

ARTICLE 24

AGRICULTURAL & RURAL CORRIDOR OVERLAY ZONES

24-1 INTENT - It is recognized that this Zoning Ordinance provides zones which allow many types of residential, professional office, business, and industrial uses and provides minimum standards in each zone to ensure the health, safety, and welfare of the entire community. It is also recognized that the application of these more traditional zoning categories along lands adjacent to transportation routes in the Rural Service Area of Lexington-Fayette County can, at times, hamper innovative but proper regulatory and management approaches along these corridors.

This Article is intended to establish overlay zones, which recognize the special characteristics of all (or most) lands along such rural transportation arteries. Customary standards may need to be relaxed in these zones, in some instances, and strengthened in others, depending upon the information gathered and the policies set forth in the adopted Comprehensive Plan. While the traditional zones will continue to be available, the new overlay zones established in this Article will provide an alternative to the traditional zones that exist elsewhere in this Ordinance.

It is further intended that these zones be established to facilitate proper regulation and management along transportation corridors. These zones are to promote the efficient use of existing and proposed agricultural lands, to minimize land use conflicts, and to respect existing and planned agricultural facilities. At the same time, these zones must also ensure a safe and efficient roadway system, and ensure that new development will further the implementation of the adopted Comprehensive Plan.

24-2 ESTABLISHMENT OF AGRICULTURAL OVERLAY ZONES AND RURAL CORRIDOR OVERLAY ZONES - Following their adoption, the regulations of each agricultural overlay zone shall be included as an appendix to this Article. Thus, the PARIS PIKE/LEXINGTON ROAD CORRIDOR OVERLAY ZONE shall be Article 24, Appendix A, and subsequent overlay zones shall be designated Appendix B, Appendix C, etc.

24-3 REGULATIONS IN OVERLAY ZONES - The regulations adopted in each agricultural overlay zone shall be in keeping with the overall intent of such zones and shall include, but not be limited, to the following:

24-3(a) INTENT - A statement of the purposes and objectives of the zone.

24-3(b) PERMITTED USES - A listing of the allowable uses permitted in the zone.

24-3(c) PROHIBITED USES - A listing of the uses not permitted in the zone.

24-3(d) SITE CRITERIA AND/OR LOCATIONAL STANDARDS - The specific characteristics of the size or location of the overlay zone.

24-3(e) RELATIONSHIP TO THE COMPREHENSIVE PLAN - Statements and requirements as necessary to define the relationship of the Comprehensive Plan (including the applicable Small Area Plan, Corridor Plan, etc.) to the allowable or prohibited uses.

24-3(f) DESIGN STANDARDS - The lot, yard, height, access, parking, open space, and/or other requirements deemed necessary to fulfill the intent of the particular overlay zone.

24-3(g) REVIEW PROCEDURE - The procedure to be followed in the application of the zone, if necessary.

24-4 CREATION OF AGRICULTURAL OVERLAY ZONES - A proposal to create a new agricultural overlay zone shall be processed and reviewed as a Zoning Ordinance text amendment, as provided in Article 6. An agricultural overlay zone may be a zoning designation with requirements in addition to the remaining underlying zone classification.

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APPENDIX 24A

PARIS PIKE/LEXINGTON ROAD CORRIDOR OVERLAY ZONE

24A-1 INTENT - The intent of this corridor overlay zone is to...

- 1) implement the recommendations of the Paris Pike Corridor Small Area Plan (excluding the designated transition areas) &
- 2) regulate permitted land uses in the corridor in conjunction with an inter-local agreement between Bourbon County, the City of Paris, and the Lexington-Fayette Urban County.

This corridor overlay zoning classification is intended for lands adjoining the Paris Pike between Johnston Road (to the south) and the Paris City limits (to the north); and the regulations hereunder shall be established in addition to the zone classifications shown on the zoning map atlas for the subject areas, and the applicable regulations contained in this Zoning Ordinance. The use, dimensions and other requirements for said zones, as provided in the Zoning Ordinance, shall apply unless further restricted hereunder. Where there are conflicts between the regulations hereunder, and those contained elsewhere in the Zoning Ordinance, the more restrictive shall apply.

24A-2 PRINCIPAL USES PERMITTED - Those uses listed as permitted in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone, unless listed as a prohibited use below.

24A-3 ACCESSORY USES PERMITTED - Those uses listed as accessory in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone, unless listed as a prohibited use below (those uses customarily accessory, clearly incidental and subordinate to permitted uses).

24A-4 CONDITIONAL USES - Those uses listed as conditional (permitted only with Board of Adjustment approval) in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone, unless listed as a prohibited use below.

24A-5 PROHIBITED USES - Those uses listed as prohibited in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone.

