

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

1. **2018-2: AMENDMENT TO EXPAND ACCESSORY USES TO AN AGRICULTURAL MARKET IN THE AGRICULTURAL RURAL (A-R) ZONE** - petition for a Zoning Ordinance text amendment to Article 8-1 of the Zoning Ordinance to expand the allowable accessory uses for an Agricultural Market.

INITIATED BY: Urban County Council

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval of the Staff Alternative text amendment. for the following reasons:

1. The text amendment will grant flexibility to an agricultural market to expand the scope and scale of accessory uses to support the agricultural economy of Lexington-Fayette County. Where expanded uses are permitted, they should be co-located with other agribusiness activities in places that have the necessary infrastructure to support the land use.
2. An agricultural market, including its accessory uses, is an agribusiness operation that can provide learning opportunities, hospitality, tourism and ag-related recreation for the general public while protecting agricultural operations. The success of such agribusiness operations should be supported in a balanced manner to meet the recommendations of the 2017 Rural Land Management Plan, an adopted element of the 2013 Comprehensive Plan.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this text amendment, which were distributed to the Planning Commission. She said this text amendment is on a 60 day timeline because the Council initiated this text amendment in July. She said that Article 8-1 of the Zoning Ordinance defines an Agricultural Market as a place to buy or sell agricultural or farm products, which includes stockyards, aquaculture, horticulture, floriculture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products grown, raised or made by farm producers. She said that the agricultural market is permitted in two ways via our Zoning Ordinance: through a conditional use in the A-R zone, and via an overlay zone, which is the Agricultural Market Overlay (AM) zone in Article 24B of the Zoning Ordinance.

Ms. Wade said currently an agricultural market has location criteria: it must be located on a 40-acre site; located within one mile of an interstate interchange; and also have frontage along a state or federal highway in order to qualify. She also said the facility associated with an agricultural market has additional setback requirements, which is at least 1,000 feet from a residential zone, a rural settlement or an existing rural residential land use, and land designated on the national register of historic places. It must also be located outside of any environmentally sensitive areas.

Ms. Wade said that this text amendment proposes to: clarify the definition of "facility", to include stockyard activity; to eliminate the size limitations for accessory uses; allow additional accessory uses, such as retail sale of farm machinery, repair, and a covered arena for agricultural and agritourism events; expand the size of accessory uses; increase the size of free-standing signs; add the phrase "except as provide herein" in the prohibited use section for offices, museums and institutional uses; and modify small farm winery restaurant and bistro parking requirements.

Ms. Wade said that the Zoning Committee recommended to bring the text to the full Planning Commission at a work session, which was done on August 16, 2018. She also stated that staff has conferred with the Blue Grass Stockyards regarding the changes to the proposed text. She summarized the staff alternative text below:

Staff Alternative Text Changes

1. Simplify sub-section (7)(f) to maintain 1,000 foot setback for a livestock marketing and sales building, but not for other structures on the site, including clarification language that the setback will not apply to accessory uses or agricultural uses on the site (page 1).
2. Maintain overall accessory use maximum of 50% in sub-section (7)(n) (page 2).
3. Restaurant or coffee shop must be located within the facility's principal structure, and not in an independent structure sub-section (7)(n)(2) (page 2).
4. Add agriculture-related museums as an accessory use sub-section (7)(n)(9) (page 2).
5. No expansion of signage, removal of accessory use limitation in sub-section (7)(p) (page 2).
6. No exception for Automobile Service Stations in the prohibited uses in section 8-1(e) (page 3).
7. No change to parking requirements in section 8-1(n) (page 3).
8. Update Agricultural Market (AM-1) Overlay Zone (Article 24B) to be consistent.

Ms. Wade said that the staff and the Zoning Committee are recommending approval of the staff alternative text. She said that Fayette Alliance submitted a letter of support, which was distributed to the Planning Commission.

Commission Question – Mr. Owens asked if it is appropriate to include Article 24B with this text amendment. Ms. Wade said that Article 24B hasn't been utilized and the staff believes that changes to it won't impact any current landowners, only future

landowners. Mr. Owens asked if Article 24B will be included with this text amendment. Ms. Wade said that the staff will revise the title to include Article 24B.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 8-0 (Penn absent) to approve 2018-2: AMENDMENT TO EXPAND ACCESSORY USES TO AN AGRICULTURAL MARKET IN THE AGRICULTURAL RURAL (A-R) ZONE, for the reasons provided by the staff.