

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

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

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

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

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

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

8-1 AGRICULTURAL RURAL (A-R) ZONE

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

7. Agricultural market, but only when the following conditions are met:
 - a. The minimum lot size shall be forty (40) acres and shall not be located in A-R zoned land within the Urban Service Area of Lexington-Fayette County.
 - b. The property shall be within one (1) mile of an interstate interchange with a state or federal highway, excluding the two 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, "facility" shall mean all improvements, including parking and loading areas, but not including driveways for ingress and egress to the property.
 - e. Improvements such as buildings; barns; and other structures, including storm water detention basins, truck parking and loading areas; above-ground and underground storage tanks and septic sewage disposal systems shall be located outside of any environmentally sensitive area, including any wellhead protection area.
 - f. All sales and marketing of livestock shall take place in a completely enclosed building, and such building may not be located closer than one thousand (1,000) feet from a residence on a lot under different ownership; provided, however, that all pre-sale and post-sale handling of livestock shall take place under roof in an area enclosed by a combination of fences and gates in order to secure the livestock while allowing adequate ventilation and air circulation. Agricultural uses, accessory structures, parking lots and driveways shall not be subject to the setback from a residence, as established herein.
 - g. There shall be provision for the treatment and/or disposal of waste generated on the site, subject

CERTIFICATE

I do hereby certify that the title to this enactment
contains an accurate synopsis of the contents
thereof and may be used to satisfy the reading
and publication requirements of law.

Lucy M. Jones
DEPARTMENT OF LAW

- to all applicable local, state and federal requirements. Muck piles or the spreading of animal waste upon any part of the site shall be prohibited.
- h. All parking areas and driveways shall be paved.
 - i. Any outdoor lighting proposed must be directed away from, and shielded from, adjacent agricultural and/or residential areas.
 - j. The facility shall be operated at all times in compliance with applicable federal, state and local laws and regulations, including those pertaining to noise, air and water quality.
 - k. Storm water management shall be provided pursuant to the requirements of the LFUCG Engineering Manuals, and storm water shall be treated appropriately prior to its discharge.
 - l. Screening shall be provided if the facility is visible from adjoining properties. Such screening and buffering shall be designed so as to minimize the impact of air, noise, odor and/or light generated by the facility upon adjoining properties to the greatest extent practicable. Article 18 of the Zoning Ordinance shall be used to guide the planting of the screening of loading docks and vehicular use areas, but the Board of Adjustment may impose additional screening requirements and landscape buffers, as necessary.
 - m. There shall be a minimum of forty-five percent (45%) of the lot, regardless of size, provided as open space, which may not be varied by the Board of Adjustment.
 - n. The following accessory uses may also be permitted in conjunction with the operation of an agricultural market, provided that they are operated for uses related to agriculture or services, supplies and/or equipment used in agriculture, provided that the aggregate of all of these accessory uses may not exceed fifty percent (50%) of the total square footage of all buildings on the property and provided that all such uses are clearly identified on the site plan submitted to the Board of Adjustment:
 - 1) Offices and meeting rooms for the following: banking, insurance and financial institutions; state and federal government entities related to agriculture; livestock and grain commodity trading; or agricultural education; the combined total floor area of which is not to exceed 60,000 square feet;
 - 2) One (1) coffee shop or restaurant, not to exceed 5,000 square feet and shall be located within the facility and not in an independent structure;
 - 3) Loading docks;
 - 4) Veterinary clinic, including the sale of livestock pharmaceutical supplies;
 - 5) One (1) dwelling unit for owners, operators or employees; and one (1) dwelling unit for watchmen or caretakers, which dwelling units may be separate structures;
 - 6) Retail sale of agricultural products, supplies and related items produced on or off premise, including bulk agricultural supplies, with no outdoor storage of such supplies, not to exceed 25,000 square feet;
 - 7) Establishments and lots for the display, sale, service, and repair of farm machinery and equipment. Any building for such purpose is not to exceed 20,000 square feet; areas for indoor service and repair of products sold may not exceed twenty-five percent (25%) of the square footage of the building;
 - 8) Covered arena for agricultural and/or agritourism events, not to exceed 75,000 square feet; and
 - 9) Agriculture-related museums, not to exceed 20,000 square feet.
 - o. A detailed development plan, indicating access points, including construction and circulation routes; parking areas; lighting; screening and landscaping; proposed improvements; accessory uses; detention areas; signage; fencing and other significant physical or geological features of the property shall be submitted as part of any application.
 - p. One (1) free-standing sign per street frontage may be permitted, with a maximum of two (2) signs, not exceeding fifty (50) square feet in area and twenty (20) feet in height. In addition to any free-standing sign, wall-mounted signs may also be permitted, not to exceed a total of five percent (5%) of the wall area to which they are attached. Signs may only be non-illuminated or indirectly illuminated.
 - q. An operational plan shall also be submitted that outlines:
 - 1) Provisions for animal and/or product waste disposal, including grease, subject to all applicable local, state and federal requirements.
 - 2) Provisions for sewage disposal, maintaining air and water quality, and odor management.
 - 3) Hours of operation, and anticipated hours for truck deliveries and truck shipments.
 - 4) Routing of trucks on the site, including truck stacking, parking and loading areas.
 - 5) Protection measures proposed for any environmentally sensitive area located on the site, including any wellhead protection area.
 - 6) Existing and proposed utilities.
 - 7) Where appropriate, a Kentucky No Discharge Operational Permit (KNDOP), or other appropriate permit from the Kentucky Division of Water may be required as part of the approval of an Operational Plan.
 - 8) Any other pertinent information to indicate clearly the orderly operation proposed.
 - r. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.
 - s. The Board of Adjustment shall review all accessory uses approved as part of an application, on an annual basis, to ensure that such uses are operating in compliance with the restrictions set forth herein, and with any additional restrictions and/or conditions imposed by the Board. The Board may modify or revoke its approval of an accessory use if it finds, based upon the evidence, that such accessory use has been operated in violation of this Ordinance or any conditions or restrictions imposed by the Board.

