

AN ORDINANCE AMENDING ARTICLES 8-1(d)(7), 8-1(e)(5), 8-1(e)(11), 24B-4 AND 24B-10 OF THE ZONING ORDINANCE TO EXPAND THE ALLOWABLE ACCESSORY USES FOR AN AGRICULTURAL MARKET. (URBAN COUNTY COUNCIL).

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 8-1(d)(7), 8-1(e)(5), 8-1(e)(11), 24B-4 and 24B-10 of the Zoning Ordinance to expand the allowable accessory uses for an Agricultural Market. Planning Commission did recommend APPROVAL of the staff alternative text by a vote of 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 8-1(d)( 7), 8-1(e)(5), 8-1(e)(11), 24B-4 and 24B-10 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended as follows:

**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 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 building, and 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 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.
- 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 fifty percent (50%) of the total square footage of all buildings on the property and provided that all such uses are clearly identified on the site plan submitted to the Board of Adjustment:
  - 1) 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;
  - 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;
  - 3) Loading docks;
  - 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 bulk agricultural supplies, with no outdoor storage of such supplies, not to exceed 25,000 square feet;
  - 7) Establishments and lots for the display, sale, service, and repair of farm machinery and equipment. 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;
  - 8) Covered arena for agricultural and/or agritourism events, not to exceed 75,000 square feet; and
  - 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, 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. 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.
  - 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.

(Note: All other sub-sections of Article 8-1(d) remain unchanged)

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.

(Note: All other sub-sections of Article 8-1(e) remain unchanged)

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

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 fifty percent (50%) of the total square footage of all buildings on the property. 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. Offices and meeting rooms for the following: state and federal government 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. 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.
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 in separate structures.
6. Outdoor lighting, but only when directed away from and shielded from adjacent agricultural and residential areas.
7. One (1) gift shop not to exceed two thousand five hundred (2,500) square feet.
8. Establishments and lots for the display, sale, service, and repair of farm machinery and equipment. 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.
9. Retail sale of agricultural products, supplies and related items produced on or off premise, including bulk agricultural supplies, with no outdoor storage of such supplies, not to exceed twenty-five thousand (25,000) square feet.
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-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 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. 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.

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.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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Clerk of Urban County Council

PUBLISHED: