

ARTICLE V

GENERAL PROVISIONS

500 Establishment of Zoning Districts: Provision for Official Zoning Map and Interpretations

500.1 Official Zoning Map

The County and all incorporated cities therein are hereby divided into zones, or districts, as shown on the Official Zoning Map, Woodford County, Kentucky, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the County Judge and/or Mayors and attested by the City and/or County Clerk and bearing the seal of the legislative bodies under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 101 of the Woodford County Zoning Ordinance," together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and KRS 100, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within thirty (30) days (KRS 100) after the amendment has been approved by the legislative body involved with an entry on the Official Zoning Map as follows: "On (date) by official action of the (legislative body), the following (change) changes were made in the Official Zoning Map: (brief description of nature of change), "which entry shall be signed by the County Judge or Mayor, and attested by the County or City Clerk. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedure set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 302.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Planning and Zoning Office, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County (including all incorporated areas).

500.2 Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the legislative body (bodies) may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayors and/or the County Judge attested by the City and/or County Clerk, and bearing the seal of the legislative body under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Woodford County Zoning Ordinance."

Unless the prior Official Zoning Map has been lost or has been totally destroyed the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

500.3 Interpretation of Zoning District Boundaries

The following rules shall be used to interpret the exact location of the zoning district boundaries shown on the Zoning Map:

- A. Where a zoning district boundary follows a street, highway, alley, or railroad, the center line of the street, highway, alley, or railroad right-of-way, is the boundary of the district.
- B. Where a zoning district boundary approximately follows a lot or property line that line is the boundary of the district.
- C. Where a zoning district boundary follows a stream or the shore of a body of water, that stream or shoreline is the boundary of the district.
- D. Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.
- E. In any case where the location of a boundary is not clear, the Board of Adjustment shall use these rules to determine the exact location upon application by the Administrative Officer for an original interpretation.

500.4 Annexed Lands

In every case where land becomes a part of a city through annexation, such newly annexed land shall automatically be zoned as it was in the County. Such zoning shall remain in effect unless amendment procedures are followed. In cases where county land is annexed, zoning authority is transferred from the county to the city that has annexed.

501 Temporary Uses

501.1 Temporary Construction Unit

Temporary construction units may be permitted in accordance with the following requirements:

- A. A temporary construction unit may be located following the issuance of a Zoning Permit for construction upon the parcel where the temporary construction unit is to be located.
- A. The temporary construction unit shall be removed from such parcel within 30 days of occupancy of the building or facility constructed pursuant to such building permit or within 30 days after the termination or expiration of such building permit, whichever shall first occur.

501.2 Model Homes

Residential units constructed and established for sales display in a residential subdivision may be temporarily used as an office for the subdivision developer,

homebuilder, or other accessory sales purposes. The unit must revert to its intended residential use before or upon completion of units on 75 percent of the subdivision lots.

501.3 Other Temporary Uses

The following temporary uses, that involve no permanent structures, shall require a Temporary Use Zoning Permit from the Planning Commission.

- A. Festivals, Sporting Events, Carnivals, Circus, Music Events, Concerts, Product Vending, Food-Trucks or any other similar use which may be located on a property for no greater than seven (7) consecutive days; shall also be required to be located within an appropriate commercial zoning classification.
- B. The sale of seasonal materials, including but not limited to, Product Vending, Food-Trucks, Christmas Trees, Halloween Costumes, Fireworks and other similar seasonal materials which may be located on a property greater than seven (7) consecutive days; shall also be required to be located within an appropriate commercial zoning classification.
 - 1. Each Temporary Use Zoning Permit shall be reviewed based on number of possible attendees, distance from residential structures or zoning districts, and the length of the proposed temporary use to impose any necessary and reasonable conditions on the Temporary Use Zoning Permit.
 - 2. Any proposed signage to be used in conjunction with the temporary use shall be required to obtain a limited Temporary Sign Permit from the Planning Commission.

502 Townhouses

502.1 Intent

Townhouses are to provide for attached single family dwellings and supporting uses in R-3 and R-4 zoning districts.

502.2 General Provisions

- A. Single Family attached residences with no more than eight (8) units being attached in an R-3 zone, and twelve (12) units being attached in an R-4 zone shall be allowed by filing the appropriate townhouse plat in conformity with procedural requirements of Section 502.3(E).
- B. Group residential projects constructed prior to the adoption of this ordinance may be converted to townhouses by filing the appropriate townhouse plat in conformity with procedural requirements of Section 502.3(E).

