

ORDINANCE NO. 001 - 2025

AN ORDINANCE AMENDING ARTICLES 1-11, 3-13(b), (e), (g) AND (l), 8-1(c) AND (d), 8-2(c) AND (d), AND 8-3(c) AND (d), TO REGULATE SHORT TERM RENTALS IN AGRICULTURAL ZONES. (URBAN COUNTY COUNCIL).

WHEREAS, the Lexington-Fayette Urban County Planning Commission considered at a meeting on December 12, 2024, amendments to the text of Articles 1-11, 3-13(b), (e), (g), and (l), 8-1(c) and (d), 8-2(c) and (d), and 8-3(c) and (d), to regulate Short Term Rentals in agricultural zones. The Planning Commission did recommend approval of the modified text amendment by a vote of 8-0; and

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

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

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

Section 1 – That Article 1-11 of the Lexington-Fayette Urban County Government Zoning Ordinance shall be amended to provide as follows:

*Dwelling unit, farm employee* means any accessory residence located in an agricultural zone, maintained for the occupancy of employees and their families or the owner's immediate family, in connection with an agricultural use on the property. Farm employee dwelling units may be occupied by transient guests as a hosted short term rental, if such use is approved by the Board of Adjustment.

Section 2 – That Article 3-13(b) of the Lexington-Fayette Urban County Government Zoning Ordinance shall be amended to provide as follows:

b) Except as limited by subsections (l) and (m), the number of Dwelling Units allowed to be utilized as Short Term Rentals per Property:

Zones Allowed	Hosted (Occupancy up to 10)	Hosted (Occupancy >10)	Un-Hosted	# of Dwellings on Property allowed as Short Term Rental Units
Single Family Lots <sup>1</sup>				
R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3,	Accessory Use	Conditional Use	Conditional Use	1 dwelling unit or 1 ADU

A-R**	Conditional Use	Conditional Use	Conditional Use (with a maximum size of 10 acres)	Hosted: 1 dwelling unit or 1 FEDU** Or: Un-Hosted: 1 dwelling unit
A-N**, A-B**	Conditional Use	Conditional Use	Prohibited	Hosted: 1 dwelling unit or 1 FEDU
<b>Multi-Family and Group Residential Lots<sup>2</sup></b>				
R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3, CN,	Accessory Use	Conditional Use	Conditional Use	10% max. or 1, whichever is greater
B-1, P-1, MU-1, MU-2, MU-3	Accessory Use	Accessory Use	Principal Use	25% max. or 1, whichever is greater
B-2, B-2A, B-2B, B-4*, I-1*, I-2*, CC, B-6P, MU-3*	Principal Use	Principal Use	Principal Use	No max.

<sup>1</sup> Single Family Lots may include either a detached dwelling unit or a subdivided attached dwelling unit as a principal structure.

<sup>2</sup> Multi-Family and Group Residential Lots may include condominiums and attached single family dwelling units on one lot.

\* When part of an Adaptive Reuse Project, Industrial Reuse Project, or Entertainment Mixed Use Project

\*\*-Properties in the A-R, A-B, and A-N zone may be subject to other regulations and restrictions that impact the ability to operate short term rental uses.

Section 3 – That Article 3-13(e) of the Lexington-Fayette Urban County

Government Zoning Ordinance shall be amended to provide as follows:

- e) Detached accessory structures may be used as a Short Term Rental only in a permitted Farm Employee Dwelling Unit or a Detached Accessory Dwelling Unit.

Section 4 – That Article 3-13(g) of the Lexington-Fayette Urban County

Government Zoning Ordinance shall be amended to provide as follows:

- g) For Short Term Rentals regulated as conditional uses, the Board of Adjustment shall take into consideration:
  - 1) The demonstrated compliance record of the applicant, if they operate other STRs in Lexington.
  - 2) Whether other STRs in the general vicinity have been cited as a nuisance, including those operated by the applicant.
  - 3) Whether the property being considered is located within a neighborhood that may be vulnerable to involuntary displacement based upon socio-economic demographics.
  - 4) For STRs in the Agricultural Rural (A-R), Agricultural Buffer (A-B), and Agricultural Natural-Areas (A-N) zones:
    - i. The applicant shall provide documentation from the Health Department stating that the septic tank on the property is sufficient to handle the proposed use of the property as a short term rental and based on the number of occupants as part of their application to the Board.
    - ii. The Board must find that the proposed STR will not have an adverse influence on uses occurring on the subject or adjoining or adjacent properties.

- iii. The Board must find that adequate fire safety measures are present within the unit.
- iv. The Board must find that adequate parking is available on site, and that there are or will be lighted entrances that are easily visible from the roadway.
- v. No short term rental shall be located within a mile of another short-term rental in an A-R, A-B, or A-N zone, measured from the property boundary.

Section 5 – That Article 3-13(l) of the Lexington-Fayette Urban County Government Zoning Ordinance shall be amended to provide as follows:

- l) No Short Term Rental regulated as a conditional use shall be located within six hundred (600) feet of another Short Term Rental that has either received a Conditional Use Permit from the Board or is otherwise a legal non-conforming use pursuant to Section (j), above, except in the A-R, A-B, and A-N zones which shall be further regulated pursuant to Section (g)(4) above.

Section 6 – That Article 8-1(c) and (d) of the Lexington-Fayette-Urban County Government Zoning Ordinance shall be amended to provide as follows:

**Sec. 8-1. Agricultural Rural (A-R) Zone.**

- (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. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts; bicycling and hiking trails and the like.
  - 6. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
  - 7. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
  - 8. Satellite dish antennas, as regulated in Section 15-8.
  - 9. Family childcare home.
  - 10. Mobile homes, as provided in Article 10.
  - 11. Dwelling units, farm employee, provided all yard requirements for a principal residence are met.

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

...

- 26. Bed and breakfast facilities, including farmstays (as defined by KRS 219.011), 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.

...

34. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.
35. Un-Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance, with a maximum lot size of ten (10) acres and provided that no unhosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.

Section 7 – That Article 8-2(c) and (d) of the Lexington-Fayette Urban County

Government Zoning Ordinance shall be amended to provide as follows:

**Sec. 8-2. Agricultural Buffer (A-B) Zone.**

(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. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts; bicycling and hiking trails and the like.
6. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
7. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
8. Satellite dish antennas, as regulated in Section 15-8.
9. Family childcare home.
10. Mobile homes, as provided in Article 10.
11. Dwelling units, farm employee, provided all yard requirements for a principal residence are met.

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

....

16. Bed and breakfast facilities, including farmstays (as defined by KRS 219.011), 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.

\*\*\*\*

21. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.

Section 8 – That Article 8-3(c) and (d) of the Lexington-Fayette Urban County

Government Zoning Ordinance shall be amended to provide as follows:

**Sec. 8-3. Agricultural-Natural Areas (A-N) Zone.**

- (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. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts; bicycling or hiking trails and the like.
  6. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
  7. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
  8. Satellite dish antennas, as regulated in Section 15-8.
  9. Family childcare home.
  10. Mobile homes, as provided in Article 10.
  11. Dwelling units, farm employee, provided all yard requirements for a principal residence are met.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.) For any of the following conditional uses established after January 26, 1995, a total of ten thousand (10,000) square feet shall be the maximum allowable for all structures proposed for such uses. Prior to the approval of any conditional use containing environmentally sensitive land, such as flood hazard areas; areas of significant tree stands; sinkhole and karst areas; slopes exceeding fifteen percent (15%); "special natural protection" areas, as designated in the Comprehensive Plan; and stone fences, the applicant must prove, and the Board of Adjustment must find, that adequate safeguards will be in place to ensure the least negative impact on the land. This proof and finding shall extend to uses accessory to permitted conditional uses.

