

Planning Commission Recommended Text Amendment

August 23, 2018

**APPENDIX 24B: AGRICULTURAL MARKET (AM-1) OVERLAY ZONE**

24B-1 INTENT - This zone is established to promote the agricultural industry, which is vital to the economy of Lexington-Fayette County. However, some of those uses that are integral to the agricultural economy may not necessarily be agricultural uses. Uses such as livestock markets, horse sales facilities and horse race tracks are recognized as providing a benefit to the surrounding agricultural community, but must be appropriately located throughout the community so as not to be a detriment to the surrounding agricultural areas which they are to serve. In order to provide appropriate locations for these operations and their accessory uses, the Agricultural Market (AM-1) Overlay Zone is hereby created to accompany lands located in an Agricultural Rural (A-R) zone that are not designated for future residential uses.

24B-2 AGRICULTURAL MARKETS DEFINED - These facilities provide for the large scale marketing operations of agricultural products (such as livestock markets) and some agricultural-entertainment uses, such as horse race tracks. Agricultural Markets are generally large facilities of at least forty (40) acres in size.

24B-3 PRINCIPAL PERMITTED USES - The uses allowed in this overlay zone are those listed as permitted in the zone classification underlying the AM-1 zone, unless listed as a prohibited use in Article 24B-6. In addition, the following uses are also permitted in the AM-1 zone:

1. Livestock markets and stockyards.
2. Horse race tracks with allotted race meets, and horse riding and training facilities.
3. Horse sales establishments.

24B-4 ACCESSORY USES PERMITTED - Those uses that are listed as accessory uses in the zone classification underlying the AM-1 zone, meaning they are clearly subordinate and incidental to principal permitted uses, are those also allowed in this overlay zone, unless listed as a prohibited use in Article 24B-6. The aggregate of all accessory uses in an AM-1 zone may not exceed ~~twenty-five~~ fifty percent (~~25~~ 50%) of the total square footage of all buildings the principal structure on the property, ~~or 40,000 square feet, whichever is less; and except as otherwise provided, shall be located within the principal building.~~ In addition, the following accessory uses are also permitted in the AM-1 zone, but only when incidental and subordinate to a principal use permitted under Article 24B-3 that is not listed as permitted in the zone classification underlying the AM-1 zone:

1. Parking areas and loading docks.
2. ~~Accessory~~ Offices and meeting rooms for the following: state and federal government ~~agencies entities~~ related to agriculture; livestock and grain commodity trading; banking, insurance and financial institutions or agricultural education; the combined total floor area of which is not to exceed sixty thousand (60,000) square feet.
3. ~~Livestock and grain commodity trading office.~~
4. ~~3.~~ One (1) coffee shop and/or restaurant, not to exceed five thousand (5,000) square feet, and shall be located within the principal facility and not in an independent structure.
5. ~~4.~~ Veterinary clinic, including the sale of livestock pharmaceutical supplies.
6. ~~Meeting rooms, not to exceed five percent (5%) of the total floor area.~~
7. ~~5.~~ One (1) dwelling unit for owners, operators, or employees, which may be in a separate structure and 8. One (1) dwelling unit for watchmen or caretakers, which dwelling units may be in a separate structures.
9. ~~6.~~ Outdoor lighting, but only when directed away from and shielded from adjacent agricultural and residential areas.
10. ~~Sale of agricultural products produced on the premises.~~
11. ~~7.~~ One (1) gift shop not to exceed two thousand five hundred (2,500) square feet, or five percent (5%) of the total floor area, whichever is greater.

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- ~~12-8.~~ Establishments and lots for the display, sale, service, and repair of farm machinery/ and equipment, provided that no on-site sales shall be permitted. Any building for such purpose is not to exceed twenty thousand (20,000) square feet; areas for indoor service and repair of products sold may not exceed twenty-five percent (25%) of the square footage of the building.
- ~~13-9.~~ Retail sale of agricultural products, supplies and related items produced on or off premise, including the acceptance of orders for bulk agricultural supplies, with no outdoor on-site storage of such supplies, not to exceed twenty-five thousand (25,000) square feet.
- ~~14-10.~~ Indoor Retail Farmers Market.
11. Covered arena for agricultural and/or agritourism events, not to exceed seventy-five thousand (75,000) square feet.
12. Agriculture-related museums, not to exceed twenty thousand (20,000) square feet.

