

Planning Commission Recommended Text

August 23, 2018

**ARTICLE 1: GENERAL PROVISIONS AND DEFINITIONS**

**1-11 DEFINITIONS**

**AGRICULTURAL MARKET**

A regulated place designated exclusively for the purpose of buying and selling of agricultural/farm products, including a stockyard; and to include aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products grown, raised or made by farm producers.

**ARTICLE 8: SCHEUDLE OF ZONES**

**8-1 AGRICULTURAL RURAL (A-R) ZONE**

8-1(d)Conditional Uses (Permitted only with Board of Adjustment approval.)

7. Agricultural market, but only when the following conditions are met:
  - a. The minimum lot size shall be forty (40) acres and shall not be located in A-R zoned land within the Urban Service Area of Lexington-Fayette County.
  - b. The property shall be within one (1) mile of an interstate interchange with a state or federal highway, excluding the two inter- changes of Interstate 64 with Interstate 75. The property must also have frontage on a state or federal highway, and access is also to be within one (1) mile of the point of intersection of the centerlines of the interchange, and subject to approval by the Kentucky Transportation Cabinet.
  - c. All roads to the property shall be of sufficient width, and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions.
  - d. The facility shall be at least one thousand (1,000) feet from any property in a residential zone, any property designated as a Rural Settlement (RS) or as an Existing Rural Residential (ERR) land use under the adopted Comprehensive Plan, and any property designated on the National Register of Historic Places. Unless otherwise noted as As used herein, “facility” shall mean all improvements, including parking and loading areas, but not including driveways for ingress and egress to the property.
  - e. Improvements such as buildings; barns; and other structures, including storm water detention basins, truck parking and loading areas; above-ground and underground storage tanks and septic sewage disposal systems shall be located outside of any environmentally sensitive area, including any wellhead protection area.
  - f. All sales and marketing of livestock shall take place in a completely enclosed facility-building, and no such building may not be located closer than one thousand (1,000) feet from a residence on a lot under different ownership; provided, however, that all pre-sale and post-sale handling of livestock shall take place under roof in a facility an area enclosed by a combination of fences and gates in order to secure the livestock while allowing adequate ventilation and air circulation. Agricultural uses, accessory structures, parking lots and driveways shall not be subject to the setback from a residence, as established herein.
  - g. There shall be provision for the treatment and/or disposal of waste generated on the site, subject to all applicable local, state and federal requirements. Muck piles or the spreading of animal waste upon any part of the site shall be prohibited.
  - h. All parking areas and driveways shall be paved.
  - i. Any outdoor lighting proposed must be directed away from, and shielded from, adjacent agricultural and/or residential areas.
  - j. The facility shall 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.
  - k. Storm water management shall be provided pursuant to the requirements of the LFUCG Engineering Manuals, and storm water shall be treated appropriately prior to its discharge.

## ZOTA 2018-2: Amendments to Expand Accessory Uses to an Agricultural Market in the A-R Zone

- l. Screening shall be provided if the facility is visible from adjoining properties. Such screening and buffering shall be designed so as to minimize the impact of air, noise, odor and/or light generated by the facility upon adjoining properties to the greatest extent practicable. Article 18 of the Zoning Ordinance shall be used to guide the planting of the screening of loading docks and vehicular use areas, but the Board of Adjustment may impose additional screening requirements and landscape buffers, as necessary.
- m. There shall be a minimum of forty-five percent (45%) of the lot, regardless of size, provided as open space, which may not be varied by the Board of Adjustment.
- n. The following accessory uses may also be permitted in conjunction with the operation of an agricultural market, ~~provided that they are operated for uses related to agriculture or services, supplies and/or equipment used in agriculture, provided that the aggregate of all of these accessory uses may not exceed twenty-five percent (25%) of the total square footage of all buildings on the property, or 40,000 square feet, whichever is less; and, except as otherwise provided, shall be located in the principal structure on the property, provided they are operated primarily for the benefit of patrons and employees of the agricultural market; provided that no signs identifying such uses are visible from the right-of-way;~~ and provided that all such uses are clearly identified on the site plan submitted to the Board of Adjustment:
  - 1) ~~Accessory offices and meeting rooms for the following: banking, insurance and financial institutions; state and federal government entities related to agriculture; livestock and grain commodity trading; or agricultural education; the combined total floor area of which is not to exceed 60,000 square feet; Meeting rooms, not to exceed five percent (5%) of the total floor area;~~
  - 2) ~~One (1) coffee shop or restaurant, not to exceed 5,000 square feet and shall be located within the facility and not in an independent structure, or five percent (5%) of the total floor area, whichever is less;~~
  - 3) ~~Loading docks; State and federal government offices related to agriculture;~~
  - 4) ~~Veterinary clinic, including the sale of livestock pharmaceutical supplies;~~
  - 5) ~~One (1) dwelling unit for owners, operators or employees; and one (1) dwelling unit for watchmen or caretakers, which dwelling units may be separate structures;~~
  - 6) ~~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 on-site outdoor storage of such supplies, not to exceed 5,000 25,000 square feet; Sale of agricultural products produced on the premises; Livestock and grain commodity trading office;~~
  - 7) ~~Establishments and lots for the display, sale, service, and repair of Display area for farm machinery/ and equipment, provided that no on-site sales shall be permitted. Any building for such purpose is not to exceed 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; and~~
  - 8) ~~Covered arena for agricultural and/or agritourism events, not to exceed 75,000 square feet.~~
  - 9) ~~Agriculture-related museums, not to exceed 20,000 square feet.~~
- o. A detailed development plan, indicating access points, including construction and circulation routes; parking areas; lighting; screening and landscaping; proposed improvements; accessory uses; detention areas; signage; fencing and other significant physical or geological features of the property shall be submitted as part of any application.
- p. One (1) ~~free-standing~~ sign per street frontage may be permitted, ~~limited to the agricultural market and not any use accessory thereto,~~ with a maximum of two (2) signs, not exceeding ~~fifty (50)~~ square feet in area and ~~twenty (20)~~ feet in height. In addition to any free-standing sign, wall-mounted signs may also be permitted, not to exceed a total of five percent (5%) of the wall area to which they are attached; ~~provided the signs are for the agriculture market and not for the purposes of identification of any use accessory thereto.~~ Signs may only be non-illuminated or indirectly illuminated.
- q. An operational plan shall also be submitted that outlines:
  - 1) Provisions for animal and/or product waste disposal, including grease, 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.

## ZOTA 2018-2: Amendments to Expand Accessory Uses to an Agricultural Market in the A-R Zone

---

- 7) Where appropriate, a Kentucky No Discharge Operational Permit (KNDOP), or other appropriate permit from the Kentucky Division of Water may be required as part of the approval of an Operational Plan.
- 8) Any other pertinent information to indicate clearly the orderly operation proposed.
- r. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.
- s. The Board of Adjustment shall review all accessory uses approved as part of an application, on an annual basis, to ensure that such uses are operating in compliance with the restrictions set forth herein, and with any additional restrictions and/or conditions imposed by the Board. The Board may modify or revoke its approval of an accessory use if it finds, based upon the evidence, that such accessory use has been operated in violation of this Ordinance or any conditions or restrictions imposed by the Board.

### 8-1(e) Prohibited Uses

5. Offices, museums and institutional uses, except as provided herein.
11. Major or minor automobile and truck repair, except as provided herein.
12. Automobile service stations. (*No change*)

### 8-1(n) Off-Street Parking (See Article 16 for additional parking regulations.)

*No change*