In making its determination, the Board of Adjustment shall:

- i. Require the submission of an environmental assessment prepared by a qualified professional.
- ii. Consider mitigation of environmental impacts over time.
- iii. Consider the operational plan of any proposed agritourism or

- ecotourism activities.
- iv. Consider requiring certification for any proposed ecotourism activities.

- ...
7. Bed and breakfast facilities, including farmstays (as defined by KRS 219.011), 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.

- ...
13. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.

Section 9 – That this Ordinance shall become effective on the date of passage.

PASSED URBAN COUNTY COUNCIL: January 23, 2025



\_\_\_\_\_  
MAYOR

ATTEST:



\_\_\_\_\_  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: January 31, 2025-1t

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

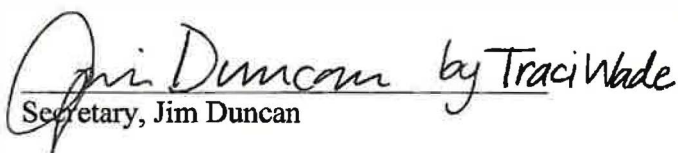
**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE: PLN-ZOTA-24-00009: REGULATING SHORT TERM RENTALS WITHIN THE AGRICULTURAL ZONES** – a text amendment to update Articles 3 and 8 to regulate short-term rentals within the agricultural zones.

Having considered the above matter on **December 12, 2024**, at a Public Hearing, and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL OF THE ALTERNATIVE TEXT** of this matter for the following reasons:

1. The proposed text amendment with staff alternative text allows for short term rental uses within the agricultural zones while also including safeguards against overconcentration and clustering, thus protecting the valuable agricultural nature of Fayette County's Rural Service Area.
2. The proposed text amendment with staff alternative text provides enforceable limitations on hosted and un-hosted short term rentals in order to prevent adverse impacts on the health, safety, and welfare of the local community and visitors to the agricultural zones.
3. The request allows for reasonable utilization of existing residential uses, while also safeguarding rural land (Theme E, Goal #1.C).

ATTEST: This 3<sup>rd</sup> day of January 2025.

  
Secretary, Jim Duncan

LARRY FORESTER  
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Daniel Crum, Principal Planner, Planning Services.**

**OBJECTORS**

- Joan Gariboldi
  
  
  
  
  
- Carmen von Unrug
  
  
  
  
  
- Gill Dunn

**OBJECTIONS**

- Told her experience finding out that her short term rental in the agricultural zone was not registered and stated that she felt like she was told different explanations from different parties. She ended by asking there be a portal for people who were unregistered but operating under the new rules to allow their businesses to continue.
- Shared a similar experience with Ms. Gariboldi and stated that she felt the Planning Commission was making it more difficult for small farmers to make money.
- Stated he thought the some of the regulations particularly, the 30 day limit seemed arbitrary and

stated that short term rental owners want some kind of explanation or consistency when it comes to the new regulations.

VOTES WERE AS FOLLOWS:

AYES: (8) Zach Davis, Forester, Michler, Owens, Penn, Pohl, Wilson, and Worth  
NAYS: (0)  
ABSENT: (3) Johnathon Davis, Nicol, Pohl  
ABSTAINED: (0)  
DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-ZOTA-24-00009** carried.

Enclosures: Application  
Initiation Minutes  
Staff Report  
Planning Commission recommended text  
Applicable excerpts of minutes of above meeting



## GENERAL INFORMATION - Zoning Ordinance Text Amendment Application

**1. APPLICANT INFORMATION:**

**Name:** URBAN COUNTY COUNCIL

**Address:**

**City, State, Zip Code:**

**2. ATTORNEY (Or Other Representative) INFORMATION:**

**Name:**

**Address:**

**City, State, Zip Code:**

**Phone Number:**

**3**

**Specific text change proposed:**

The purpose of the proposed text amendment is to modify Articles 1, 3, and 8 to regulate short-term rentals within the agricultural zones .

**4. DESCRIBE THE JUSTIFICATION FOR MAKING THIS CHANGE: (Use attachment if necessary.)**

See attached letter of justification.

RESOLUTION NO. 539 -2024

A RESOLUTION INITIATING ZONING ORDINANCE TEXT AMENDMENTS TO ARTICLES 1, 3, AND 8 FOR SHORT-TERM RENTALS IN THE RURAL SERVICE AREA.

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BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Zoning Ordinance text amendments to Articles 1, 3, and 8, relating to Short Term Rentals in the Rural Service Area, as attached hereto, be and hereby are initiated by this Council; and

Section 2 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:                      October 24, 2024



MAYOR

ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL

1063-24:TWJ:4883-4054-6033, v. 1



**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT**

**PLN-ZOTA-24-00009: REGULATING SHORT TERM RENTALS WITHIN  
THE AGRICULTURAL ZONES**

INITIATED BY: URBAN COUNTY COUNCIL

PROPOSED TEXT: SEE ATTACHED (Note: **Red** text indicates an addition to the existing Zoning Ordinance; **Blue** text indicates staff alternative text; text ~~stricken through~~ indicates a deletion)

**STAFF REVIEW:**

On October 24, 2024, the Urban County Council passed a resolution initiating a text amendment to the Zoning Ordinance for Planning Commission review and recommendation related to regulation of short term rentals within the agricultural zones (Resolution 539-2024). This proposed language represents the core recommendation of the Rural Land Management Board, who conducted a review of the regulations over the past year, along with modifications from the General Government and Planning Committee of the Urban County Council.

Currently, short-term rentals are limited to the residential, business and mixed-use zones, often correlated with the urban area of the community. These provisions were first established in 2023, and after approximately a year of operation, the Urban County Council initiated an update to the regulations for the urban STR regulations (ZOTA-24-00007). This update included reductions in occupancy limits, modifications of the considerations for the Board of Adjustment and significantly increased spacing and concentration requirements. The Planning Commission recommended approval of alternative language for the Council’s request, and the Urban County Council is still in the process of reviewing the urban STR update, with the ability to adopt the language as early as December 5, 2024. Should the Urban County Council approve ZOTA-24-00007, the proposed language for this request will need to be reconciled with any new language that is adopted.

The following report reviews the proposed updated Zoning Ordinance regulations for short term rentals in Lexington and makes recommendations to modify the proposed Zoning Ordinance text to make some allowance for short term rentals in the agricultural zones.

**TEXT AMENDMENT PROPOSAL**

The Urban County Council’s proposal establishes both hosted and un-hosted short-term rentals as conditional uses in the Agricultural Rural (A-R), Agricultural Buffer (A-B) and Agricultural Natural-Areas (A-N) zones, subject to specific requirements. The proposal limits the ability to request a conditional use for an un-hosted short-term rental to parcels that are less than ten (10) acres in size. Based on current data, there are 1,831 parcels within the Rural Service Area representing a total of 3,433 acres that could meet that acreage requirement. This represents 43% of the total number of parcels in the Rural Service Area, but only 2.67% of the total acreage within the Rural Service Area. The initiated text also places provisions for a minimum of a 500-foot spacing requirement between un-hosted short term rentals.