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

8-1(e) Prohibited Uses

5. Offices, museums and institutional uses, except as provided herein.
11. Major or minor automobile and truck repair, except as provided herein.

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

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

24B-4 ACCESSORY USES PERMITTED - Those uses that are listed as accessory uses in the zone classification underlying the AM-1 zone, meaning they are clearly subordinate and incidental to principal permitted uses, are those also allowed in this overlay zone, unless listed as a prohibited use in Article 24B-6. The aggregate of all accessory uses in an AM-1 zone may not exceed fifty percent (50%) of the total square footage of all buildings on the property. In addition, the following accessory uses are also permitted in the AM-1 zone, but only when incidental and subordinate to a principal use permitted under Article 24B-3 that is not listed as permitted in the zone classification underlying the AM-1 zone:

1. Parking areas and loading docks.
2. Offices and meeting rooms for the following: state and federal government entities related to agriculture; livestock and grain commodity trading; banking, insurance and financial institutions or agricultural education; the combined total floor area of which is not to exceed sixty thousand (60,000) square feet.
3. One (1) coffee shop and/or restaurant, not to exceed five thousand (5,000) square feet, and shall be located within the principal facility and not in an independent structure.
4. Veterinary clinic, including the sale of livestock pharmaceutical supplies.
5. One (1) dwelling unit for owners, operators, or employees, and one (1) dwelling unit for watchmen or caretakers, which dwelling units may be in separate structures.
6. Outdoor lighting, but only when directed away from and shielded from adjacent agricultural and residential areas.
7. One (1) gift shop not to exceed two thousand five hundred (2,500) square feet.
8. Establishments and lots for the display, sale, service, and repair of farm machinery and equipment. Any building for such purpose is not to exceed twenty thousand (20,000) square feet; areas for indoor service and repair of products sold may not exceed twenty-five percent (25%) of the square footage of the building.
9. Retail sale of agricultural products, supplies and related items produced on or off premise, including bulk agricultural supplies, with no outdoor storage of such supplies, not to exceed twenty-five thousand (25,000) square feet.
10. Indoor Retail Farmers Market.
11. Covered arena for agricultural and/or agritourism events, not to exceed seventy-five thousand (75,000) square feet.
12. Agriculture-related museums, not to exceed twenty thousand (20,000) square feet.

24B-10 MINIMUM DESIGN STANDARDS

24B-10(a) ENCLOSED BUILDINGS REQUIRED FOR SOME USES - All sales and marketing of livestock, and all horse sales shall be conducted in an enclosed building. All pre-sale and post-sale handling of livestock shall take place under roof in a facility enclosed by a combination of fences and gates in order to secure livestock while allowing adequate ventilation and air circulation.

24B-10(b) PROPER SITE LANDSCAPING REQUIRED - All new facilities proposed in the AM-1 overlay zone must be landscaped and screened, if those facilities are visible from adjoining properties. Article 18 may be used to plan the proposed screening of loading docks and vehicular use areas, but the Planning Commission may impose additional screening requirements and landscape buffers as necessary.

