meet the yard requirements.
- b.) Private swimming pools when they meet yard requirements and when adequately fenced as set forth in Article II, Sect. 204(8).

3.) Conditional Uses allowed.

- a.) Mobile Home Parks:
 - 1.) Intent. It is the intent of this conditional use designation is to permit the establishment of mobile home parks in areas of the County

or in areas within the municipalities that best provide the proper facilities and setting for mobile home park development. The areas approved for this district are limited to R-3 District and should be provided with access to major traffic arterial streets and the necessary community facilities. Mobile home parks themselves require special consideration as to the circumstances and conditions under which each such use may be permitted in order to provide adequate protection from and consideration of, both the community and the mobile home dweller.

2.) Mobile Homes in Other Districts. No mobile home shall be parked or maintained and used as a dwelling unit on any lot other than the following:

(a.) It is located in a mobile home park;

(b.) It shall have received conditional approval by the Planning Commission of the Board of Adjustment prior to the effective date of this ordinance;

(c.) It is parked, maintained, underpinned and used as a principal dwelling on a farm of five acres or more;

(d.) It is used as a dwelling unit by a member of the immediate family or full-time employee of the farm owner provided that the density does not exceed one dwelling for each five acres; and that no more than one may be permitted per farm.

3.) Uses Permitted in Mobile Home Parks. The uses permitted in a Mobile Home Park are mobile homes and those uses clearly accessory and incidental to a mobile home park such as recreation areas, community centers, community facilities, which are all designed primarily for use by residents of the mobile home park and their guests.

4.) Required Conditions and Procedures. All mobile home parks shall conform with all the applicable provisions of K.R.S. and shall be subject to a conditional approval and the following:

(a.) Procedure. An application for a Conditional Use as a mobile home park along with a site development plan for proposed mobile home park shall be filed with the Administrator and shall contain the following as a minimum:

(1) Name and address of applicant;

- (2) Name and location of the proposed mobile home park;
- (3) All property and lot lines with distances and degrees along with all roads, pavement widths and easement;
- (4) Contour lines at least 10 foot intervals;
- (5) Location of all utilities, water supply, sewers or sewage treatment plan and easement;
- (6) All areas reserved for open space, recreation and visitor parking;
- (7) Computations of the number of mobile homes, total number of acres, and overall density of the development;
- (8) General design of the development showing streets, numbered lots, approximate size of each lot (square feet) and a diagram of two typical lots with the mobile homes located on the lots together with parking areas, set-back or yard provisions and easements, if typical.

(b.) Development and Design Standards.

- (1) A mobile home park shall have at least 200 feet of frontage on a street designated on the Transportation Plan as an arterial or collector street and shall have principal access from said street;
- (2) Each mobile home park shall be situated in an area that is free from objectionable smoke, odor, dust, noise, and shall be well drained.
- (3) The minimum site area shall not be less than five (5) acres;
- (4) The minimum lot area for each mobile home space shall be 5,000 square feet and a maximum density of eight units per gross acre;
- (5) The minimum frontage for a space or lot shall be 40 feet and that frontage shall be on an improved access road;

(6) Each mobile home shall be at least 10 feet from an access road or driveway, 20 feet from any other mobile home and 20 feet from any service building or area, 10 feet from any exterior property line, and at least 20 feet from any street or dedicated right-of-way;

(7) All access roads and driveways within the mobile home park shall be paved in accordance with the standards specified in the subdivision regulations;

(8) Sidewalks shall be provided along at least one side of each access road within the development that provide for pedestrian circulation throughout the development;

(9) Parking spaces shall be provided either on each mobile home lot or on an abutting lot at a minimum of two for each unit (2 for each space) ;

(10) Permanent structures like cabanas, ramadas and the like may be erected on the lot, provided it is not closer than 20 feet from abutting mobile homes other than the one on the site;

(11) Each mobile home park shall have either a public or private sanitary sewer system approved by the Health Department;

(12) The maximum height for any structure allowed in a park approved under this conditional use is 25 feet;

(13) Electric and telephone facilities shall be placed underground.

(c.) Required Consideration. The following steps shall be taken in the approval or disapproval of a Conditional Use Permit for a Mobile Home Park.