Conversely, the Urban County Council's proposal does not put a maximum acreage requirement for hosted short-term rentals in the agricultural zones, but does establish a one-mile spacing requirement between hosted rentals and any other short-term rental. The intent behind the differences in regulation between the hosted and un-hosted units was to limit the more commercialized un-hosted short-term rentals to the smaller parcels, which are more residential in character. In the interest of maintaining the agricultural nature of the larger parcels, un-hosted short-term rentals were excluded, and the only available path to a short term rental would be for a hosted use. Doing so ensures that the primary use of the dwelling is for the full-time resident, and that the short term rental is secondary to that use. Without an acreage requirement, all A-R, A-N, or A-B properties with a dwelling unit could request a conditional use for a hosted short term rental. In order to mitigate any issues with overconcentration, the Council has proposed a larger, one-mile separation requirement between hosted short term rentals and any other short term rental. The one-mile distance is consistent with that established for Bed and Breakfasts, which would be a similar land use.

The initiated text also establishes a separate occupancy limit and calculation for the agricultural short term rentals. The current requirement allows for an occupancy of two individuals per bedroom, plus an additional four individuals, or a total of twelve (12), whichever is less. The ordinance currently being considered by Council to update the regulations reduces the calculation to two individuals per bedroom plus two individuals, or a total of ten (10), whichever is less. For this text amendment, the Urban County Council proposes to set a separate standard for the agricultural short term rentals, which alters the calculation to a flat limit of two individuals per bedroom.

The proposed text also outlines several considerations that the Board of Adjustment must consider when evaluating any agricultural short term rental use. These considerations include an evaluation of the septic system for the subject property by the health department, evaluating the impact the use would have on any adjoining agricultural uses, ensuring there is sufficient parking on-site, and considering the number of short-term rentals within one mile of the proposed short-term rental.

## **EVALUATION**

Staff is proposing several modifications to the Urban County Council's proposed text amendment. The staff alternative language maintains most of the existing framework proposed by the Urban County Council, but modifies the language in several areas for clarity, consistency, and applicability.

One of the larger changes to the Council's language is the removal of the un-hosted short term rental conditional use permit option in the Agricultural Buffer (A-B) and Agricultural Natural Areas (A-N) zones. Council's text allowed for the potential of un-hosted short-term rentals in those zones; however, this came with a maximum lot size requirement of ten (10) acres. Both zones have a minimum lot size requirement that is more than ten acres, and as these zones were more recently created, there are no nonconforming lots that are less than the 10-acre requirement. As the condition could not be met, staff recommends that the provision be removed. Any A-N or A-B zoned parcels would retain the ability to have a hosted STR, provided they meet all other necessary requirements.

Planning Staff's alternative text also makes changes to the utilization of Farm Employee Dwelling Units (FEDU) for hosted rentals. Under Council's initial language, these units could only be utilized



if the dwelling unit was constructed prior to the adoption of the proposed Ordinance, and did not allow new Farm Employee Dwelling Units to be constructed and later used for short term rentals. This provision was intended to ensure there was not a proliferation of Farm Employee Dwelling Units being constructed for the sole purpose of being utilized for short term rentals. However, in order to construct a FEDU, the applicant must demonstrate that they have an active agricultural use, and that the use of the dwelling unit will be by employees or family members involved in the operation of the farm. This requirement, coupled with the conditional use permit review protects against the over proliferation of these uses.

Similarly, staff recommends the removal of an accessory use within these zones - the keeping of roomers or boarders. This language is no longer necessary, as the new short term rental language creates a pathway for rentals that are for a period of less than a month, while still allowing for long term rentals to operate as well. There are other uses that provide a similar function to short term rentals, such as Bed and Breakfast uses or farmstays, that will remain as conditional uses. These uses are differentiated from short term rentals through the provision of services. With a short-term rental, no services are provided to the renter other than the rental of the unit. As such, the host or operator of short term rentals cannot provide services such as meals, guided hunting tours, or any other form of additional services.

Staff recommends adding one additional consideration for the Board related to agricultural zones to prohibit short term rentals on any property that is protected with a conservation easement that is administered under the Purchase of Development Rights (PDR) Program. There have been questions about whether short term rentals are commercial in nature and thus prohibited by existing conservation easements. In order to eliminate any continued debate or confusion in the future, the Staff recommends prohibiting short term rentals for any PDR protected farm.

The final change proposed by Staff is the modification of the 500-foot spacing criteria between un-hosted short-term rentals. If adopted, the current iteration of the updated short term rental text amendment creates a 600-foot separation requirement between conditionally permitted short term rental uses. If adopted, this requirement as written would apply to short term rentals within the agricultural zones as well, resulting in duplicative language, and create potential confusion as to what the required separation distance is.

Staff is supportive of this effort to introduce short term rentals within the agricultural zones. The proposed regulations allow pathways for property owners within these areas to have greater utilization of their property, as well as expanding the opportunities for agritourism. The proposal provides protections for nearby property owners in these areas by making these conditional uses subject to specific spacing requirements, ensuring there are adequate facilities to support the use, and placing conditions that ensure that the operation of the use will not negatively impact the surrounding area.

The PROPOSED STAFF ALTERNATIVE TEXT is attached for further review and consideration.



The Staff Recommends: Approval of the Staff Alternative Text to the Zoning Ordinance, for the following reasons:

1. The proposed text amendment with staff alternative text allows for short term rental uses within the agricultural zones while also including safeguards against overconcentration and clustering, thus protecting the valuable agricultural nature of Fayette County's Rural Service Area.
2. The proposed text amendment with staff alternative text provides enforceable limitations on hosted and un-hosted short term rentals in order to prevent adverse impacts on the health, safety, and welfare of the local community and visitors to the agricultural zones.
3. The request allows for reasonable utilization of existing residential uses, while also safeguarding rural land (Theme E, Goal #1.C).



**ARTICLE 1 GENERAL PROVISIONS AND DEFINITIONS**

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## Sec. 1-11. Definitions.

*Dwelling unit, farm employee* means any accessory residence located in an agricultural zone, maintained **exclusively** for the occupancy of employees and their families or the owner's immediate family, in connection with an agricultural use on the property. Farm employee dwelling units may be occupied by transient guests as a hosted short term rental, if such use is approved by the Board of Adjustment.

*Short Term Rental (STR)* means the commercial use of a dwelling unit that is rented in whole or in part, for temporary occupancy by transient guests for a tenancy of less than thirty (30) consecutive days in duration, where no meals are served. This term does not include hotel or motel rooms, extended stay hotels, bed and breakfast facilities, boarding or lodging facilities, or farm employee dwelling units. Transient guests are those who have an established primary residence elsewhere, and this term shall not be construed to include individuals that rent a primary residence on a weekly basis.

*Hosted Short Term Rental* means a short term rental in which the dwelling unit utilized as the STR, or another dwelling unit on the subject property is a primary residence and a primary resident (as defined in Section 13-76 of the Code of Ordinances) continues to occupy the property while the short-term rental is being rented to a transient guest.