24B-10(c) ENVIRONMENTALLY SENSITIVE AREAS ARE TO BE AVOIDED - Site improvements such as buildings, underground and above-ground storage tanks, septic sewage disposal systems, and all truck parking and loading areas shall be located outside of any environmentally sensitive area, including any wellhead protection area. In addition, storm water management shall be provided pursuant to the requirements of the LFUCG Engineering Manuals; and storm water must be treated appropriately prior to its discharge, and directed away from environmentally sensitive areas and known karst geologic features. Muck piles are prohibited in all environmentally sensitive areas.

24B-10(d) APPLICABLE LAWS MUST BE MET - All facilities must be operated at all times in compliance with applicable federal, state and local laws and regulations, including those pertaining to noise, air and water quality.

24B-10(e) LOT AND YARD REQUIREMENTS - Those listed as minimum or required in the zone classification underlying the Agricultural Market (AM-1) Overlay Zone shall apply. However, no principal or accessory building for uses permitted under Article 24B-3 that are not listed as permitted in

the zone classification underlying the AM-1 zone, may be located closer than three hundred (300) feet:

- (1) from a residence on a lot under different ownership;
- (2) from any property designated on the National Register of Historic Places.

24B-10(f) MAXIMUM BUILDING HEIGHTS - Those listed as maximum in the zone classification underlying the Agricultural Market (AM-1) Overlay Zone, or forty (40) feet, whichever is greater.

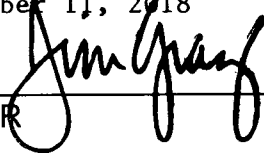
24B-10(g) SIGNAGE RESTRICTED - All signs shall be regulated as per the zone classification underlying the AM-1 zone. They may be up to a maximum of twenty (20) feet in height. However, the maximum height and location of all proposed freestanding signs must be identified on any required development plan.

In addition to allowable freestanding signs, in an AM-1 zone, non-illuminated or indirectly illuminated wall mounted signs are permitted, not to exceed five percent (5%) of the wall area to which they are attached.

24B-10(h) REQUIRED OPEN SPACE - No limitation, except for all uses permitted under Article 24B-3 above that are not listed as permitted in the zone classification underlying the AM-1 zone, then forty percent (40%) of the lot.

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

PASSED URBAN COUNTY COUNCIL: October 11, 2018


MAYOR

ATTEST:

Clerk of Urban County Council

PUBLISHED: October 18, 2018-1t

Recd by EW
Date: 9/14/18

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

IN RE: **ZOTA 2018-2: AMENDMENT TO EXPAND ACCESSORY USES TO AN AGRICULTURAL MARKET IN THE AGRICULTURAL RURAL (A-R) ZONE AND AN AGRICULTURAL MARKET (AM-1) OVERLAY ZONE** – petition for a Zoning Ordinance text amendment to Articles 8-1 and 24B of the Zoning Ordinance to expand the allowable accessory uses for an Agricultural Market.

Having considered the above matter on **August 23, 2018**, 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 Staff Alternative text** for this matter 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.

ATTEST: This 14th day of September, 2018.



Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Traci Wade, Planning Manager, Division of Planning, Planning Services Section.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Bell, Berkley, Brewer, Forester, Mundy, Owens, Plumlee, and Wilson

NAYS: (0)

ABSENT: (1) Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval** of **ZOTA 2018-2** carried.

Enclosures: Recommended Text
Council Resolution
Staff Reports
Applicable excerpts of minutes of above meeting.

RESOLUTION NO. 477 - 2018

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO EXPAND THE NUMBER OF ACCESSORY USES FOR AGRICULTURAL MARKETS (INCLUDING STOCKYARDS) IN THE AGRICULTURAL-RURAL (A-R) ZONE AS DESCRIBED IN THE PROPOSED TEXT ATTACHED HERETO AND INCORPORATED HEREIN.

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

Section 1 – That a Zoning Ordinance text amendment to expand the number of accessory uses for Agricultural Markets (including Stockyards) in the Agricultural-Rural (A-R) Zone is hereby initiated for Planning Commission consideration and recommendation.

Section 2 – That the draft proposed text amendment is attached hereto and incorporated herein as an exhibit to this resolution.

Section 3 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 5, 2018


MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL
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STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2018-2: AMENDMENT TO EXPAND ACCESSORY USES TO AN AGRICULTURAL MARKET IN THE AGRICULTURAL RURAL (A-R) ZONE

INITIATED BY: Urban County Council

PROPOSED TEXT: (See attachment)

STAFF REVIEW:

The Urban County Council has initiated a Zoning Ordinance text amendment to expand the allowable accessory uses to an agricultural market in the Agricultural Rural (A-R) zone (Article 8-1(d) of the Zoning Ordinance). The Planning Commission has only 60 days to review this proposal, and return a recommendation on it to the Council.