502.3 Lot, Yard, and Height Requirements

The following regulations shall apply to townhouses and no townhouse building shall be constructed, altered or occupied without complying with these regulations.

- A. Height - No building shall be erected or altered to a height of more than thirty-five (35) feet.
- B. Yards and Area

1. Front Yard: There shall be a front yard of not less than twenty (20) feet at the building line or setback line.
2. Rear Yard: There shall be a rear yard of not less than fifteen (15) feet.
3. Side Yard: The minimum side yard shall be six (6) feet on each side yard of a row of attached townhouse units when no units or only one unit fronts on that side yard. On each corner lot, there shall be a side yard of not less than twenty (20) feet on the side of the building nearest the street.
4. Lot Size: Each dwelling unit hereinafter erected or structure altered shall be on a lot having an area of not less than 1,900 square feet and not less than eighteen (18) feet wide.
5. Usable Open Space: Ten percent (10%) of total lot for any townhouse shall be devoted to usable open space either on each lot or as common useable open space on land adjacent and directly accessible to each lot within the townhouse development.
6. Minimum Width: No townhouse shall have a width of less than eighteen (18) feet from center to center of units or from center to exterior face for end units. Attached garages and porches shall not be included in measuring the width of the principal building.
7. Accessory Buildings and Uses: No accessory building shall encroach on any required front yard. No accessory building on any corner lot shall encroach on any side yard adjacent to the street. Accessory buildings shall include but not be limited to playhouses, storage buildings and garages. Accessory buildings shall not be used for dwellings. Home offices are permitted if approved by the Board of Adjustments.
8. Lots Fronting on Interior Space: Townhouse units may be permitted to front on an interior space or access easement, with all maintenance provisions being borne by the property owner.
9. Minimum Lot Width: Any existing lot of record in an R-3, or R-4 zone may be divided into townhouse lots. The lots shall have a minimum lot width at the front yard line of sixty (60) feet in the R-3 zone and fifty (50) feet in the R-4 zone.
10. Required Floor Area: Each single family residence in a townhouse development shall have a minimum floor area of not less than eight hundred ninety (890) square feet. The areas of garages, open porches, cellars and basements shall not be included.
11. Lot Coverage: Not more than sixty five percent (65%) of any lot shall be occupied by buildings of any kind.

C. Parking

Off-street parking spaces for not less than two cars shall be provided for each townhouse and shall not be allowed within the minimum front yard of twenty (20) feet. Garage space may be included in determining the off-street parking. All off-street parking shall meet the requirements of Article VI.

D. Townhouse Density

1. R-3 District: Maximum townhouse density in a R-3 zone (see Article VII, Section 709.6).
2. R-4 District: Maximum Townhouse Density in a R-4 zone (see Article VII, Section 710.6).

3. In calculating the number of units to be allowed, the administration shall round all units to the next highest number over .5, to the next lowest number under.5.

- E. **Platting Procedures:** The Woodford County Subdivision Regulations shall be followed. The Preliminary and Final Plat shall also include the location of parking facilities and buildings. The Planning Commission may require landscaping and buffer areas taking into consideration driveways, parking areas, and points of ingress and egress to the townhouse site along with maintaining the single-family residence neighborhood environment so as to provide a reasonably effective barrier between townhouses and adjoining users to minimize adverse conditions of sight and sound.

502.4 Accessory Uses and Structures

Same as those permitted in R-3 and R-4 zoning districts.

503 General Development Regulations

503.1 Coordination with Subdivision Regulations

In all cases where the ownership of land is divided for the purpose of eventual development of lots of any kind residential, commercial, or industrial, the Subdivision Regulations, adopted for Woodford County, Versailles and Midway and amendments thereto, shall apply in addition to the provisions of the Zoning Ordinance.