*Un-Hosted Short Term Rental* means a short term rental in which a primary resident (as defined in Section 13-76 of the Code of Ordinances) does not occupy the property during the short term rental period.

**ARTICLE 3 GENERAL ZONE REGULATIONS**

**Sec. 3-13. General regulations for Short Term Rentals (STRs).**

- a) All short term rentals shall be licensed by the Division of Revenue and subject to the regulations of Section 13 of the Code of Ordinances.
- b) Except as limited by subsections (l) and (m), the number of Dwelling Units allowed to be utilized as Short Term Rentals per Property:

Zones Allowed	Hosted (Occupancy up to 10)	Hosted (Occupancy >10)	Un-Hosted	# of Dwellings on Property allowed as Short Term Rental Units
<b>Single Family Lots<sup>1</sup></b>				
R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3,	Accessory Use	Conditional Use	Conditional Use	1 dwelling unit or 1 ADU
<u>A-R**</u>	<u>Conditional Use</u>	<u>Conditional Use</u>	<u>Conditional Use (with a maximum size of 10 acres)</u>	<u>Hosted: 1 dwelling unit or 1 FEDU**</u> <u>Or:</u> <u>Un-Hosted: 1 dwelling unit</u>
<u>A-N**, A-B**</u>	<u>Conditional Use</u>	<u>Conditional Use</u>	<u>Prohibited</u>	<u>Hosted: 1 dwelling unit or 1 FEDU</u>
<b>Multi-Family and Group Residential Lots<sup>2</sup></b>				
R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3, CN,	Accessory Use	Conditional Use	Conditional Use	10% max. or 1, whichever is greater
B-1, P-1, MU-1, MU-2, MU-3	Accessory Use	Accessory Use	Principal Use	25% max. or 1, whichever is greater
B-2, B-2A, B-2B, B-4*, I-1*, I-2*, CC, B-6P, MU-3*	Principal Use	Principal Use	Principal Use	No max.

<sup>1</sup> Single Family Lots may include either a detached dwelling unit or a subdivided attached dwelling unit as a principal structure.

<sup>2</sup> Multi-Family and Group Residential Lots may include condominiums and attached single family dwelling units



on one lot.

\* When part of an Adaptive Reuse Project, Industrial Reuse Project, or Entertainment Mixed Use Project

\*\*-Properties in the A-R, A-B, and A-N zone may be subject to other regulations and restrictions that impact the ability to operate short term rental uses.

- c) Maximum Occupancy Limit (for accessory and principal uses): A maximum of two (2) individuals per bedroom, plus an additional two (2) individuals; or a total of 10 individuals, whichever is less. Any host or other permanent residents of the dwelling unit present during the short-term rental period shall count toward the maximum occupancy. Occupancy for accessory dwelling units used as short-term rentals shall be in accordance with Section 3-12(m).
- d) Maximum Occupancy Limit (for conditional uses): The Board shall establish a maximum occupancy for the short term rental use in accordance with the above provision, except the Board may allow additional occupants when there is sufficient evidence that a greater occupancy will not result in overcrowding or create a nuisance.
- e) Detached accessory structures may be used as a Short Term Rental only in a permitted Farm Employee Dwelling Unit or a Detached Accessory Dwelling Unit.
- f) Short Term Rentals shall not be utilized for private events, such as weddings or parties, in which the number of participants exceeds the maximum occupancy limit. No private events shall occur between the hours of 11:00 p.m. and 7:00 a.m. Special events for a commercial purpose shall be prohibited at all times.
- g) For Short Term Rentals regulated as conditional uses, the Board of Adjustment shall take into consideration:
  - 1) The demonstrated compliance record of the applicant, if they operate other STRs in Lexington.
  - 2) Whether other STRs in the general vicinity have been cited as a nuisance, including those operated by the applicant.
  - 3) Whether the property being considered is located within a neighborhood that may be vulnerable to involuntary displacement based upon socio-economic demographics.
  - 4) For STRs in the Agricultural Rural (A-R), Agricultural Buffer (A-B), and Agricultural Natural-Areas (A-N) zones:
    - i. The applicant shall provide documentation from the Health Department stating that the septic tank on the property is sufficient to handle the proposed use of the property as a short term rental and based on the number of occupants as part of their application to the Board.
    - ii. The Board must find that the proposed STR will not have an adverse influence on uses occurring on the subject or adjoining or adjacent properties.
    - iii. The Board must find that adequate fire safety measures are present within the unit.
    - iv. The Board must find that adequate parking is available on site, and that there are or will be lighted entrances that are easily visible from the roadway.
    - v. No short term rental shall be located within a mile of another short-term rental in an A-R, A-B, or A-N zone, measured from the property boundary.
- h) The Chair may admit all pertinent evidence for the Board's consideration, including but not limited to the sworn testimony of those present, letters and documents submitted for the record, and reports from LFUCG staff.
- i) For any conditional use permit approved by the Board of Adjustment for a short term rental, the conditional use permit shall become null and void if the applicant's short-term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

- j) Any Short Term Rental operating in a principal dwelling unit prior to July 11, 2023, that would hereafter be regulated as a conditional use shall be allowed to continue its operation per Article 4-7, but shall utilize the new regulations provided in Sections (a), (c), (e), (f), and (h) above. Such uses shall obtain the license required above from the Division of Revenue no later than January 11, 2024 and be subject to the regulations of Section 13 of the Code of Ordinances. A change in ownership shall require a conditional use permit to be approved by the Board of Adjustment.
- k) Any Short Term Rental operating in a principal dwelling unit prior to July 11, 2023 that is located in a zone that would hereafter prohibit Short Term Rentals shall be allowed to continue its operation as a non-conforming use per Article 4-3, and shall continue to operate in accordance with the definition of a dwelling unit occupied by one family or housekeeping unit, having no more than one rental contract per week, for a total of no more than 52 rentals per year and with an occupancy of no more than 4 unrelated individuals. Such uses shall obtain the license required above from the Division of Revenue no later than January 11, 2024 and be subject to the regulations of Section 13 of the Code of Ordinances.
- l) No Short Term Rental regulated as a conditional use shall be located within six hundred (600) feet of another Short Term Rental that has either received a Conditional Use Permit from the Board or is otherwise a legal non-conforming use pursuant to Section (j), above, except in the A-R, A-B, and A-N zones which shall be further regulated in Section (g)(4) above.
- m) The number of Un-Hosted Short Term Rentals shall not exceed two percent (2%) of all dwelling units within one thousand (1,000) feet in residential zones.
- n) Relief from Sections (l) and (m) may be obtained from the Board of Adjustment on a case-by-case basis, provided the applicant demonstrates that the proposal would not contribute to an overconcentration of Un-Hosted Short Term Rentals in the immediate area and/or adversely affect the housing stock in the immediate area. In approving this relief, the Board must find the request is appropriate for at least one of the following reasons:
  - 1) The property is adjacent to nonresidential zones that allow Short Term Rentals as a principal or accessory use;
  - 2) There is a significant environmental feature or minor arterial or higher classification road that separates the proposed Short Term Rental from other Un-Hosted Short Term Rentals within the buffer area
  - 3) An Un-Hosted Short Term Rental within the buffer area is located on the perimeter of the buffer area, with part of the property being located outside of the buffer area
- o) The Board of Adjustment may consider a maximum of ten (10) new conditional use applications for Short Term Rentals per month.

