

**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 constructed prior to \*INSERT ADOPTION DATE\* 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) Number of Dwelling Units allowed to be utilized as Short Term Rentals per Property:

Zones Allowed	Hosted (Occupancy up to 12)	Hosted (Occupancy >12)	Un-Hosted	# of Short Term Rental Units
<b>R-1A, R-1B, R-1C, R-1D, R-1E, R-1T</b>	Accessory Use	Conditional Use	Conditional Use	<u>Hosted</u> : 1 dwelling unit <b>and</b> 1 ADU <u>Un-Hosted</u> : 1 dwelling unit <b>or</b> 1 ADU
<b>R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3</b>	Accessory Use	Conditional Use	Conditional Use	<b>For Single Family Lots:</b> <u>Hosted</u> : 1 dwelling unit <b>and</b> 1 ADU <u>Un-Hosted</u> : 1 dwelling unit <b>or</b> 1 ADU <b>For Multi-Family and Group Residential Lots:</b> 10% max or 1, whichever is greater

Article 3 GENERAL ZONE REGULATIONS

<b>B-1, P-1, MU-1, MU-2, MU-3</b>	Accessory Use	Accessory Use	Principal Use	25% max.
<b>B-2, B-2A, B-2B, B-4*, I-1*, I-2*, CC, B-6P, MU-3*</b>	Principal Use	Principal Use	Principal Use	No max.
<b>A-R, A-B, A-N</b>	Conditional Use	Conditional Use	Prohibited Use	<u>Hosted</u> : 1 dwelling unit <u>or</u> 1 FEDU** Un-Hosted: Prohibited

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

\*\* Only Farm Employee Dwelling Units constructed prior to *\*INSERT ADOPTION DATE\** may be utilized as short term rentals.

- c) Maximum Occupancy Limit (for accessory and principal uses): A maximum of two (2) individuals per bedroom, plus an additional four (4) individuals; or a total of 12 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.
- d) Maximum Occupancy Limit ~~(for conditional uses)~~:
  - 1) For conditional uses in residential, mixed-use, commercial, or industrial zones, 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.
  - 2) For conditional uses in agricultural zones, the maximum occupancy shall be a maximum of two (2) individuals per bedroom.
- e) Detached accessory structures may be used as a Short Term Rental only in a permitted Farm Employee Dwelling Unit constructed prior to *\*INSERT ADOPTION DATE\** 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 number of STRs, if any, in proximity of the property being considered for such use.
  - 2) The demonstrated compliance record of the applicant, if they operate other STRs in Lexington.
  - 3) The occupancy rate of other STRs in the general vicinity, including those operated by the applicant.
  - 4) Whether other STRs in the general vicinity have been cited as a nuisance, including those operated by the applicant
  - 5) For STRs in the Rural Service Area:

- 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 as part of their application to the Board.
  - ii. The Board must find that the proposed STR will not have an adverse impact on agricultural uses occurring on the subject or adjoining properties.
  - iii. The Board must find that the adequate fire safety measures are in place.
  - 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.
- h) 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.
- i) 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 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.
- j) 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 and be subject to the regulations of Section 13 of the Code of Ordinances.
- k) In the A-R, A-B, and A-N zones, any STR operating prior to July 11, 2023 and permitted under subsection j above may continue to operate in accordance with such permit.

### **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.

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

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

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- 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

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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)

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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.

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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



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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;

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- 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;

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- 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

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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.
- (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.

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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:

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- (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.

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- (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.
  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.

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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



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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.

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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.)

- (f) *Minimum Lot Size.* Ten (10) acres.
- (g) *Minimum Lot Frontage.* Two hundred fifty (250) 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.

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- (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.* 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.)

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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.
  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.

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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

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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.

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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.)

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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)

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