

## **Summary of Proposed Changes to the Zoning Ordinance**

### **ZOTA 2018-2: Amendment to Expand Accessory Uses to an Agricultural Market in the Agricultural Rural (A-R) Zone**

The Urban County Council recently initiated a text amendment to the Agricultural Rural (A-R) zone in order to expand the allowable accessory uses associated with an Agricultural Market.

Article 1-11 of the Zoning Ordinance defines an Agricultural Market broadly, as follows:

**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, live- stock, poultry, bees, and any and all forms of farm products grown, raised or made by farm producers.

Article 8-1 of the Zoning Ordinance currently requires that an agricultural market be wholly located within an enclosed facility (sales and marketing) or under roof (pre-sale and post-sale handling of livestock on a site of 40 acres or greater. Accessory uses are limited to 25% of the total square footage of all buildings or 40,000 (whichever is less).

The **site** shall be located:

- outside of the Urban Service Area;
- within one (1) mile of an interstate interchange; and
- have frontage along a state or federal highway.

The **facility** (structure) shall be located:

- a minimum of 1,000 feet from a property in a residential zone, a Rural Settlement (RS) or an Existing Rural Residential (ERR) land use, and any property designated on the National Register of Historic Places; and
- outside of any environmentally sensitive area, including any wellhead protection area.

The purpose of the text amendment is to create a destination for agricultural commodities and activities in conjunction with the existing agricultural market that has been approved by the Board of Adjustment.

Proposed changes to the existing regulations include:

1. Definition of "facility" – from entire agricultural market to only stockyard activities (pre-sale, marketing, sales and post-sale)
2. Accessory uses allowed to be separate and apart from the stockyard activities (see above)
3. Elimination of accessory use aggregate size limitations of 25% or 40,000 sq. ft., whichever is less
4. Allow additional accessory uses
  - a. retail sale of farm machinery & equipment with outdoor display area, including indoor service and repair
  - b. covered event arena for agricultural and agritourism activities

5. Expand size of accessory uses
  - a. office/meeting rooms for banks, insurance and financial institutions; government; or agricultural commodity trading = 60,000 sq. ft.
  - b. coffee shop or restaurant = 5,000 sq. ft. (remove 5% limitation)
  - c. retail sale of farm machinery = 20,000 sq. ft. (new)
  - d. covered event arena for agricultural and agritourism activities = 75,000 sq. ft. (new)
  - e. retail of agricultural products, supplies and related items = 25,000 sq. ft. (existing 5,000 sq. ft.)
  - f. total accessory use square footage limitations = 185,000 sq. ft.
  - g. no limitation for veterinary clinic or owner/operator/caretaker dwelling unit
6. Increase size of free-standing signs from 50 square feet each to 100 square feet each and remove restriction that prohibits accessory uses from being listed on the face of the sign
7. Add "except as provide herein" phrase in the prohibited use section for offices, museums and institutional uses; major and minor automobile and truck repair; and automobile service stations
8. Modify small farm winery restaurant and bistro parking requirements

## **Proposed Text Amendment**

**See attached** (redlined version and clean/condensed version)

## **Timeline**

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|-------------------|--|
| <b>July 5:</b>    | Initiation by the Urban County Council (60-day review) |
| <b>July 19:</b>   | Work Session Introduction                              |
| <b>August 2:</b>  | Planning Commission Committees                         |
| <b>August 16:</b> | Possible Work Session Discussion                       |
| <b>August 23:</b> | Planning Commission Public Hearing                     |

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

**8-1(a) Intent** - This zone is established to preserve the rural character of the agricultural service area by promoting agriculture and related uses, and by discouraging all forms of urban development except for a limited amount of conditional uses.

**8-1(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Land used solely for agricultural purposes, including small farm wineries and equine-related activities, as outlined in KRS 100.
2. Single family detached dwellings.

**8-1(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as agricultural structures; stables; farm tours; hayrides; petting zoos; and parking areas, provided all yard requirements for a principal residence are met.
2. Those specific agricultural uses outlined in KRS 100 that are incidental only to a small farm winery licensed as such by the Commonwealth of Kentucky, such as the manufacture and bottling of wines; tasting rooms for the purpose of serving complimentary samples; sale by the drink or bottle, either on or off premises; and sale and shipment of wine, either wholesale or retail.
3. Home offices and home occupations.
4. Temporary roadside stands offering for sale only agricultural products grown on the premises, or value-added product sales primarily from agricultural resources grown or raised on the premises.
5. Keeping of not more than two (2) roomers or boarders by a resident family.
6. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts; bicycling and hiking trails and the like.
7. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
8. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
9. Satellite dish antennas, as regulated in Article 15-8.
10. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).
11. Mobile homes, as provided in Article 10.
12. Tenant homes, provided all yard requirements for a principal residence are met.

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

1. Horse race tracks with allotted race meets, including accessory simulcast facilities, accessory restaurants and/or the serving of alcoholic beverages, and horse riding and training facilities.
2. Horse sales establishments.
3. Hospitals for large animals, including equine hospitals.
4. Plant nurseries.
5. Commercial greenhouses, but only when all the following conditions are met:
  - a. A 20-foot wide landscape easement shall be provided around all buildings and parking areas or at the perimeter of the tract of land, containing one tree per thirty (30) feet of length or fraction thereof, plus a continuous 6-foot high planting, hedge, fence, wall or earth mound. Plantings shall be both deciduous and non-deciduous. A detailed site plan showing proposed screening shall be provided, and a performance bond or letter of credit shall be posted with the Division of Environmental Services to ensure completion of screening. New screening shall not be required to be planted when existing screening is substantially similar to the screening mentioned above.
  - b. No structure shall be built within three hundred (300) feet of any existing residential structure on another lot under different ownership, and driveways shall be one hundred (100) feet from property lines.
  - c. There shall be no outdoor display or sale of fungicides, insecticides, chemicals, peat moss, humus, mulches or fertilizer.
  - d. No commercial greenhouse shall be located within a floodplain.
  - e. The commercial greenhouse shall be located where easily accessible by arterial roads. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
  - f. All driveways and parking areas shall be paved or sealed to prevent dust.
6. Commercial composting, but only when the following conditions are met:
  - a. That only the open windrow or static pile method of aerobic processing using plant material, soils and animal manure, be permitted.
  - b. That a permit-by-rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
  - c. That no commercial composting operation be conducted closer than one thousand (1,000) feet to any existing residence.

- d. That a development plan indicating access points and circulation routes, proposed signage, screening and landscaping, fencing and other significant geological or physical features of the property be submitted as part of any application.
- e. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.
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 interchanges 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 center-lines 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. ~~As~~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 Notwithstanding any other provision of this Section 7, with respect to a completely enclosed livestock market/stockyard, "facility, and no-" shall mean a building (including its adjacent loading areas) may be located no closer than one thousand (1,000) feet from a residence on a lot under different ownership; provided, however, that in which all sales and marketing of livestock and 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 the livestock while allowing adequate~~ ventilation and air circulation. "Facility" shall not include any improvements for accessory uses nor parking lots or driveways for ingress and egress to the property.
- 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 the aggregate of these uses may not exceed twenty-five percent (25%) of the total square footage of 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 they are operated for uses related to agriculture or services, supplies and/or equipment used in agriculture and further provided that all such uses are clearly identified on the site plan submitted to the Board of Adjustment:~~
    - 1) Accessory ~~offices~~office/ meeting room space for: (i) banking, insurance ~~and/or~~ financial institutions;