24B-5 CONDITIONAL USES - The uses listed as conditional (permitted only with Board of Adjustment approval) in the zone classification underlying the Agricultural Market (AM-1) Overlay zone, unless listed as a principal permitted or prohibited use in this Article. In addition, approval of the following uses can also be sought from the Board of Adjustment:

1. Outdoor Retail Farmers Market.

24B-6 PROHIBITED USES - The uses listed as prohibited in the zone classification underlying the Agricultural Market Overlay Zone, except as otherwise permitted herein. However, the following uses are prohibited in the AM-1 overlay zone, regardless of their regulation in the underlying zone classification:

1. Advertising signs, as defined in Article 17 herein (aka: billboards).
2. Aircraft landing strips.
3. Airports.
4. Asphalt plants.
5. Commercial cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
6. Places of religious assembly.
7. Concrete mixing.
8. Above-ground facilities for the extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
9. Funeral home.
10. Kindergartens and nursery schools.
11. Landfills.
12. Above-ground facilities for mining activities and quarrying of non-metallic minerals.
13. Mobile homes.
14. Non-service facilities of public utilities when not incidental to a service facility as provided in KRS 100.324.
15. Rehabilitation homes.
16. Commercial woodlots.
17. Family child care.
18. Spreading of any animal waste upon land outdoors in an AM-1 zone.

24B-7 LOCATIONAL STANDARDS - An AM-1 zone may be established only upon land that meets two or more of the following criteria:

1. The property shall be located within one (1) mile of the point of intersection of the centerlines of an interstate interchange with a state or federal highway (excluding the two interchanges of Interstate 75 with Interstate 64), provided the property has lot frontage and access on that same state or federal highway, so long as the access is also within one (1) mile of that interchange; and/or...
2. The portion of the property wherein site improvements are proposed is not located on land within the Urban Service Area that is recommended for a residential use, nor in an identified environmentally sensitive area, including any wellhead protection area; and/or...
3. The property was approved prior to August 28, 2003 for a conditional use permit by the Board of Adjustment for a horse sales facility, a horse training facility or a horse race track.

24B-8 RELATIONSHIP TO THE COMPREHENSIVE PLAN - The location of an AM-1 zone must be based upon furthering the goals, objectives and land use policies of the Comprehensive Plan for Lexington-Fayette County. Any

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application for an AM-1 zone should be accompanied by a detailed statement from the applicant to this effect, which shall be submitted at the time of the application.

**24B-9 SITE STANDARDS** – Any parcel considered for an AM-1 zone must meet all of the following site criteria:

1. The property shall be at least forty (40) acres in size.
2. The property must have easy access to a state or federal highway, with that access approved by the Kentucky Transportation Cabinet, or the LFUCG Division of Traffic Engineering, as appropriate. All roads to the site should be of sufficient width, and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions.
3. The property must be at least three hundred (300) feet from any property in a residential zone, or any property designated as either a Rural Settlement (RS) land use or as an Existing Rural Residential (ERR) land use in the adopted Comprehensive Plan for Lexington-Fayette County.

### **24B-10 MINIMUM DESIGN STANDARDS**

**24B-10(a) ENCLOSED BUILDINGS REQUIRED FOR SOME USES** - All sales and marketing of livestock, and all horse sales shall be conducted in an enclosed ~~facility building~~. All pre-sale and post-sale handling of livestock shall take place under roof in a facility enclosed by a combination of fences and gates in order to secure livestock while allowing adequate ventilation and air circulation.

**24B-10(b) PROPER SITE LANDSCAPING REQUIRED** - All new facilities proposed in the AM-1 overlay zone must be landscaped and screened, if those facilities are visible from adjoining properties. Article 18 may be used to plan the proposed screening of loading docks and vehicular use areas, but the Planning Commission may impose additional screening requirements and landscape buffers as necessary.

**24B-10(c) ENVIRONMENTALLY SENSITIVE AREAS ARE TO BE AVOIDED** - Site improvements such as buildings, underground and above-ground storage tanks, septic sewage disposal systems, and all truck parking and loading areas shall be located outside of any environmentally sensitive area, including any wellhead protection area. In addition, storm water management shall be provided pursuant to the requirements of the LFUCG Engineering Manuals; and storm water must be treated appropriately prior to its discharge, and directed away from environmentally sensitive areas and known karst geologic features. Muck piles are prohibited in all environmentally sensitive areas.

**24B-10(d) APPLICABLE LAWS MUST BE MET** - All facilities must be operated at all times in compliance with applicable federal, state and local laws and regulations, including those pertaining to noise, air and water quality.