HISTORY OF AGRICULTURAL MARKET ZONING REGULATIONS

This proposed text amendment has a lengthy history that began in the early 2000s when the Blue Grass Stockyards first began considering moving their facility from its historic location on Lisle Industrial Avenue to a location outside of the Urban Service Area (USA). In 1995, a major text amendment to the A-R and A-U zones defined those uses that were both appropriate and inappropriate within the agricultural zones. At that time, several uses were either removed from those zones or greatly restricted so as to help preserve the rural character of the agricultural area and discourage all forms of urban development. This met the intent of our Agricultural-Rural (A-R) zone and helped to frame the subsequent Rural Land Management Plan in 1999. Particular to the 1995 text amendment, stockyards and slaughtering of animals were added as a specifically prohibited use in the A-R zone.

In the early 2000s, there were two schools of thought about how to regulate a stockyard (aka agricultural market) land use. In 2003, while reviewing the zoning ordinances of other communities, it was found that many communities, similar to Fayette County, only allow stockyards or livestock markets within their industrial and commercial areas. Some communities allow stockyards within their agricultural areas, but only after obtaining special use permit approvals.

In 2003, the filing of a text amendment to permit stockyards as a conditional use in the A-R zone (ZOTA 2003-5: Amendment to Article 1-11 and 8-1 to Allow Livestock Markets as a Conditional Use in the A-R Zone) raised the threshold issue as to whether or not a livestock market or stockyard use would be appropriate within the Rural Service Area (RSA). A stockyard or livestock market is a business that serves the agricultural industry; however, that does not necessarily mean that it should be located within the RSA. Many business uses that support the agricultural market are only allowed within the USA, such as tractor sales and repair, restaurants, and farmers' markets. There were many concerns expressed about the appropriateness of these uses in the agricultural area. These concerns stemmed from the impact of potentially intense developments in the rural area, such as the impact caused by a large volume of (and the type of) traffic that is generated by a livestock market; environmental concerns about the impact that a large concentration of animals, humans, and vehicles would have on the soil, air, and water; and concerns about the impact of the proposed use on any surrounding agricultural and residential properties.

At that time, the Commission thought that the best approach would be the creation of a new overlay zone. The staff spent several months drafting such a regulation, and then an additional two months

reviewing the draft with the Commission. Although the previous petitioner (dba BBBBP&S, LLC) initially requested that a livestock market be regulated as a conditional use in 2003, they did agree with the drafting of a new overlay zone, proposed their own version of such a regulation, and were on record being in agreement with the recommendation made by the Planning Commission in October of that year.

One of the most discussed issues with the 2003 text amendment was the pertinent question as to what types of ancillary or accessory uses would a modern livestock market or stockyard need, and which of those uses would also be appropriate in the Rural Services Area. In 2003, the Planning Commission insisted that the extent of the allowable accessory uses associated with a livestock market use should be greatly limited.

Even with the sensitive nature of the proposal, the Planning Commission recommended approval of a proposed text amendment to create an Agricultural Market Overlay zone (in Article 24 of the Zoning Ordinance). However, an adhoc committee of the Urban County Council further studied the issue and ultimately decided to adopt a Zoning Ordinance change to the A-R zone to permit agricultural markets as a conditional use in March 2004.

In October 2005, following a lengthy Board of Adjustment public hearing that resulted in the disapproval of a conditional use for an agricultural market, the Urban County Council initiated a text amendment to implement the Agricultural Market (AM-1) Overlay Zone (ZOTA 2005-9; Amendment to Article 24: Agricultural Market Overlay Zone). This text amendment was virtually identical to the staff alternative text that was recommended by the Planning Commission to the Council in October 2003. The proposed text amendment was processed within the 60-day timeframe and adopted by the Urban County Council in mid-December 2005. The Overlay zone would be an alternative way for the Blue Grass Stockyards to seek approval to move to a new location that did not involve an application to the Board of Adjustment. Article 24B allows a livestock market, stockyard, horse race track, horse training facility or horse sales establishment as a principal permitted use within the Agricultural Market (AM-1) Overlay zone.

Political pressure ultimately resulted in the stockyards remaining in their historic location until a devastating fire destroyed the seven-acre facility on January 30, 2016. In September 2017, the Blue Grass Stockyards re-opened in Fayette County at their new location on Iron Works Pike, adjacent to Interstate 75.