As adopted by the Woodford Fiscal Court: Except as permitted by the definition of "Agricultural Uses" in Article II of this ordinance, land in District A-1 shall not be eligible for subdivision so long as it remains in District A-1. As used in this paragraph, "Subdivision" has the meaning given to it by KRS 100.111 and the Subdivision Regulations of the Planning Commission. It is desirable that access points to the arterial street serving all zoning districts shall be located no more frequently than once every twelve hundred (1,200) feet. Topography and traffic volumes shall determine the exact locations. Heavy arterial traffic volumes demand greater access spacing. Along any arterial street where subdivided land and its minor streets are not sufficiently developed to permit acceptably spaced access points, the Planning Commission may approve the platting of temporary access points and may require that temporary access points shall be eliminated by the developer when minor streets or marginal access streets are extended to the approved permanent access points. Such requirement shall be listed as special final plat if applicable.

503.2 Certificate of Land Use Restriction

Certificate of Land Use Restrictions shall be filed with the County Clerk as per KRS 100. They shall indicate the type of land use restriction adopted or imposed upon the subject property including variances, conditional use permits, conditional zoning conditions, unrecorded preliminary subdivision plats and development plans; but not including zoning map amendments which impose no limitations or restrictions upon the use of the subject property other than those generally applicable to properties within the same zone and not including any recorded subdivision plat. A copy of said Certificate shall also be attached to the plat file.

CERTIFICATE OF LAND USE RESTRICTION

1. Name and Address of property owner (s)

2. Address of Property

3. Name of subdivision or development (if applicable)

4. Type of Restriction (s)

(Check all that apply)

___ Zoning Map Amendment to ___ Zone

___ Conditional Zoning Condition

___ Development Plan

___ Other

___ Unrecorded Subdivision Plat

(Specify) _____

___ Variance

___ Conditional Use Permit

5. Name and Address of Planning Commission, Board of Adjustment, Legislative Body or Fiscal Court which maintains the Original Records containing the Restrictions.

Signature of Completing Official

Name and Title of Completing Official

503.3 Water Supply and Sewage Disposal

No building or dwelling shall be constructed or occupied, unless the water supply and sewage disposal facilities have been approved by applicable utility provider. Wherever water or sewer mains are accessible (accessibility generally meaning within fifty (50) to seventy-five (75) feet of the property line), buildings and dwellings shall be connected to such mains.

In addition the following shall apply to all areas outside the designated Urban Service Boundaries:

- A. Intent: The following provisions are primarily intended to allow the construction of isolated, rural, large lot homes. The demand for this type of development is recognized but is not encouraged because of the difficulty and efficiency of providing necessary public services.
- B. Lots for single family residences utilizing a septic tank disposal system shall be at least forty-three thousand five hundred sixty (43,560) square feet with a minimum frontage as required by the applicable zoning district.
- C. Non-Residential Uses: Lot areas and types of sewage treatment (septic tank, aeration or other) for non-residential uses shall be determined by the Woodford County Health Department.
- D. Any applicant for a subdivision utilizing on-site sewage disposal systems shall obtain certification from the Woodford County Health Department that a site evaluation for each lot has been completed in accordance with Kentucky Onsite Sewage Disposal Systems regulations.

503.4 Construction Provisions

- A. Any construction, excavation or grading activity shall not cause physical damage to any adjoining property.
- B. The premises shall be kept in neat and clean condition at all times. Paper and debris and other trash shall be contained in trash receptacles or removed from the property to an appropriate location. Any inoperable equipment must be removed from the property.
- C. All erosion, siltation, and water impoundment must be handled in accordance with the Subdivision Regulations.
- D. Any use of streets or walks for the depositing of construction materials may be permitted under the following provisions:
 - 1. Material shall not obstruct more than fifty percent (50%) of the sidewalk unless a safe, temporary walk is provided.
 - 2. Material shall not obstruct the free passage of vehicles in the streets. A sufficient portion of the street must be left unobstructed.
 - 3. Materials deposited so as to obstruct gutters, sewers, sidewalks, and drainage patterns to protect such improvements from the construction being performed shall be immediately removed when no longer needed to protect such improvements.
 - 4. Material deposited in the right-of-way shall be marked in such a way so that it is visible both day and night.

- E. All equipment and materials used during the construction, excavation, or grading process shall be removed upon completion of the work within three days and disposed of in accordance with the Solid Waste Ordinance. Any storage of equipment or materials after the completion of the work shall require a permit. Solid waste shall be disposed of in accordance with the solid waste ordinance.
- F. If any damage should occur to the street, sidewalks, or adjoining property, it must be immediately repaired by the contractor or developer to the satisfaction of the City or County.