**ARTICLE 8 SCHEDULE OF ZONES**

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**Sec. 8-1. Agricultural Rural (A-R) Zone.**

- (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.
- (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.
- (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. (RENUMBER AS NEEDED)~~
  - 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 Section 15-8.
  - 10. Family childcare home.
  - 11. Mobile homes, as provided in Article 10.
  - 12. Dwelling units, farm employee, provided all yard requirements for a principal residence are met.
- (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 (1) tree per thirty (30) feet of length or fraction thereof, plus a continuous six-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 Building Inspection 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 (2) 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 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, the term "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 stormwater 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. Stormwater management shall be provided pursuant to the requirements of the LFUCG Engineering Manuals, and stormwater 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 this 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 sixty thousand (60,000) square feet:
  - 2) One (1) coffee shop or restaurant, not to exceed five thousand (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-premises, including bulk agricultural supplies, with no outdoor storage of such

- supplies, not to exceed twenty-five thousand (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 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;
- 8) Covered arena for agricultural and/or agritourism events, not to exceed seventy-five thousand (75,000) square feet; and
- 9) Agriculture-related museums, not to exceed twenty thousand (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.

8. Home-based businesses.

For any of the following conditional uses established after January 26, 1995, a total of ten thousand (10,000) square feet shall be the maximum allowable for all structures proposed for such uses.

- 9. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
- 10. Rehabilitation homes.

11. 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.
12. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loudspeakers, 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, and fishing lakes, including private clubs for only these uses.
13. Commercial and non-commercial outdoor recreational facilities (excluding golf courses), with outdoor lighting; but without loudspeakers, 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.
14. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
15. 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.
16. Airports, including accessory restaurants and/or the serving of alcoholic beverages.
17. 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.
18. 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.
19. Type II Childcare Center. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
20. Places of religious assembly, which may be allowed an additional ten thousand (10,000) square feet of building over and above their existing square footage, provided that the structure(s) existed or the religious entity had approval of the Board of Adjustment and owned twenty (20) or more contiguous acres prior to the adoption of the Rural Land Management Plan on April 8, 1999.

Places of religious assembly may erect accessory structures, such as outdoor shelters, pavilions, picnic shelters, pergolas, or substantially similar structures, without permanent walls, provided that the size of the accessory structures shall not exceed thirty-five percent (35%) of the floor area of the principal structure or three thousand, five hundred (3,500) square feet, whichever is less. These accessory structures shall not count against the otherwise allowed ten thousand (10,000) square feet for a principal structure.

21. Schools for academic instruction, including accessory dormitories.
22. Kindergartens, nursery schools and childcare centers for four (4) or more children when accessory to a place of religious assembly 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.
23. 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 and 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), Section 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, stormwater 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 unpaved, provided dust is adequately controlled.
  - f. Screening. Screening shall be provided as defined in accordance with LFUCG Article 18 of this 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 (3) 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 eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this 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 eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.
24. 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 and 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), Section 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, stormwater 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 this 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 (3) 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 eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this 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 eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.
25. 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 driveways 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 (1) tree per thirty (30) feet of length or fraction thereof, plus a continuous six-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. to 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.
26. Bed and breakfast facilities, including farmstays (as defined by KRS 219.011), 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.
27. 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 (1) single-family detached dwelling.

28. 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 Subsection (c)2 of this section, which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per one thousand (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 is 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).
  29. 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.
  30. Agritourism activities to include corn mazes; farm gift shops (limited to five hundred (500) square feet); educational classes related to agricultural products or skills; horse shows involving more than seventy (70) participants; seasonal activities.
  31. Ecotourism activities to include equine trails; botanical gardens; and nature preserves.
  32. Youth camps.
  33. Small farm Micro-Distilleries. Distilleries associated with an existing small farm winery licensed under KRS 243.155 as of, the effective date of the ordinance that produces less than 1,000 gallons of distilled spirit annually. The distillery shall be operated under a Class B License as defined in KRS 243.120. At least one agricultural resource grown on the property (e.g., grapes, corn, rye, wheat) shall be a component of the product produced by the distillery. A small farm micro-distillery shall conform to all applicable local, state and federal laws and regulations related to alcoholic beverages.
  34. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.
  35. Un-Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance, with a maximum lot size of ten (10) acres and provided that no unhosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.
- (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. Multifamily, 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 greenhouses and plant nurseries.
11. Major or minor automobile and truck repair, except as provided herein.
12. Automobile service stations.
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.)

- (f) *Minimum Lot Size.* Forty (40) acres, except as noted in subsection (o)(1) of this section below.
- (g) *Minimum Lot Frontage.* Seven hundred fifty (750) feet, except as noted in subsection (o)(1) of this section below.
- (h) *Minimum Front Yard.* Three hundred (300) feet from the right-of-way line, except for the following:
  - (1) Lots which have principal permitted residential structures less than three hundred (300) feet from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or fifty (50) feet, 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 fifty (50) feet, whichever is greater;
  - (3) Existing lots less than three hundred fifty (350) feet in lot depth shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater.

- (i) *Minimum Each Side Yard.* Twenty-five (25) feet.
- (j) *Minimum Rear Yard.* Twenty-five (25) feet.
- (k) *Minimum Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Thirty-five (35) feet, except for buildings devoted solely to agricultural uses, then no limitation.
- (n) *Off-Street Parking.* (See Articles 16 and 18 for additional parking regulations.) No minimum requirements.

Conditional Uses: The Board of Adjustment may establish additional requirements, as needed.

(o) *Special Provisions.*

1. Existing single-family residential structures containing, at a minimum, running water; indoor plumbing; and electricity; and which have been legally occupied at any time within six (6) months of the date of the adoption of this section, may be subdivided from its parent tract on a ten-acre minimum lot with a minimum of two hundred fifty (250) feet of lot frontage, provided that the remaining parent tract has a minimum of forty (40) acres, and at least two hundred fifty (250) feet of frontage on an existing road; or approved access as provided for in Section 6-8(1) of the Land Subdivision Regulations. The provisions of this section shall expire three (3) years from the date of its adoption.