RURAL SERVICE AREA PROTECTION

Lexington's award winning Urban Service Area (USA) is the nation's oldest urban growth boundary, and provides the cornerstone for planning in Fayette County. The flip side of the coin, and equally as important, is the Rural Service Area (RSA). Every Comprehensive Plan of Fayette County for at least the last 40 years has recommended protection of the RSA. The 1973 Comprehensive Plan states: "our objectives should be to insure that such land is not unnecessarily impinged upon by illogical urban residential, commercial, or industrial uses which can easily afford economic intrusion." The 1988 Comprehensive Plan states: "capital improvements shall not be extended outside the USA in such a way that rural areas are subjected to urban development pressure." The RSA was studied in detail following the 1996 Comprehensive Plan, culminating in the adoption of the award-winning 1999 Rural Land Management Plan. The 2013 Comprehensive Plan further supported the RSA by recommending an update to the Rural Land Management Plan, which was adopted by the Rural Land Management Board and the Urban County Planning Commission in November 2017.

Since the adoption of the original Rural Land Management Plan, other ordinance changes, such as the 40-acre minimum lot size, have been implemented in order to further protect the rural character of the RSA, and any text amendment that may impact the RSA is scrutinized for its potential effect on the rural character of the community. The Purchase of Development Rights (PDR) program has

been successfully implemented and has permanently preserved thousands of acres of agricultural land to date.

The *Chapter 2 – Land Use Summaries* of the 2017 Rural Land Management further defined the agricultural cluster within Fayette County. The RLMP states that the policy emphasis for the agricultural cluster is to support and strengthen farming and to encourage the retention and growth of indigenous agriculture-related businesses, recreation and education that are a good fit in the agricultural industry of Fayette County. Agribusiness, defined as “a group of industries dealing with agricultural produce and services required in farming,” can assist a farming operation in extending the economic impacts of agriculture beyond the farm. The RLMP recommends recognizing the full importance of the agricultural cluster and its impact on the local economy, and supporting farms and agribusiness operations that provide learning opportunities, hospitality and ag-related recreation for the general public while protecting agricultural operations (Agricultural Cluster Recommendations – pages 35 and 36).

PROPOSED TEXT AMENDMENT

It has long been recognized that having a well functioning stockyard and livestock market is important to the agricultural industry of Fayette County, and to the surrounding Bluegrass region. Nothing proved that more than the absence of the stockyard and livestock market for over 18 months between early 2016 and fall 2017.

The purpose of this text amendment is to create a destination for agricultural commodities and activities in conjunction with agricultural markets, as approved by the Board of Adjustment. The extensive effort to create the regulatory language for agricultural markets was the product of discussions over six months, where the overarching goal was protection of the rural and agricultural nature of the Rural Service Area, consistent with the community's goals and plans. This remains a primary focus of the staff's review of the proposed text amendment.

The principal land use has been deemed appropriate for the A-R zone, under very specific locational criteria and with additional oversight by the Board of Adjustment. Based upon these established locational criteria, there are a limited number of properties within Lexington-Fayette County that might meet all the limitations of the Zoning Ordinance.

Article 8-1 of the Zoning Ordinance currently requires that an agricultural market be wholly located within an enclosed facility (sales and marketing) or under roof (pre-sale and post-sale handling of livestock) on a site of 40 acres or greater. Accessory uses are limited to 25% of the total square footage of all buildings or 40,000 (whichever is less). The site shall be located outside of the Urban Service Area; within one (1) mile of an interstate interchange; and have frontage along a state or federal highway. In addition, the facility (structure) shall be located a minimum of 1,000 feet from a property in a residential zone, a Rural Settlement (RS) or an Existing Rural Residential (ERR) land use, and any property designated on the National Register of Historic Places; and outside of any environmentally sensitive area, including any wellhead protection area.

This text amendment proposes the following modifications to the existing regulations:

1. **Clarify the definition of “facility”** to mean only stockyard activities (pre-sale, marketing, sales and post-sale), rather than the entire agricultural market. This change would allow accessory uses to be separate and apart from the stockyard activities.
2. **Elimination of accessory use aggregate size limitations** of 25% or 40,000 sq. ft., whichever is less
3. **Allow additional accessory uses**
 - a. retail sale of farm machinery & equipment with outdoor display area, including indoor service and repair
 - b. covered event arena for agricultural and agritourism activities

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

As mentioned previously, the ancillary uses to the agricultural market are an important aspect of the land use and its potential impact to the surrounding area. Several of the proposed changes simplify and condense the existing list of allowable accessory uses, which the staff supports. The staff also supports the new accessory uses, and some level of relaxation of the square footage limitation of twenty-five percent (25%) or 40,000 square feet (whichever is less). The Planning Commission should keep in mind the overarching goal of protecting the character of the rural area, but balance that aspiration with the desire to grow and support the agricultural cluster, as recommended by the RLMP. The staff generally agrees with the direction of the text amendment but would offer an alternative text that limits the accessory uses to fifty percent (50%) of the total floor area of any approved agricultural market, does not alter the signage allowances and does not make unnecessary changes to other sub-sections of Article 8-1 of the Zoning Ordinance. Maintaining a percentage limitation would help to ensure that the agricultural market itself remains the primary focus of the site, while still allowing for the success of ancillary uses that support the market as well as other agricultural or agritourism activities within Fayette County. In this way, an agricultural market could become a destination, and almost a small activity center of sorts.