1. Advertising signs (billboards).
2. Aircraft landing strips.
3. Airports.
4. Asphalt plants.

5. Bait shops.
6. Commercial cemeteries, crematories, columbariums, mausoleums, including animal burial grounds. (Non-commercial cemeteries, crematories, columbariums, mausoleums, including animal burial grounds, are not prohibited under this section).
7. Additional Churches, Sunday schools, and parish houses; except that existing churches may expand with approval of the Board of Adjustment up to a total of 10,000 square feet.
8. Commercial composting.
9. Concrete mixing.
10. Above-ground facilities for the extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
11. Funeral home.
12. Commercial garages, storage sheds, parking lots, and vehicle fueling facilities.
13. Golf clubs and golf courses or related facilities, including driving ranges.
14. Except as ancillary to row crop production, commercial greenhouses and plant nurseries.
15. Kindergartens, nursery schools, and child care centers for more than twelve (12) children.
16. Landfills.
17. Above-ground facilities for mining activities and quarrying of non-metallic minerals.
18. Mobile homes.
19. Non-service facilities of public utilities when not incidental to a service facility as provided in KRS 100.324.
20. Commercial outdoor recreational facilities such as the following: golf courses, sportsmen's farms, riding stables, fishing lakes, swimming pools, tennis courts, campgrounds, zoological gardens, outdoor rifle and other firearm ranges, native animal game preserves, outdoor rodeos, hunting and trapping (non-commercial outdoor recreational facilities are not prohibited under this section).
21. Commercial outdoor athletic facilities (non-commercial outdoor athletic facilities are not prohibited under this section).
22. Parking lots and structures, except as accessory to a business or office use.
23. Radio or television studios and offices and associated equipment.
24. Radio, telephone or television transmitting or relay facilities.
25. Rehabilitation homes.

26. Schools for academic instruction, including accessory dormitories, other than those for agricultural instruction which are incidental to a farming operation.
27. Temporary cellular telephone transmitting facility.
28. Utilities, pump stations, utility offices, substation offices
29. Commercial woodlots.

24A-6 LOCATIONAL STANDARDS - While the Paris Pike/Lexington Road Corridor Overlay Zone is intended to apply to land fronting along Paris Pike/Lexington Road for a depth of approximately one thousand (1,000) feet from the right-of-way, the boundaries, dimensions and locations of this overlay zone are subject to review and approval by the appropriate legislative bodies in Bourbon and Fayette Counties. From time to time, especially resulting from changes in the location of the road's rights-of-way, there may be adjustments made in the application of the corridor overlay zone.

24A-7 MINIMUM DESIGN STANDARDS

24A-7(a) REVIEW - Major subdivisions and major development plans which are proposed within the Paris Pike/Lexington Road Corridor Overlay Zone shall be reviewed by the Paris Pike Corridor Commission, as outlined in the inter-local agreement between Bourbon County, the City of Paris, and the Lexington-Fayette Urban County. Following its review, the Paris Pike Corridor Commission may choose to advise the appropriate Planning Commission whether to grant approval, conditional approval, approval with modifications or disapproval of the proposed subdivision or development plan. The Paris Pike Corridor Commission shall state the reasons for any recommendation. In the event the Corridor Commission cannot meet between the filing of a subdivision or development plan and its scheduled consideration by the appropriate Planning Commission, the plan should not be delayed for consideration based upon this factor alone.

24A-7(b) ACCESS - Access to Paris Pike/Lexington Road shall be in conformance with the designated access points and cross-over points developed in the roadway design plans. No additional direct access points to Paris Pike/Lexington Road shall be permitted unless approved first by the Planning Commission (after considering the recommendation of the Paris Pike Corridor Commission) and then with final approval by the Kentucky Transportation Cabinet. Access shall also be in conformance with the applicable provisions of the Subdivision Regulations.

24A-8 LOT, YARD AND HEIGHT REQUIREMENTS

24A-8(a) MINIMUM LOT AREA - Those listed as minimum or required in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone.

24A-8(b) MINIMUM LOT WIDTH - Those listed as minimum or required in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone, if applicable.

24A-8(c) MINIMUM LOT FRONTAGE - 500 feet for single family detached residences and conditional uses which rely upon the Paris Pike/Lexington Road for frontage; otherwise, those listed as minimum or required in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone.

24A-8(d) MINIMUM FRONT YARD REQUIRED - 300 feet from the Paris Pike/Lexington Road for single family residences and conditional uses; otherwise, those listed as minimum or required in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone.

24A-8(e) MINIMUM SIDE & REAR YARDS REQUIRED - Those listed as minimum or required in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone.

24A-8(f) MAXIMUM BUILDING HEIGHT - Those listed as maximum in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone.

24A-9 PROCEDURE - The procedure for obtaining a Zoning Map Amendment to the Paris Pike/Lexington Road Corridor Overlay 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 the event a future amendment is proposed to the text of this zoning regulation, notice shall be given by first class mail in advance of any scheduled public hearing to the property owners of land to which the Paris Pike/Lexington Road Overlay Zone has been applied.

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 percent (25%) of the total square footage of 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 for government agencies related to agriculture, banking, insurance and financial institutions.
3. Livestock and grain commodity trading office.
4. 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.
5. Veterinary clinic, including the sale of livestock pharmaceutical supplies.
6. Meeting rooms, not to exceed five percent (5%) of the total floor area.
7. One (1) dwelling unit for owners, operators, or employees of a permitted use, which may be in a separate structure.
8. One (1) dwelling unit for watchmen or caretakers, which may be in a separate structure.
9. 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. One (1) gift shop not to exceed two thousand five hundred (2,500) square feet, or five per cent (5%) of the total floor area, whichever is greater.
12. Display area for farm machinery/equipment, provided that no on-site sales shall be permitted.
13. Retail sale of agricultural products, supplies and related items, including the acceptance of orders for bulk agricultural supplies, with no on-site storage of such supplies, not to exceed five thousand (5,000) square feet.
14. Indoor Retail Farmers Market.

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:

fication:

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. Churches, Sunday schools, and parish houses.
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 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. 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.

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 disap-

prove 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.