- ~~2) Meeting rooms, not to exceed five percent (5%) of provided there is no "drive-through" banking; (ii) state or federal government entities or trade associations related to agriculture; or (iii) livestock and grain commodity trading; the total floor area combined space for which is not to exceed 60,000 square feet;~~
- ~~3) One (1) coffee shop or restaurant, not to exceed 5,000 square feet, or five percent (5%) of the total floor area, whichever is less;~~
- ~~4) Loading docks;~~
- ~~5) State and federal government offices related to agriculture;~~
- ~~6) Veterinary clinic, including the sale of livestock pharmaceutical supplies;~~
- ~~7) 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;~~
- ~~8) Retail sale of farm machinery/equipment with outdoor display area provided such display area is enclosed by fencing and not accessible to the public during hours that the retail facility is not open for business. Any building for such purpose is not to exceed 20,000 square feet; Areas for indoor service/maintenance and repair of product sold may not exceed 25% of the square footage of the building.~~
- ~~7) Covered event arena/space for agricultural/livestock/agritourism events not to exceed 75,000 sq. feet~~
- ~~7) Retail sale of agricultural products, supplies and related items produced on or off the premises, including the acceptance of orders for bulk agricultural supplies, with provided there is no on-site outdoor storage of such supplies, any building for which is not to exceed 525,000 square feet;~~
- ~~9) Sale of agricultural products produced on the premises;~~
- ~~10) Livestock and grain commodity trading office;~~
- ~~11) Display area for farm machinery/equipment, provided that no on-site sales shall be permitted.~~
- 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 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 ~~50~~100 square feet in area and 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.
  - 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.
- For any of the following conditional uses established after January 26, 1995, a total of 10,000 square feet shall be the maximum allowable for all structures proposed for such uses.
8. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
  9. Rehabilitation homes.
  10. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not

incidental to a service facility as provided in KRS 100.324.

11. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loud speakers, retail sales of merchandise, restaurants or food service, and the like), including zoological gardens, sportsmen's farms (including outdoor rifle and other firearm ranges), native animal game preserves, outdoor rodeos, hunting and trapping, riding stables, campgrounds, and fishing lakes, including private clubs for only these uses.
12. Commercial and non-commercial outdoor recreational facilities (excluding golf courses), with outdoor lighting; but without loud speakers, retail sales of merchandise, restaurants or food service, and the like; but only when located immediately adjacent to the Blue Sky Rural Activity Center defined in the adopted Comprehensive Plan.
13. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
14. Mining and/or quarrying of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
15. Airports, including accessory restaurants and/or the serving of alcoholic beverages.
16. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:
  - a. Such facilities shall be operated at all times in compliance with applicable Federal, State, and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.
  - b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.
  - c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.
- d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
17. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, only when accessory to a residential use. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
18. Family child care for seven (7) and not more than twelve (12) children, provided that the total number of children living or being cared for on the premises shall not exceed twelve (12). A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
19. Churches, Sunday schools and parish houses, provided that churches may be allowed an additional 10,000 square feet of building over and above their existing square footage, provided that the church structure(s) existed or the church had approval of the Board of Adjustment and the church owned 20 or more contiguous acres prior to the adoption of the Rural Land Management Plan on April 8, 1999.
20. Schools for academic instruction, including accessory dormitories.
21. Kindergartens, nursery schools and child care centers for four (4) or more children when accessory to a church or school, as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
22. Concrete mixing, but only when associated with mining or quarrying operations which comply with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:
  - a. That no concrete mixing and/or asphalt plant operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.
  - b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
  - c. Development Plan - The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, storm water and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.
  - d. Drainage and Erosion Control - The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event adequate drainage,