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.

TLW/TAM/dw
8/2/2018

Planning Services/Staff Reports/ZOTA/2018/ZOTA 2016-2 Expand Agricultural Market Accessory Uses.docx

Planning Commission Recommended Text

August 23, 2018

ARTICLE 1: GENERAL PROVISIONS AND DEFINITIONS

1-11 DEFINITIONS

AGRICULTURAL MARKET

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

ARTICLE 8: SCHEUDLE OF ZONES

8-1 AGRICULTURAL RURAL (A-R) ZONE

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

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

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

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

8-1(e) Prohibited Uses

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

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

No change

Planning Commission Recommended Text Amendment

August 23, 2018

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

24B-1 INTENT - This zone is established to promote the agricultural industry, which is vital to the economy of Lexington-Fayette County. However, some of those uses that are integral to the agricultural economy may not necessarily be agricultural uses. Uses such as livestock markets, horse sales facilities and horse race tracks are recognized as providing a benefit to the surrounding agricultural community, but must be appropriately located throughout the community so as not to be a detriment to the surrounding agricultural areas which they are to serve. In order to provide appropriate locations for these operations and their accessory uses, the Agricultural Market (AM-1) Overlay Zone is hereby created to accompany lands located in an Agricultural Rural (A-R) zone that are not designated for future residential uses.

24B-2 AGRICULTURAL MARKETS DEFINED - These facilities provide for the large scale marketing operations of agricultural products (such as livestock markets) and some agricultural-entertainment uses, such as horse race tracks. Agricultural Markets are generally large facilities of at least forty (40) acres in size.

24B-3 PRINCIPAL PERMITTED USES - The uses allowed in this overlay zone are those listed as permitted in the zone classification underlying the AM-1 zone, unless listed as a prohibited use in Article 24B-6. In addition, the following uses are also permitted in the AM-1 zone:

1. Livestock markets and stockyards.
2. Horse race tracks with allotted race meets, and horse riding and training facilities.
3. Horse sales establishments.

24B-4 ACCESSORY USES PERMITTED - Those uses that are listed as accessory uses in the zone classification underlying the AM-1 zone, meaning they are clearly subordinate and incidental to principal permitted uses, are those also allowed in this overlay zone, unless listed as a prohibited use in Article 24B-6. The aggregate of all accessory uses in an AM-1 zone may not exceed ~~twenty-five~~ fifty percent (25 50%) of the total square footage of all buildings the principal structure on the property, ~~or 40,000 square feet, whichever is less; and except as otherwise provided, shall be located within the principal building.~~ In addition, the following accessory uses are also permitted in the AM-1 zone, but only when incidental and subordinate to a principal use permitted under Article 24B-3 that is not listed as permitted in the zone classification underlying the AM-1 zone:

1. Parking areas and loading docks.
2. Accessory offices and meeting rooms for the following: state and federal government agencies entities related to agriculture; livestock and grain commodity trading; banking, insurance and financial institutions or agricultural education; the combined total floor area of which is not to exceed sixty thousand (60,000) square feet.
3. ~~Livestock and grain commodity trading office.~~
4. ~~3. One (1) coffee shop and/or restaurant, not to exceed five thousand (5,000) square feet, or five per cent (5%) of the total floor area, whichever is less and shall be located within the principal facility and not in an independent structure.~~
5. ~~4. Veterinary clinic, including the sale of livestock pharmaceutical supplies.~~
6. ~~Meeting rooms, not to exceed five percent (5%) of the total floor area.~~
7. ~~5. One (1) dwelling unit for owners, operators, or employees, which may be in a separate structure and 8. One (1) dwelling unit for watchmen or caretakers, which dwelling units may be in a separate structures.~~
9. ~~6. Outdoor lighting, but only when directed away from and shielded from adjacent agricultural and residential areas.~~
10. ~~Sale of agricultural products produced on the premises.~~
11. ~~7. One (1) gift shop not to exceed two thousand five hundred (2,500) square feet, or five percent (5%) of the total floor area, whichever is greater.~~

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- ~~12-8.~~ Establishments and lots for the display, sale, service, and repair of ~~Display area for~~ farm machinery/ and equipment, ~~provided that no on-site sales shall be permitted.~~ Any building for such purpose is not to exceed 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.
- ~~13-9.~~ Retail sale of agricultural products, supplies and related items produced on or off premise, including the ~~acceptance of orders for~~ bulk agricultural supplies, with no ~~outdoor on-site~~ storage of such supplies, not to exceed twenty-five thousand (25,000) square feet.
- ~~14-10.~~ Indoor Retail Farmers Market.
11. Covered arena for agricultural and/or agritourism events, not to exceed seventy-five thousand (75,000) square feet.
12. Agriculture-related museums, not to exceed twenty thousand (20,000) square feet.