(Code 1983, § 8-1; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 60-84, § 1, 5-3-1984; Ord. No. 89-86, § 6, 5-29-1986; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 154-89, § 1, 8-31-1989; Ord. No. 30-92, §§ 2—4, 3-3-1992; Ord. No. 56-92, § 2, 5-14-1992; Ord. No. 86-92, §§ 2—4, 5-28-1992; Ord. No. 55-94, §§ 2, 3, 4-14-1994; Ord. No. 42-95, § 1, 2-23-1995; Ord. No. 292-95, § 1, 12-7-1995; Ord. No. 98-96, § 1, 6-27-1996; Ord. No. 207-99, § 1, 7-8-1999; Ord. No. 50-2004, § 1, 3-18-2004; Ord. No. 202-2004, § 1, 8-26-2004; Ord. No. 258-2005, § 1, 9-22-2005; Ord. No. 341-2006, §§ 2—7, 12-7-2006; Ord. No. 1-2011, §§ 6, 7, 1-13-2011; Ord. No. 156-2011, § 1, 12-6-2011; Ord. No. 103-2013, § 3, 9-12-2013; Ord. No. 104-2013, § 3, 9-12-2013; Ord. No. 137-2016, § 2(8-1), 7-7-2016; Ord. No. 22-2017, § 3(8-1), 3-2-2017; Ord. No. 124-2017, § 2, 8-31-2017; Ord. No. 166-2017, § 3(8-1), 11-16-2017; Ord. No. 22-2018, § 1, 4-12-2018; Ord. No. 74-2018, § 1, 10-11-2018; Ord. No. 102-2020, § 3, 10-22-2020; Ord. No. 045-2022, § 2, 6-9-2022; Ord. No. 112-2022, § 1, 10-27-2022; Ord. No. 113-2022, § 3, 10-27-2022; Ord. No. 004-2023, § 2, 1-31-2023)

Sec. 8-2. Agricultural Buffer (A-B) Zone.

- (a) *Intent.* This zone is established to preserve the rural character of the agricultural service area by establishing agricultural land that can serve as buffer areas between urban uses and agricultural land, and between land outside Fayette County and agricultural uses. It is the intent of this zone to provide separation between conflicting uses by requiring appropriate landscaping, fencing, and compatible uses. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate location for the Agricultural Buffer (A-B) zone.
- (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.

- (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. (RENUMBER AS NEEDED)~~
  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 Section 15-8.
  10. Family childcare home.
  11. Mobile homes, as provided in Article 10.
  12. Dwelling units, farm employee, provided all yard requirements for a principal residence are met.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
1. Hospitals for large animals, including equine hospitals.
  2. Plant nurseries.
  3. Home-based businesses.

For any of the following conditional uses established after January 26, 1995, except where the A-B zone is adjacent to the county boundary, and the property is a minimum of ten (10) acres and has frontage on a state highway, a total of ten thousand (10,000) square feet shall be the maximum allowable for all structures proposed for such uses:

4. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
5. Rehabilitation homes.
6. 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.
7. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loudspeakers, 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; primitive campgrounds; and fishing lakes; including private clubs for only these uses.
8. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
9. 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.
10. 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.
11. 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.
12. Type II Childcare Center. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
13. Places of religious assembly.
14. Schools for academic instruction, including accessory dormitories.
15. Kindergartens, nursery schools and childcare centers for four (4) or more children when accessory to a place of religious assembly 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.
16. Bed and breakfast facilities, including farmstays (as defined by KRS 219.011), 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.
17. 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 Section 8-1(c)2, which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per one thousand (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).

18. Agritourism activities to include corn mazes; children's rides; farm gift shops (limited to five hundred (500) square feet); educational classes related to agricultural products or skills; horse shows involving more than seventy (70) participants; seasonal activities.
19. Ecotourism activities to include commercial hiking, bicycling trails; equine trails; zip line trails; tree canopy tours; canoeing and kayaking launch sites; botanical gardens; and nature preserves.
20. Youth camps.
21. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.

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. Multifamily, 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.
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, except bed and breakfast facilities permitted herein.
8. Manufacturing, compounding, assembling, processing and packaging and other industrial uses.
9. Automobile, truck, ATV, motorcycle, bicycle moto-cross, or other vehicle or bicycle race tracks.
10. Garden centers, market gardens, commercial greenhouses and plant nurseries.
11. Major or minor automobile and truck repair.
12. Automobile service stations.
13. Storage, except as permitted herein.
14. Junk yards.
15. Sale of new or used merchandise, except as provided herein.
16. Stockyards and slaughtering of animals.
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. Horse race tracks.
25. Veterinarian offices.
26. Commercial composting.
27. Airports.
28. Concrete mixing and asphalt plants.
29. Commercial woodlots.
30. Golf courses.
31. Adult entertainment establishments or other similar adult uses.
32. Special events, parties, festivals, and concerts related to a commercial purpose.
33. Commercial farm markets.
34. Recreation vehicle and trailer campgrounds; and recreational outfitters.

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

- (e) *Minimum Lot Size.* Ten (10) acres.
- (f) *Minimum Lot Frontage.* Two hundred fifty (250) feet.
- (g) *Minimum Front Yard.* Three hundred (300) feet from the right-of-way line, except for the following:
  - (1) Lots which have principal permitted residential structures less than three hundred (300) feet from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or fifty (50) feet, 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 fifty (50) feet, whichever is greater;
  - (3) Existing lots less than three hundred fifty (350) feet in lot depth shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater.
- (h) *Minimum Each Side Yard.* Fifty (50) feet.
- (i) *Minimum Rear Yard.* One hundred (100) feet.
- (j) *Minimum Open Space.* No limitation.
- (k) *Maximum Lot Coverage.* No limitation.
- (l) *Maximum Height of Building.* Thirty-five (35) feet, except for buildings devoted solely to agricultural uses, then no limitation.
- (m) *Off-Street Parking.* (See Articles 16 and 18 for additional parking regulations.) No minimum requirements.

Conditional Uses: The Board of Adjustment may establish additional requirements, as needed.

- (n) *Special Provisions.* For any development in an Agricultural Buffer Area (A-B) zone, the following provisions shall apply:
  1. All Agricultural-Buffer Area (A-B) zone developments shall provide a fenced buffer yard along the boundary of the development with land recommended for Natural Areas and Core Agricultural and Rural Land in the Comprehensive Plan. In order to prevent the growth of plants that may be toxic to animals, the buffer yard shall be kept mowed and free of trees, shrubs and plants other than grasses. Existing vegetation may remain as specified under Section 6-3(b) of the Land Subdivision Regulations. Buffer yards may, however, be used for utility installation and easements. Such buffer yard shall be the responsibility of the property

owner in the A-B zone to install and to maintain, and shall consist of the following:

- a. A double row of standard gauge diamond-mesh wire fences, of durable construction, at least eight (8) feet apart, with one (1) fence to be not less than fifty-two (52) inches high, set on seven and one-half (7½)-foot posts, with a required six-inch top board, to be placed closest to the A-B development; and the second fence to be not less than fifty-eight (58) inches high, set on eight-foot posts, with a required six-inch top board, placed nearest the adjoining agricultural property; or
- b. A single, standard gauge, diamond mesh wire fence, of durable construction, not less than seventy-two (72) inches high, set on nine-foot posts, with a required six-inch top board, with the mowed buffer yard to be eight (8) feet adjoining the fence; or
- c. Other buffer yard and fencing which achieves the intent of this section and which is agreed upon by the developer of the Agricultural Buffer Area and the adjoining agricultural property.

