

SCOTT FISCAL COURT
ORDINANCE NO. 98-06

AN ORDINANCE RELATED TO THE AMENDMENT
OF THE ZONING ORDINANCE AND SUBDIVISION &
DEVELOPMENT REGULATIONS TO INCLUDE STANDARDS
FOR ASSISTED LIVING FACILITIES

WHEREAS, the existing Zoning Ordinance and Subdivision and Development Regulations do not have provision for Assisted Living Facilities. This proposed amendment to the Georgetown/Scott County Subdivision and Development Regulations has been submitted to the citizens through properly advertised public hearing before the Georgetown/Scott County Planning and Zoning Commission, who at the close of that hearing unanimously recommended the adoption of this amendment to the City and County governments of Scott County.

NOW, THEREFORE, BE IT ORDAINED BY THE SCOTT FISCAL COURT AS FOLLOWS:

SECTION ONE: NEW PROVISIONS. (New language is underlined. Language which is unchanged is not marked. Superseded language is shown as stricken.)

1. THE ZONING ORDINANCE, ARTICLE II, DEFINITIONS, is amended to include the following definitions:

A. Aged Person(s): persons who are 62 years of age or older.

B. Assisted Living Facility: a building, establishment, complex, or distinct part thereof which:

(i) accepts primarily aged persons for domiciliary care, not nursing or medical care;

(ii) provides on site to its residents private locable residential spaces as defined by 905 Kentucky Administrative Regulations (KAR) 5:080, KRS Chapter 13B and Executive Order 96-862, Certification of Assisted Living Residences (Voluntary);

(iii) provides on site to its residents in addition to the residential unit, meal service in a community dining facility and non-medical personal care services appropriate to the resident's respective needs;

(iv) other than supervision of self medication, medical services are not a service provided by the facility. The facility may provide space for an unrelated Home Health Service or a Medical Doctor's Office for ease of access to those services by the residents;

(v) provides linkages with hospitals, community services and makes transportation available; and

(vi) provides timely assistance to residents for response to urgent or emergency needs.

2. A NEW SECTION OF THE ZONING ORDINANCE IS CREATED, ARTICLE II, Sec. 2.54, Assisted Living Facilities, is created to include the following performance standards.

A. General Standards: No Certificate of Occupancy shall be issued prior to certification of compliance with the (Voluntary) Certification of Assisted Living Residences standards (905 KAR 5:080, KRS 209.200, KRS Chapter 13B). This requirement can be met by written notice from the Cabinet for Families and Children or a statement of intended compliance signed by the owner, engineer/architect, and management group addressing each of the requirements of the Voluntary Certification Program. No Certificate of Occupancy shall be issued prior to the issuance of required permits and certificates by federal, state, and local agencies and all required conditions of approval by the Board of Adjustments and the Planning Commission.

B. Locational Standards: Development shall be located on an arterial street, collector street, or sub-collector street. Off-site grocery and other commercial and medical conveniences should be within the ability of aged persons to reach them easily by one of three ways: by walking safely to them (within 2,000 feet on level sidewalks); by transportation provided by project and facility owners with frequent daily schedule service within a 5-10 minute rider to grocery and other commercial and medical conveniences; or by readily available public transit (transit stop or bus shelter at a main entrance to the development) at such time that public transit becomes available. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design, and building placement. The street network shall be capable of accommodating the traffic generated by the proposed use.

C. Site Standards: Minimum lot size: To be based on the zoning district within which the development is located and based on the building ground coverage of such district. The maximum allowable density for such developments shall be calculated by the following formula; for residential units between 400-800 square feet without standard kitchen areas, the density within each district may be increased by 1.5 (for R-2=18 units per net acre; R-3=24 units per net acre). For residential units greater than 800 square feet in size, the density within each district may be increased by 1.25 (R-2=15 units per net acre; R-3=20 units per net acre). For those units with standard kitchen areas, the density for each district shall apply. In the P-1 and P-1B districts, the density shall be the same as the R-3 standards. Requests for an increase in the number of units per building may be approved by the Board of Adjustments as part of the Conditional Use Approval. These facilities should be designed so as to cluster the residential units and associated buildings based on the net density and provide sufficient open space and amenities areas. The maximum height of such facilities three stories or 40 feet. Three (3) parking spaces shall be provided for every five (5) residential units. Ten percent of the total parking spaces shall be designated as handicap accessible. Each unit shall contain at least 500 square feet of gross floor area.

D. Area Regulations: All buildings shall be set back from the street right-of-way and from all property lines as required by the zoning district within which the development is located except: Where adjacent to a residential or agricultural zoning district, the minimum setback shall be 50 feet. Where adjacent to a state highway, the minimum setback shall be 50 feet.

E. Administrative Procedures for Assisted Living Facilities: An application for Conditional Use approval shall be filed with the Board of Adjustments office for their regular scheduled meeting, unless otherwise noted. An application for Development Plan approval for an assisted living facility shall be filed with the Planning Commission. Each application shall be accompanied by the required development plans drawn to scale, as outlined in Art. II, Secs., 2.3 & 2.9, and prepared by a licensed engineer. Such site plan shall be reviewed by the Planning Commission and the Technical Review Committee, and the comments reported to the Planning Commission. The following information shall be included in addition to the requirements for development plans, but not limited to: The location and legal description, including the appropriate tax map and parcel

identification, of the proposed assisted living facility. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the development, including building elevations and floor plan. A table attached on the plan or as an addendum, identifying the number of residential units, by bedroom size and the gross square foot area of each unit size. A description of common and specialized services to be provided to the residents. A landscaping plan, including all required screening and buffering. The location, height, focal direction, and lighting levels (intensity), in foot candles, of all external lighting structures. A preliminary project development, construction and occupancy schedule. The schedule shall demonstrate the applicant's readiness, ability to provide facilities and services. Development plan approval shall be contingent upon issuance of all required permits and approvals from federal, state, and local authorities. Drainage and erosion control plan. Such other architectural and engineering data as may be required by the Planning Commission to determine compliance with the provision of the Zoning Ordinance and Subdivision & Development Regulations.

SECTION TWO: AMENDED PROVISIONS.

1. THE ZONING ORDINANCE, ARTICLE II is amended to include the Assisted Living Facilities as Conditional Uses in Residential, R-2 and R-3, and Professional Office, P-1 and P-1B. Assisted Living Facilities shall be permitted as part of a Planned Unit Development within area comparable to the respective districts noted above. (These sections shall be reprinted in the final draft of the Ordinance showing the full language of the sections to be amended.)

Note: These areas that contain Assisted Living Facilities may also reasonably contain attached or separate Nursing Home (Rest Home) Facilities, Elderly Apartment Buildings(s), duplexes for the elderly or single family residence for the elderly.

2. Appendix VII of the Subdivision and Development Regulations are amended to provide the following: Minimum Parking Space Requirements:


Assisted Living Facilities three (3) spaces for every five (5) residential units.

~~Delete reference to: Elderly Housing (same parking requirements as apartments)~~

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 Scott Fiscal Court's regular meeting August 31, 1998, and for the second time, adopted and approved, at the Scott Fiscal Court's regular meeting September 14, 1998.

APPROVED BY:



GEORGE LUSBY
SCOTT JUDGE EXECUTIVE

ATTESTED BY:



MARTHA NECLERIO
CLERK

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