- erosion, and sediment control cannot be provided, permits may be denied.
- e. Roads - All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point. Internal roads may be un-paved, provided dust is adequately controlled.
  - f. Screening - Screening shall be provided as defined in accordance with LFUCG Article 18 of the Zoning Ordinance.
  - g. Transportation Plan - A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
    - 1) Product shipping and deliveries;
    - 2) Mode of transportation;
    - 3) Route(s) to and from site;
    - 4) Schedule and frequency of shipments;
    - 5) Delivery and shipping spillage control methods;
    - 6) Employee parking.
  - h. Storage - Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
  - i. Excess Product and Waste - Excess product and waste, when disposed of on site, shall be in a designated area so as to prevent erosion and contamination of streams and water-ways. At the cessation of operation, all out-door storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
23. Asphalt plant, but only when associated with mining and/or quarrying which comply with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:
- a. That no asphalt plant operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.
  - b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State, and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
- c. Development Plan - The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, storm-water and sediment basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.
  - d. Drainage and Erosion Control - The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
  - e. Roads - All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.
  - f. Screening - Screening shall be provided as defined in accordance with LFUCG Article 18 of the Zoning Ordinance.
  - g. Transportation Plan - A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
    - 1) Product shipping and deliveries;
    - 2) Mode of transportation;
    - 3) Route(s) to and from the site;
    - 4) Schedule and frequency of shipments;
    - 5) Delivery and shipping spillage control methods;
    - 6) Employee parking.
  - h. Storage - Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
  - i. Excess Product and Waste - Excess product and waste, when disposed of on site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or

graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.

24. Commercial woodlots, but only when the following conditions are met:
    - a. A 50-foot open space area shall be required from the perimeter of the tract of land.
    - b. No commercial woodlot shall be located within four hundred (400) feet of any residential structure on another lot under different ownership, and drive-ways shall be a minimum of one hundred (100) feet from property lines.
    - c. A 20-foot wide landscape buffer area shall be provided around all commercial woodlots or at the perimeter of the tract of land, containing one tree per thirty (30) feet of length or fraction thereof, plus a continuous 6-foot high planting hedge, fence, wall or earth mound. New screening shall not be required to be planted when existing screening is substantially similar to the screening mentioned above.
    - d. There shall be no storage or sale of wood chips, peat moss, humus, mulches or fertilizer, nor sale to the public of firewood at the site.
    - e. No commercial woodlot shall be located within a floodplain or sinkhole.
    - f. Commercial woodlots shall be located where easily accessible by Federal or State highways. All roads to site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
    - g. All driveways and parking areas shall be paved or sealed to prevent dust.
    - h. Wood shall be stored in rows no greater than ten (10) feet in height, no greater than twenty (20) feet in width, and spaced no less than fifteen (15) feet apart.
    - i. Cutting and splitting of timber shall not occur in the 50-foot open space area of the site, and only between the hours of 8:00 a.m. - 5:00 p.m.
    - j. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.
    - k. No signage shall be permitted on the premises.
    - l. Woodlots shall comply with all applicable Federal and State laws.
  25. Bed and breakfast facilities, limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
  26. Expansion of golf courses in existence or approved as of January 26, 1995 (including private clubs) with or without driving ranges, including the accessory retail sale of golf-related merchandise, and including an accessory restaurant and/or food service with or without the serving of alcoholic beverages. This use shall not be conducted in conjunction with more than one single family detached dwelling.
  27. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Article 8-1(c)(2), which may include special events with or without live entertainment or a small bistro/restaurant of up to (2) seats per 1,000 gallons of wine, brandies and cordials produced or compounded on site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval of fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has been obtained for any food services offered, whether it be provided on site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).
  28. Historic House Museum operated by a governmental entity or by a private, non-profit entity that has Internal Revenue Code Section 501(c)(3) status and that is a member of a recognized museum association such as the Kentucky Museum and Heritage Alliance, the American Association for State and Local History, the American Association of Museums, the Association of Living History, Farm and Agricultural Museums and/or Southeastern Museum Conference; provided, however, that the house shall not be expanded beyond its current or documented historic footprint, and all activities and events shall relate to the educational mission of the governmental or non-profit entity.
  29. Agritourism activities to include corn mazes; farm gift shops (limited to 500 square feet); educational classes related to agricultural products or skills; horse shows involving more than 70 participants; and seasonal activities.
  30. Ecotourism activities to include equine trails; botanical gardens; and nature preserves.
  31. Youth camps.
- 8-1(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below