(Code 1983, § 8-2; Ord. No. 208-99, § 1, 7-8-1999; Ord. No. 197-2006, § 1, 7-6-2006; Ord. No. 341-2006, §§ 8—10, 12-7-2006; Ord. No. 103-2013, § 3, 9-12-2013; Ord. No. 137-2016, § 2(8-2), 7-7-2016; Ord. No. 22-2017, § 3(8-2), 3-2-2017; Ord. No. 166-2017, § 3(8-2), 11-16-2017; Ord. No. 102-2020, § 3, 10-22-2020; Ord. No. 045-2022, § 2, 6-9-2022; Ord. No. 113-2022, § 3, 10-27-2022; Ord. No. 004-2023, § 3, 1-31-2023)

### Sec. 8-3. Agricultural-Natural Areas (A-N) Zone.

- (a) *Intent.* This zone is established to preserve areas within the Rural Service Area that are physically unique, primarily due to their association with the Kentucky River and its tributaries. This area is characterized by steeper slopes, forested areas, and thinner/poorer soils, and is known as a habitat for rare and unusual flora and fauna. Because these lands are environmentally sensitive, special care is needed to ensure that the uses that are permitted are compatible with the goal of conservation and preservation of these lands. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate locations for the Agricultural Natural Areas (A-N) Zone.
- (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.
- (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. (RENUMBER AS NEEDED)~~

6. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts; bicycling or 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 Section 15-8.
10. Family childcare home.
11. Mobile homes, as provided in Article 10.
12. Dwelling units, farm employee, provided all yard requirements for a principal residence are met.

- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.) For any of the following conditional uses established after January 26, 1995, a total of ten thousand (10,000) square feet shall be the maximum allowable for all structures proposed for such uses. Prior to the approval of any conditional use containing environmentally sensitive land, such as flood hazard areas; areas of significant tree stands; sinkhole and karst areas; slopes exceeding fifteen percent (15%); "special natural protection" areas, as designated in the Comprehensive Plan; and stone fences, the applicant must prove, and the Board of Adjustment must find, that adequate safeguards will be in place to ensure the least negative impact on the land. This proof and finding shall extend to uses accessory to permitted conditional uses.

In making its determination, the Board of Adjustment shall:

- (1) Require the submission of an environmental assessment prepared by a qualified professional.
- (2) Consider mitigation of environmental impacts over time.
- (3) Consider the operational plan of any proposed agritourism or ecotourism activities.
- (4) Consider requiring certification for any proposed ecotourism activities.
1. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
2. Places of religious assembly.
3. 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.
4. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loudspeakers, 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; primitive campgrounds; and fishing lakes, including private clubs for only these uses.
5. 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.
6. 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.
  7. Bed and breakfast facilities, including farmstays (as defined by KRS 219.011), 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.
  8. 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 Section 8-1(c)2, which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per one thousand (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 for 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).
  9. Agritourism activities, to include corn mazes; farm gift shops (limited to five hundred (500) square feet); educational classes related to agricultural products and skills; horse shows involving more than seventy (70) participants; seasonal activities.
  10. Ecotourism activities, to include commercial hiking and bicycling trails; equine trails; tree canopy tours; canoeing and kayaking launch sites; botanical gardens; nature preserves and recreational outfitters, limited to equipment rental only.
  11. Youth camps.
  12. Home-based businesses.
  13. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.

- (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. Multifamily, 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.
  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, except bed and breakfast facilities permitted herein.
  8. Manufacturing, compounding, assembling, processing and packaging, and other industrial uses.
  9. Automobile, truck, ATV, motorcycle, bicycle moto-cross, or other vehicle or bicycle race tracks.
  10. Garden centers, market gardens, commercial greenhouses and plant nurseries.
  11. Major or minor automobile and truck repair.
  12. Automobile service stations.
  13. Storage, except as permitted herein.
  14. Junk yards.
  15. Sale of new or used merchandise, except as provided herein.
  16. Stockyards and slaughtering of animals.
  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. Horse race tracks.
  25. Veterinarian offices. Including equine and large animal hospitals.
  26. Commercial composting.
  27. Airports.
  28. Concrete mixing and asphalt plants.
  29. Commercial wood lots.
  30. Golf courses.
  31. Adult entertainment establishments or other similar adult uses.
  32. Special events, parties, festivals, concerts, and children's rides related to a commercial purpose.
  33. Commercial farm markets.
  34. Zip line trials.
  35. Recreation vehicle and trailer campgrounds.

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

- (f) *Minimum Lot Size.* Forty (40) acres.
- (g) *Minimum Lot Frontage.* Seven hundred fifty (750) feet.
- (h) *Minimum Front Yard.* Three hundred (300) feet from the right-of-way line, except for the following:
  - (1) Lots which have principal permitted residential structures less than three hundred (300) feet from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or fifty (50) feet, 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 fifty (50) feet, whichever is greater;
  - (3) Existing lots less than three hundred fifty (350) feet in lot depth shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater.
- (i) *Minimum Each Side Yard.* Fifty (50) feet.
- (j) *Minimum Rear Yard.* One hundred (100) feet.
- (k) *Minimum Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Thirty-five (35) feet, except for buildings devoted solely to agricultural uses, then no limitation.
- (n) *Off-Street Parking.* (See Articles 16 and 18 for additional parking regulations.) No minimum requirements.

Conditional Uses: The Board of Adjustment may establish additional requirements, as needed.

(Code 1983, § 8-3; Ord. No. 209-99 , § 1, 7-8-1999; Ord. No. 341-2006 , §§ 11—13, 12-7-2006; Ord. No. 103-2013 , § 3, 9-12-2013; Ord. No. 137-2016 , § 2(8-3), 7-7-2016; Ord. No. 22-2017 , § 3(8-3), 3-2-2017; Ord. No. 166-2017 , § 3(8-3), 11-16-2017; Ord. No. 102-2020 , § 3, 10-22-2020; Ord. No. 045-2022 , § 2, 6-9-2022; Ord. No. 113-2022 , § 3, 10-27-2022; Ord. No. 004-2023 , § 4, 1-31-2023)

**C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS**

- 1. PLN-ZOTA-24-00009: REGULATING SHORT TERM RENTALS WITHIN THE AGRICULTURAL ZONES** – a text amendment to update Articles 3 and 8 to regulate short-term rentals within the agricultural zones

INITIATED BY:URBAN COUNTY COUNCIL  
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Referral to the Planning Commission.

The Staff Recommends: Approval of the Staff Alternative Text, for the following reasons:

1. The proposed text amendment with staff alternative text allows for short term rental uses within the agricultural zones while also including safeguards against overconcentration and clustering, thus protecting the valuable agricultural nature of Fayette County's Rural Service Area.
2. The proposed text amendment with staff alternative text provides enforceable limitations on hosted and un-hosted short term rentals in order to prevent adverse impacts on the health, safety, and welfare of the local community and visitors to the agricultural zones.
3. The request allows for reasonable utilization of existing residential uses, while also safeguarding rural land (Theme E, Goal #1.C).

Staff Presentation – Mr. Daniel Crum presented the staff report and proposed text amendment. Mr. Crum gave a brief overview of the existing regulations with short-term rentals in the A-R zone noting that they are currently not permitted and stated that the Rural Land Management Board had generated a report on their recommendations from over the past year. Those recommendations were largely incorporated into the council-initiated text, with the exception of un-hosted short term rentals having a pathway forward in certain contexts within the A-R zone.

Mr. Crum gave a very quick overview of the Council initiated text stating that it allowed for hosted and un-hosted short terms rentals as a conditional use, and allowed for a maximum occupancy of two individuals per bedroom. Additionally, there can only be one short-term rental per property, with un-hosted short term rentals limited to parcels less than 10 acres in size and a 500 foot spacing requirement. Hosted sites would have a larger one mile spacing requirement, and could utilize an existing farm employee dwelling unit. No new farm employee units could be constructed for future short term rental use.