(1) The applicant completes the application and site plan for the mobile home park and submits six (6) copies of it to the Administrator;

(2) The Administrator sends copies to the County Health Officer and other agencies;

(3) The applicant presents the plan to the Planning Commission for preliminary consideration;

(4) The site plan is refined showing details of construction and six (6) copies along with the application fee are filed with the Administrator who advertises for a public hearing in accordance with KRS Chapter 400;

(5) The Planning Commission holds a public hearing and recommends approval, approval with conditions, or disapproval to the governing body having jurisdiction over the area;

(6) The Administrator notifies the applicant of the action taken and if approval is given, construction of improvements may begin, or a bond for such improvements shall be filed, and the final plat may then be prepared;

(7) The Applicant submits a final site plan (same as final plan) to the Planning Commission for approval;

(8) Once the final site plan is approved by the Planning Commission, it may then be filed in the Office of County Court Clerk at the expense of the applicant.

4.) Dimensional Requirements – subject to the special requirements of Article VIII.

a.) Minimum Lot size – 6000 sq. ft. for the first dwelling unit on a particular lot with an additional 1,500 sq. ft. of lot area required for each additional unit over 1, when served by public sanitary sewer system.

2 acre for the first dwelling unit on a particular lot with an additional 6000 sq. ft. of lot area required for each additional unit over 1 when served by on-site sewage disposal

b.) Maximum building height - 3 stories not including basements. Public, semi-public, or public service buildings, hospitals, educational institutions, or schools may be erected to a height not exceeding 45 feet, and churches and temples may be erected to a height not exceeding 75 feet.

c.) Lot Width - 50 feet at Property Line and ~~100 feet at Building Line~~

d.) Front Yard Setback - 50 feet from right-of-way (~~county~~), 30 feet from right-of-way ~~in the city~~. on lots served by sanitary sewer

e.) Side Yard Setback - 15 feet (~~County~~); 10 feet (~~City~~) on lots served by sanitary sewer

f.) Street Side yard Setback - 50 feet from right-of-way (~~County~~); 30 feet from right-of-way (~~City~~) on lots served by sanitary sewer

- g.) Rear Yard Setback - Dwelling - 25 feet;
Accessory Structures -15 feet (~~County~~); 10 feet (~~City~~) on lots served by sanitary sewer
- h.) Maximum lot coverage – 30%

5.) Parking.

- a.) Three all-weather off-street automobile parking, paved with bituminous, concrete, crushed stone, gravel, or slag shall be provided for the first dwelling unit on all lots with an additional two all-weather off-street automobile parking, paved with bituminous, concrete, crushed stone, gravel, or slag on which any of the following uses are established such space shall be provided per each dwelling unit over 1 per lot with vehicular access to a street or alley. All parking spaces within the city shall be paved or concrete.
- b.) All other parking shall be provided as indicated in Article XIII.

6.) Signage.

- a.) Signs permitted as indicated in Article X.
- b.) Electronic Signs are prohibited.

Sect. 503 RM- Manufactured Housing Residential District

Intent: The intent of the RM District, when properly applied, is to provide a development zone in which residential development can take place consisting of manufactured housing as defined herein. The development can take the form of both manufactured home parks and subdivisions served primarily by public sanitary sewer systems.

1.) Uses permitted.

- a.) Single family dwellings in compliance with all standards contained in the Kentucky Building Codes; Manufactured Homes on individual lots subject to compliance with the following standards.

Manufactured Dwelling: a permanent building or structure, separate and free standing, designed and intended for occupancy by a single family and fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with all transport features permanently removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Code as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283 and 42 USC 5401. ET seq. and as mandated by the United States of America Department of Housing and Urban Development and commonly referred to as the HUD Code, and which meets the following additional standards:

- 1.) Fixed to a "PERMANENT FOUNDATION SYSTEM" which shall be anchored in accordance with the state standards set forth in KRS 227.570;
- 2.) EXTERIOR MATERIAL shall be material customarily used on site-built dwellings such as board siding, vinyl, stucco, brick, etc.
- 3.) ROOFING MATERIAL shall be of wood, tile, composition shingles, or other materials compatible with the conventionally built residential structures in the neighborhood which shall be installed on a surface pitched at a minimum slope of 5:12;
- 4.) EXTERIOR COVERING MATERIAL extending from the roofline to the ground or to the top of the foundation shall be used. Masonry type skirting materials commonly found on conventionally built residential structures shall be used;
- 5.) STRUCTURAL ADDITIONS OR ALTERATIONS shall be subject to the same regulations and requirements that must be complied with to obtain a building permit for additions to a conventionally built house:

- 6.) An adequate GUTTERING AND ROOF DRAINAGE system shall be installed; MEASUREMENT from front to back (depth) shall average at least 20 ft.;
 - 7.) MINIMUM SQUARE FOOTAGE shall be 1000 square foot on main floor not including basement or garage space;
 - 8.) INSPECTIONS by the local building inspector or by the appropriate state inspector.
 - 9.) ELECTRIC METER attached to the structure as with an on-site built structure.
 - 10.) ENTRANCE to have a front main entrance with a permanently attached porch or stoop with the appropriate steps as required in the Kentucky Building Code and a rear entrance with a porch or deck with the appropriate steps as required in the Kentucky Building Code.
- b.) Manufactured homes in a park; subject to the requirements as imposed by the Spencer County Health Department and applicable State law.

2.) Accessory uses allowed.

- a.) Accessory structures customarily incidental to any principal use located on the same lot when they meet the yard requirements.
- b.) Private swimming pools when they meet yard requirements and when adequately fenced as set forth in Article II, Sect. 205.
- c.) Household pets are allowed provided not to exceed more than two (2) household pets over 1 year of age, may be kept, provided that they are not kept for breeding or maintained for any commercial purposes and provided that they are not kept in such a manner as to create an offensive odor to neighboring dwellings. The disposal or feeding of garbage is prohibited. The housing or maintaining of livestock or poultry is prohibited.

3.) Conditional Uses allowed.

None, except those allowed in Section 210 (3)(b).

4.) Dimensional Requirements – Subject to the special requirements of Article VIII.

- a.) Minimum Lot size – 6,000 sq. ft. when served by public sanitary sewer system, 1 acre when served by an approved on-site sewage disposal

system. Parks served by public sanitary sewer systems must be at least 5 acres in size.

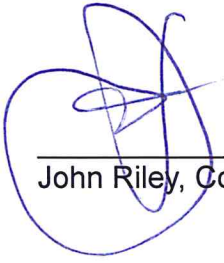
- b.) Maximum building height - 3 stories not including basements. Public, semi-public, or public service buildings, hospitals, educational institutions, or schools may be erected to a height not exceeding 45 feet, and churches and temples may be erected to a height not exceeding 75 feet.
- c.) Lot Width - 50 feet at Property Line and ~~100 feet at Building Line~~
- d.) Front Yard Setback - 50 feet from right-of-way (~~county~~), 30 feet from right-of-way ~~in the city~~ on lots served by sanitary sewer
- e.) Side Yard Setback - 15 feet (~~County~~); 10 feet (~~City~~) on lots served by sanitary sewer
- f.) Street Side yard Setback - 50 feet from right-of-way (~~County~~); 30 feet from right-of-way (~~City~~) on lots served by sanitary sewer
- g.) Rear Yard Setback - Dwelling - 25 feet;
Accessory Structures -15 feet (~~County~~); 10 feet (~~City~~) on lots served by sanitary sewer
- h.) Maximum lot coverage – 30%

5.) Parking.

- a.) Three all-weather off-street automobile parking, paved with bituminous, concrete, crushed stone, gravel, or slag shall be provided on all lots on which any of the following uses are established such space shall be provided with vehicular access to a street or alley. All parking spaces within the city shall be paved or concrete.
- b.) All other parking shall be provided as indicated in Article XIII.

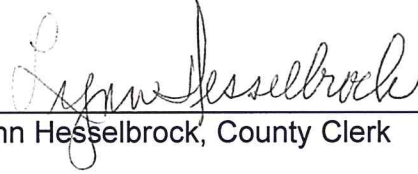
6.) Signage.

- a.) Signs permitted as indicated in Article X.
- b.) Electronic Signs are prohibited.



John Riley, County Judge/Executive

ATTESTED BY:



Lynn Hesselbrock, County Clerk

Date of First Reading: July 15, 2021

Date of Second Reading: September 8th
2021