are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Establishments for the processing of crude petroleum, natural gas, or oil shale.
2. Disposal of garbage and refuse, transfer stations.
3. Multi-family, two-family or townhouse dwelling units.
4. Retail sales or services, wholesale, or warehouse uses, except as provided herein.
5. Offices, museums and institutional uses, except as provided herein.
6. Commercial recreational facilities, such as amusement parks; bowling alleys; skating rinks; pool or billiard halls; establishments with coin-operated pool or billiard tables, or outdoor theaters.
7. Hotels, motels, boarding or lodging houses, and campgrounds.
8. Manufacturing, compounding, assembling, processing and packaging and other industrial uses.
9. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
10. Garden centers or market gardens, except those activities specifically allowed under the definition of commercial green-houses and plant nurseries.
11. Major or minor automobile and truck repair, except as provided herein.
12. Automobile service stations, except as provided herein.
13. Storage, except as permitted herein.
14. Junk yards.
15. Sale of new or used merchandise, except as provided herein.
16. Slaughterhouses.
17. Penal or correctional institutions.
18. Sawmills.
19. Commercial kennels.
20. Hospitals, nursing homes, rest homes, orphanages, community residences.
21. Sewage disposal plants.
22. Fraternity and sorority houses.
23. Private clubs, including accessory restaurants and/or the serving of alcoholic beverages, except as permitted herein.
24. Adult entertainment establishments or other similar adult uses.
25. Special events, parties, festivals, concerts, and children's rides related to a commercial purpose.
26. Commercial hiking, bicycling and zip line trails; tree canopy tours; canoeing and kayaking launch sites; or recreational outfitters.
27. Commercial farm markets.

Lot, Yard and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-1(f) Minimum Lot Size - Forty (40) acres, except as noted in 8-1(o)(1) below.

8-1(g) Minimum Lot Frontage - 750', except as noted in 8-1(o)(1) below.

8-1(h) Minimum Front Yard - 300' from the right-of-way line, except for the following:

- (1) Lots which have principal permitted residential structures less than 300' from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or 50', whichever is greater;
- (2) Lots which were created by subdivision plats recorded prior to January 26, 1995 shall have the minimum front yard coincident with the platted building line, or 50', whichever is greater;
- (3) Existing lots less than 350' in lot depth shall have the minimum front yard coincident with the platted building line, or 50', whichever is greater.

8-1(i) Minimum Each Side Yard - 25 feet.

8-1(j) Minimum Rear Yard - 25 feet.

8-1(k) Minimum Useable Open Space - No limitation.

8-1(l) Maximum Lot Coverage - No limitation.

8-1(m) Maximum Height of Building - 35 feet, except for buildings devoted solely to agricultural uses, then no limitation.

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

Bed and Breakfast Facilities - One space per room rented other than the first room.

Churches and Sunday Schools - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Commercial Greenhouses - Provided there are sales to the public on the premises, one (1) space per employee, and ten (10) additional spaces, plus one (1) additional space per four hundred (400) square feet of total floor area, up to five thousand (5,000) square feet of total floor area. Parking spaces not required to be paved, but must be durable and dustless.

Non-Commercial Outdoor Athletic Facilities, including Baseball Fields; Soccer Fields; Outdoor Rodeos - One (1) space for every five (5) spectator seats, or one for every three active participants in the sport, whichever is greater.

Commercial and Non-Commercial Riding Stables, Fishing Lakes, Sportsmen's Farms, Zoological Gardens, and Other Recreational Facilities, Ecotourism and Agritourism activities not otherwise stated herein - Five (5) spaces, plus one (1) space for each employee for each separate use.

Dormitories - Five (5) spaces, plus one (1) space for every five (5) beds.

Dwelling Units - One (1) parking space per dwelling unit.

Elementary and Junior High Schools - One (1) space for every fifteen (15) seats in the main auditorium; or one (1) space for every classroom, plus one (1) space for each employee, whichever is greater.