24B-5 CONDITIONAL USES - The uses listed as conditional (permitted only with Board of Adjustment approval) in the zone classification underlying the Agricultural Market (AM-1) Overlay zone, unless listed as a principal permitted or prohibited use in this Article. In addition, approval of the following uses can also be sought from the Board of Adjustment:

1. Outdoor Retail Farmers Market.

24B-6 PROHIBITED USES - The uses listed as prohibited in the zone classification underlying the Agricultural Market Overlay Zone, except as otherwise permitted herein. However, the following uses are prohibited in the AM-1 overlay zone, regardless of their regulation in the underlying zone classification:

1. Advertising signs, as defined in Article 17 herein (aka: billboards).
2. Aircraft landing strips.
3. Airports.
4. Asphalt plants.
5. Commercial cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
6. Places of religious assembly.
7. Concrete mixing.
8. Above-ground facilities for the extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
9. Funeral home.
10. Kindergartens and nursery schools.
11. Landfills.
12. Above-ground facilities for mining activities and quarrying of non-metallic minerals.
13. Mobile homes.
14. Non-service facilities of public utilities when not incidental to a service facility as provided in KRS 100.324.
15. Rehabilitation homes.
16. Commercial woodlots.
17. Family child care.
18. Spreading of any animal waste upon land outdoors in an AM-1 zone.

24B-7 LOCATIONAL STANDARDS - An AM-1 zone may be established only upon land that meets two or more of the following criteria:

1. The property shall be located within one (1) mile of the point of intersection of the centerlines of an interstate interchange with a state or federal highway (excluding the two interchanges of Interstate 75 with Interstate 64), provided the property has lot frontage and access on that same state or federal highway, so long as the access is also within one (1) mile of that interchange; and/or...
2. The portion of the property wherein site improvements are proposed is not located on land within the Urban Service Area that is recommended for a residential use, nor in an identified environmentally sensitive area, including any wellhead protection area; and/or...
3. The property was approved prior to August 28, 2003 for a conditional use permit by the Board of Adjustment for a horse sales facility, a horse training facility or a horse race track.

24B-8 RELATIONSHIP TO THE COMPREHENSIVE PLAN - The location of an AM-1 zone must be based upon furthering the goals, objectives and land use policies of the Comprehensive Plan for Lexington-Fayette County. Any

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application for an AM-1 zone should be accompanied by a detailed statement from the applicant to this effect, which shall be submitted at the time of the application.

24B-9 SITE STANDARDS – Any parcel considered for an AM-1 zone must meet all of the following site criteria:

1. The property shall be at least forty (40) acres in size.
2. The property must have easy access to a state or federal highway, with that access approved by the Kentucky Transportation Cabinet, or the LFUCG Division of Traffic Engineering, as appropriate. All roads to the site should be of sufficient width, and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions.
3. The property must be at least three hundred (300) feet from any property in a residential zone, or any property designated as either a Rural Settlement (RS) land use or as an Existing Rural Residential (ERR) land use in the adopted Comprehensive Plan for Lexington-Fayette County.

24B-10 MINIMUM DESIGN STANDARDS

24B-10(a) ENCLOSED BUILDINGS REQUIRED FOR SOME USES - All sales and marketing of livestock, and all horse sales shall be conducted in an enclosed ~~facility building~~. All pre-sale and post-sale handling of livestock shall take place under roof in a facility enclosed by a combination of fences and gates in order to secure livestock while allowing adequate ventilation and air circulation.

24B-10(b) PROPER SITE LANDSCAPING REQUIRED - All new facilities proposed in the AM-1 overlay zone must be landscaped and screened, if those facilities are visible from adjoining properties. Article 18 may be used to plan the proposed screening of loading docks and vehicular use areas, but the Planning Commission may impose additional screening requirements and landscape buffers as necessary.