Mr. Crum also noted that the Council initiated text provided criteria for the Board of Adjustment to consider for both hosted and un-hosted short term rentals. Those criteria included health department evaluation of septic systems, finding that the use would not have an adverse impact on agricultural uses, parking, fire safety measures and consideration of the number of short term rentals within a mile.

Mr. Crum presented the staff alternative text changes. He stated that Staff had taken out the language about prohibiting future farm employee dwelling units being used as a hosted short term rental. In Staff's assessment, if a dwelling unit has been approved by the Board of Adjustment, it did not matter when the dwelling unit was built as long as it was still meeting the agricultural purpose of the property. Mr. Crum continued, presenting a table of what zones could be used for a short term rental in agricultural areas and noted the differences between what was allowed in the A-R zone and what was allowed in the A-N and A-B zones. Mr. Crum indicated that Staff recommended un-hosted short term rentals be prohibited in the A-N and A-B zones as they could not meet the lot and size requirement. Additionally, Mr. Crum stated that Staff had inserted a note that A-N and A-B zones might be subject to other restrictions due to PDR regulations and rules that would impact the ability to use a short term rental. Mr. Crum noted that most of the Staff changes after this were about clarity and consistency and ensuring the language was not duplicative.

Mr. Crum indicated that other Staff changes included eliminating differing occupancy limits relative to the urbanized rentals, elimination of un-hosted separation distances, and clarification and consistency edits. Mr. Crum also displayed a map of the parcels in the agricultural zones that are less

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\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

than 10-acres that would be allowed to request an un-hosted short term and noted the significant amount of land where having a short term rental would not be possible.

Mr. Crum concluded by stating that Staff is recommending approval of the Staff Alternative Language and could answer any questions from the Planning Commission.

Commission Questions and Comments – Ms. Worth asked if a short term rental applicant could build an attached or detached accessory dwelling unit under this language. Mr. Crum indicated that an ADU was not allowed in the agricultural zones and a farm employee dwelling unit was a separate type of dwelling unit.

Mr. Penn stated that farm employee dwelling unit construction is so different between farms that it is a case-by-case basis and that building a house just for short term rental use would take them a long time to pay off. Mr. Penn also stated that it won't be long until the Planning Commission would have to amend this because of agricultural tourism and people wanting to have a farm experience in central Kentucky is in high demand.

Mr. Zach Davis stated that in the text it says that the entrance would need to be lit and have adequate parking. Mr. Davis asked which entrance, and which roadway would need to be lit. Mr. Crum indicated that the intent behind that language was external and dealing with people who might be looking for their short-term rental on a country road that they are not familiar with.

Mr. Michler asked if it made sense to require some sort of entrance plan as part of the application process, because of his concern with lighting and the night sky ordinance that was just passed.

Mr. Wilson asked about the definition of short-term rentals and not being longer than 30 days at a time. Mr. Wilson asked if it was possible for someone to leave at 29 days and come back a few days later over and over again and what could be done about that. Mr. Crum indicated that it was possible and there was not a limit.

Public Comment – Margaret Graves, Rural Land Management Board, gave a brief explanation of the RLMB's thinking about un-hosted short-term rentals in the A-R zone. Ms. Graves stated that their concern came from people staying in short term rentals that were not familiar with the area, not having any guidance on how to interact with agricultural uses. Additionally, Ms. Graves indicated they included a date in the language about future farm employee dwelling units because they did not want to encourage building of homes not for farm employees. In conclusion, Ms. Graves noted the compromise that went into their findings and stated that they would like to be included on short term rentals in the agricultural zones going forward.

Joan Gariboldi, shared her experience finding out that her short term rental in the agricultural zone was not registered and stated that she felt like she was told different explanations from different parties. She ended by asking there be a portal for people who were unregistered but operating under the new rules to allow their businesses to continue.

Carmen von Unrug, shared a similar experience with Ms. Gariboldi and stated that she felt the Planning Commission was making it more difficult for small farmers to make money.

Gill Dunn, stated he thought the some of the regulations particularly, the 30 day limit seemed arbitrary and stated that short term rental owners want some kind of explanation or consistency when it comes to the new regulations.

Staff Rebuttal – Mr. Crum stated that the 30 day limit that Mr. Dunn mentioned was working from an existing framework and had been on the books for a while.

Commission Questions and Comments – Mr. Penn stated that the comments and discussion here are going to help the Board of Adjustment determine if a particular property is an appropriate place to have a short term rental. Mr. Penn concluded by stating that it would not be long until the federal government will ease the restrictions and the PDR board will have to be the arbitrator of whether the deed restrictions and easements will be allowed or not.

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Mr. Owens stated that conditional use applications are subject to inspection and asked if someone would be inspecting if there was adequate fire safety measures in the short term rentals. Ms. Wade indicated that they do not have an inspector that goes in to check, the applicant signs an affidavit that says they have all the necessary safety precautions, unless it is a condition of approval. In that case a zoning enforcement officer will look for that.

Mr. Owens asked what the occupancy for an un-hosted and hosted short term rentals on the books right now. Mr. Crum stated that the current threshold was 10 people but that the threshold did not really matter because this would allow for a conditional use regardless if it was one person or ten. Mr. Owens stated he would like the 10 person threshold be added to this text.

Mr. Owens also stated that he would like to change the language for the buffer between un-hosted short term rentals to also be one mile, the same as the hosted short term rentals.

Public Rebuttal – Carmen von Unrug stated that she did not think it was fair to force people who have bed and breakfasts to reapply under a short term rental when they have already gone through the process before and recommended keeping the accessory use for two or less boarders for these properties.

Commission Questions and Comments – Mr. Davis stated that at the time of the Zoning Committee there was a discussion about the boarders and wanted to discuss it further. Ms. Wade indicated the language had been in the ordinance for decades and that had been used as a loophole for bed and breakfasts to operate, however that changes the minute you post your listing onto a short term rental site like airBnB. At that point the Granicus system catches it as an advertised short term rental and the operator is required to get a license. Ms. Wade stated she realized it made some problems for those here today, but the Department of Law suggested the boarders language should be removed and then everyone who has been using the loophole has to register.

Ms. Worth stated that once someone gets a bad review of their short term rental, it impacts the property but the ordinance is about the people that are in close proximity to it and that there is a difference there. If a review is bad, that information would not necessarily reach the neighbors and that part of this has to do with the context of the area.

Public Rebuttal – Joan Gariboldi, stated that she thought this was overregulation of what someone can do with their own property and that their neighbors do not have any problem with how they use the property.

Commission Questions and Comments – Mr. Owens stated that he did not know that a transient room tax was being collected and sent to the City. He thought the residents should have been getting a letter to register as opposed to a cease and desist letter. Mr. James Duncan stated that the City was collecting revenue from the platforms and not the specific properties.

Action – A motion was made by Owens and seconded by Ms. Worth and carried 8-0 (J. Davis, Nicol, and Pohl absent) to approve PLN-ZOTA-24-00009: REGULATING SHORT TERM RENTALS WITHIN THE AGRICULTURAL ZONES with the Staff alternative text adding a one mile buffer to the A-B and A-N zones.