**24B-10(e) LOT AND YARD REQUIREMENTS** - Those listed as minimum or required in the zone classification underlying the Agricultural Market (AM-1) Overlay Zone shall apply. However, no principal or accessory building for uses permitted under Article 24B-3 that are not listed as permitted in the zone classification underlying the AM-1 zone, may be located closer than three hundred (300) feet:

- (1) from a residence on a lot under different ownership;
- (2) from any property designated on the National Register of Historic Places.

**24B-10(f) MAXIMUM BUILDING HEIGHTS** - Those listed as maximum in the zone classification underlying the Agricultural Market (AM-1) Overlay Zone, or forty (40) feet, whichever is greater.

**24B-10(g) SIGNAGE RESTRICTED** - All signs shall be regulated as per the zone classification underlying the AM-1 zone, ~~except that all freestanding signs are to be limited to the principal use and not for the purposes or identification of any accessory use~~. They may be up to a maximum of twenty (20) feet in height. However, the maximum height and location of all proposed freestanding signs must be identified on any required development plan.

In addition to allowable freestanding signs, in an AM-1 zone, non-illuminated or indirectly illuminated wall mounted signs are permitted, not to exceed five percent (5%) of the wall area to which they are attached, ~~provided the signs are for the principal use and not for the purposes or identification of any accessory use~~.

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24B-10(h) REQUIRED OPEN SPACE - No limitation, except for all uses permitted under Article 24B-3 above that are not listed as permitted in the zone classification underlying the AM-1 zone, then forty percent (40%) of the lot.

24B-11 PROCEDURE - The procedure for obtaining a Zoning Map Amendment to the AM-1 Zone shall be the same as those procedures outlined in this Zoning Ordinance, and the applicable provisions of KRS 100 for a zoning map amendment. In addition, the following shall also be required in an AM-1 zone:

24B-11(a) PRELIMINARY DEVELOPMENT PLAN REQUIRED - A preliminary development plan shall be submitted with the application for a Zoning Map Amendment with the information as specified in Article 21 herein.

24B-11(b) FINAL DEVELOPMENT PLAN REQUIRED - Within two (2) years of approval by the Urban County Council of any AM-1 Zoning Map Amendment, unless an extension is granted by the Commission, the applicant shall submit a final development plan to the Commission for its review and approval. The final development plan shall show the information as specified by Article 21 herein. The Commission shall approve, conditionally approve, or disapprove a final development plan within ninety (90) days after the applicant submits the development plan, unless a longer period of time is agreed to by the applicant.

24B-11(c) OPERATIONAL PLANS REQUIRED - With the submission of any development plan, other than minor amendments as regulated by Article 21-7 herein, where land uses permitted under Article 24B-3 above that are not listed as permitted in the zone classification underlying the AM-1 zone are proposed for a site, an Operational Plan must also be submitted for review by the Commission. Where the Commission deems appropriate, a Kentucky No Discharge Operational Permit (KYNDOP), or other appropriate permit from the Kentucky Division of Water may be required prior to approval of an Operational Plan.

The Operational Plan shall address the following:

1. Provisions for animal and/or product waste disposal, subject to all applicable local, state and federal requirements.
2. Provisions for sewage disposal, maintaining air and water quality, and odor management.
3. Hours of operation, and anticipated hours for truck deliveries and truck shipments.
4. Routing of trucks on the site, including truck stacking, parking and loading areas.
5. Protection measures proposed for any environmentally sensitive area located on the site, including any wellhead protection area.
6. Existing and proposed utilities.
7. Any other pertinent information to indicate clearly the orderly operation proposed.

24B-11(d) PLANNING COMMISSION MAY SEEK RECOMMENDATIONS - The Planning Commission may also refer any submitted development plan or Operational Plan to an appropriate public body (such as the Royal Spring Water Supply Protection Committee or the Paris Pike Corridor Commission) for their recommendations prior to the Commission's consideration of the request. In any event, that body must either make a recommendation to the Planning Commission within sixty (60) days of the date of submission, or abide by the Commission's decision.

24B-11(e) BUILDING PERMIT REQUIRED - No building permit shall be issued for buildings and structures in an AM-1 zone (not exempted from such requirements under Article 3-4 herein) until a final development plan has been approved by the Commission and certified to the Division of Planning, after which Building Inspection may issue a permit for construction. The approved final development plan shall limit and control the issuance of all required building and occupancy permits, and shall restrict the construction, location, and use of all land and structures to all conditions set forth in the plan. Amendments to the development plan can be made only as permitted in Article 21: Development Plans.