24B-10(c) ENVIRONMENTALLY SENSITIVE AREAS ARE TO BE AVOIDED - Site improvements such as buildings, underground and above-ground storage tanks, septic sewage disposal systems, and all truck parking and loading areas shall be located outside of any environmentally sensitive area, including any wellhead protection area. In addition, storm water management shall be provided pursuant to the requirements of the LFUCG Engineering Manuals; and storm water must be treated appropriately prior to its discharge, and directed away from environmentally sensitive areas and known karst geologic features. Muck piles are prohibited in all environmentally sensitive areas.

24B-10(d) APPLICABLE LAWS MUST BE MET - All facilities must be operated at all times in compliance with applicable federal, state and local laws and regulations, including those pertaining to noise, air and water quality.

24B-10(e) LOT AND YARD REQUIREMENTS - Those listed as minimum or required in the zone classification underlying the Agricultural Market (AM-1) Overlay Zone shall apply. However, no principal or accessory building for uses permitted under Article 24B-3 that are not listed as permitted in the zone classification underlying the AM-1 zone, may be located closer than three hundred (300) feet:

- (1) from a residence on a lot under different ownership;
- (2) from any property designated on the National Register of Historic Places.

24B-10(f) MAXIMUM BUILDING HEIGHTS - Those listed as maximum in the zone classification underlying the Agricultural Market (AM-1) Overlay Zone, or forty (40) feet, whichever is greater.

24B-10(g) SIGNAGE RESTRICTED - All signs shall be regulated as per the zone classification underlying the AM-1 zone, ~~except that all freestanding signs are to be limited to the principal use and not for the purposes or identification of any accessory use.~~ They may be up to a maximum of twenty (20) feet in height. However, the maximum height and location of all proposed freestanding signs must be identified on any required development plan.

In addition to allowable freestanding signs, in an AM-1 zone, non-illuminated or indirectly illuminated wall mounted signs are permitted, not to exceed five percent (5%) of the wall area to which they are attached, ~~provided the signs are for the principal use and not for the purposes or identification of any accessory use.~~

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24B-10(h) REQUIRED OPEN SPACE - No limitation, except for all uses permitted under Article 24B-3 above that are not listed as permitted in the zone classification underlying the AM-1 zone, then forty percent (40%) of the lot.

24B-11 PROCEDURE - The procedure for obtaining a Zoning Map Amendment to the AM-1 Zone shall be the same as those procedures outlined in this Zoning Ordinance, and the applicable provisions of KRS 100 for a zoning map amendment. In addition, the following shall also be required in an AM-1 zone:

24B-11(a) PRELIMINARY DEVELOPMENT PLAN REQUIRED - A preliminary development plan shall be submitted with the application for a Zoning Map Amendment with the information as specified in Article 21 herein.

24B-11(b) FINAL DEVELOPMENT PLAN REQUIRED - Within two (2) years of approval by the Urban County Council of any AM-1 Zoning Map Amendment, unless an extension is granted by the Commission, the applicant shall submit a final development plan to the Commission for its review and approval. The final development plan shall show the information as specified by Article 21 herein. The Commission shall approve, conditionally approve, or disapprove a final development plan within ninety (90) days after the applicant submits the development plan, unless a longer period of time is agreed to by the applicant.

24B-11(c) OPERATIONAL PLANS REQUIRED - With the submission of any development plan, other than minor amendments as regulated by Article 21-7 herein, where land uses permitted under Article 24B-3 above that are not listed as permitted in the zone classification underlying the AM-1 zone are proposed for a site, an Operational Plan must also be submitted for review by the Commission. Where the Commission deems appropriate, a Kentucky No Discharge Operational Permit (KYNDOP), or other appropriate permit from the Kentucky Division of Water may be required prior to approval of an Operational Plan.

The Operational Plan shall address the following:

1. Provisions for animal and/or product waste disposal, 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. Any other pertinent information to indicate clearly the orderly operation proposed.

24B-11(d) PLANNING COMMISSION MAY SEEK RECOMMENDATIONS - The Planning Commission may also refer any submitted development plan or Operational Plan to an appropriate public body (such as the Royal Spring Water Supply Protection Committee or the Paris Pike Corridor Commission) for their recommendations prior to the Commission's consideration of the request. In any event, that body must either make a recommendation to the Planning Commission within sixty (60) days of the date of submission, or abide by the Commission's decision.

24B-11(e) BUILDING PERMIT REQUIRED - No building permit shall be issued for buildings and structures in an AM-1 zone (not exempted from such requirements under Article 3-4 herein) until a final development plan has been approved by the Commission and certified to the Division of Planning, after which Building Inspection may issue a permit for construction. The approved final development plan shall limit and control the issuance of all required building and occupancy permits, and shall restrict the construction, location, and use of all land and structures to all conditions set forth in the plan. Amendments to the development plan can be made only as permitted in Article 21: Development Plans.

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

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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.

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