All Other Schools for Academic Instruction - One (1) space for each five (5) classroom seats, or one space for each five (5) seats in the main auditorium, whichever is greater.

Equine Hospitals or Large Animal Hospitals - One (1) space per four hundred (400) square feet of floor area, with a minimum of five (5) spaces; but not including any barns.

Golf Courses - Three (3) spaces for every hole on the main course.

Golf Driving Ranges - One (1) space per driving tee; plus one (1) space per employee, with a minimum of five (5) spaces.

Horse Race Tracks - One (1) space per five (5) seats, plus one (1) space for every three (3) employees.

Rehabilitation Homes - One (1) space for each three (3) beds; plus one (1) space for each employee on the maximum shift, with a minimum of five (5) spaces.

Kindergartens, Nursery Schools, Child Care Centers and Family Child Care for seven (7) or more children - Three (3) spaces for the first twelve (12) children, plus one space for every ten (10) (or fraction thereof) additional children.

Private Clubs - One (1) space for every four (4) members.

Small Farm Winery Restaurant/Bistro - One (1) space for every six (6) seats in the restaurant or bistro.

Conditional Uses - Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements, as needed. For any conditional use not otherwise stated herein: one (1) space per employee, with a minimum of five (5) spaces.

Combinations - Combined uses shall provide parking equal to the sum of the individual requirements.

#### 8-1(o) Special Provisions

1. Existing single family residential structures containing, at a minimum, running water; indoor plumbing; and electricity; and which has been legally occupied at any time within six months of the date of the adoption of this section, may be subdivided from its parent tract on a 10-acre minimum lot with a minimum of

250' of lot frontage, provided that the remaining parent tract has a minimum of 40 acres, and at least 250' of frontage on an existing road; or approved access as provided for in Article 6-8(1) of the Land Subdivision Regulations. The provisions of this section shall expire three years from the date of its adoption.

8-1 AGRICULTURAL RURAL (A-R) ZONE

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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 interchanges 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 center-lines 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. Notwithstanding any other provision of this Section 7, with respect to a stockyard, "facility" shall mean a building (including its adjacent loading areas) located no closer than one thousand (1,000) feet from a residence on a lot under different ownership in which all sales and marketing of livestock and all pre-sale and post-sale handling of livestock shall take place under roof enclosed by a combination of fences and gates in order to secure the livestock while allowing adequate ventilation and air circulation. "Facility" shall not include any improvements for accessory uses nor parking lots or driveways for ingress and egress to the property.
  - 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.
- 1. 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 they are operated for uses related to agriculture or services, supplies and/or equipment used in agriculture and further provided that all such uses are clearly identified on the site plan submitted to the Board of Adjustment:
  - 1) Accessory office/ meeting room space for: (i) banking, insurance or financial institutions provided there is no "drive-through" banking; (ii) state or federal government entities or trade associations related to agriculture; or (iii) livestock and grain commodity trading; the combined space for which is not to exceed 60,000 square feet;
  - 2) One (1) coffee shop or restaurant, not to exceed 5,000 square feet;
  - 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 farm machinery/equipment with outdoor display area

- provided such display area is enclosed by fencing and not accessible to the public during hours that the retail facility is not open for business, Any building for such purpose is not to exceed 20,000 square feet; Areas for indoor service/maintenance and repair of product sold may not exceed 25% of the square footage of the building.
- 7) Covered event arena/space for agricultural/livestock/agritourism events not to exceed 75,000 sq. feet
  - 8) Retail sale of agricultural products, supplies and related items produced on or off the premises, including bulk agricultural supplies, provided there is no outdoor storage of such supplies, any building for which is not to exceed 25,000 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 free standing sign per street frontage may be permitted, with a maximum of two (2) signs, not exceeding 100 square feet in area and 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.

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.

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8-1(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

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, except as provided herein.

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

Small Farm Winery Restaurant/Bistro - One (1) space for every six (6) seats in the restaurant/bistro.