504 Supplementary District Regulations

504.1 Visibility at Intersections

As adopted by the City of Versailles and the Woodford County Fiscal Court, on corner lots, except in the HD and A-1 Districts, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2 1/2) feet and twelve feet (12) above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said right-of-way lines twenty five (25) feet from the point of the intersection.

As adopted by the City of Midway, on a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2 1/2) feet and twelve (12) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said right-of-way lines twenty five (25) feet from the point of the intersection.

504.2 Fences, Walls and Hedges

Notwithstanding other provisions of this ordinance, there shall be a four (4) foot height restriction for fences between any public right-of-way and the building line (this includes front and side streets). There shall be a three and one half (3 1/2) foot height restriction for walls and hedges between any public right-of-way and the building line (this includes front and side streets). No fence or wall along the sides or rear of any yard shall be over 8 feet in height, (Midway and Woodford County only) unless otherwise permitted by the Board of Adjustment. This provision does not apply to fences, walls and hedges in agricultural districts. For the purpose of this section, the height of a wall or fence shall be the vertical distance from the average established grade at the fence or wall to the top of the fence or wall.

504.3 Projections

- A. Covered porches, stairways, terraces or other similar features, the floor level of which is not over three (3) feet above the average finished grade and which do not extend above the level of the first floor of the building, when open and unenclosed, may project into a required front, side or rear yard not more than eight (8) feet, provided that such covered porches, stairways, terraces, or other similar features conform to the provisions of Section 504.3 (D).
- B. Outside stairways may not extend more than three (3) feet into any required side yard; nor more than five (5) feet into any required rear yard.

- C. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, may extend not more than twenty-four (24) inches into any required yard.
- D. Notwithstanding any other provision of this section, no projection as listed above shall extend into any required side yard more than one-half (1/2) the width of such yard, nor within ten (10) feet of the front lot line nor five (5) feet of the rear lot line, nor within three (3) feet of any accessory building, provided, however, that such limitations shall not apply to terraces and steps inside yards, or to a loading dock or tailboards in connection with an industrial siding.

504.4 Accessory Building; Location, Height

- A. No accessory building shall be erected in any required court or in any yard other than a rear yard provided, however, that an accessory building may be erected as part of the principal building, or, if at least six (6) feet therefrom, may be connected thereto by a breezeway or similar structure, provided all yard and court requirements of this Ordinance Resolution for a principal building are complied with.
- B. Buildings accessory to 1 (one) story principal structures shall be equal to or less than the height of the principal structures; buildings accessory to 2 (two) story and above principal structures shall not exceed the average height of the principal structure; and in all cases, shall be distance at least five (5) feet from side and rear property lines.
- C. Where a corner lot adjoins in the rear of a lot in a residence district, no part of an accessory building within twenty-five (25) feet of the common lot line in the rear shall be nearer a side street lot line than the least depth of any front yard existing or as required, whichever is less, along such side street for a principal building on such adjoining lot, and in no case shall any part of such accessory building be closer to the side street lot line than the main building to which it is accessory.

504.5 Regulations for Lots and Yards

- A. **Erection of More Than One Principal Structure on a Lot:** In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot, provided that a development plan is submitted for the Planning Commission to review and approve, prior to the issuance of any building permits.
- B. **Front Yard Regulations for Corner and Double Frontage Lots:** Corner lots and double frontage lots shall, as a minimum, provide for the minimum front yard on both frontage streets. The rear yard and side yard is at the option of the developer or homeowner.
- C. **Application of Yards to one Building Only:** No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.
- D. **Yard Requirements Along Less Restricted District Boundary Line:** Along any zoning boundary line, except when adjoining A-1 and A-2 Districts, any abutting side yard, rear yard or court on a lot adjoining such boundary line in the less

restricted district shall have a minimum width and depth equal to the required minimum width and depth for such yards and courts in the more restricted district.

- E. **Front Yards Not Parallel to the Building:** Where the front wall of a building is not parallel with the front lot line or is broken or otherwise irregular, the average depth of the front yard shall not be less than the otherwise required front yard; provided however, that such front wall shall at all points be within five (5) feet of the otherwise required front yard depth.
- F. **Side Yards Not Parallel To The Building:** Where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the average width of the side yard shall not be less than the otherwise required least width; provided, however that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required side yard, nor narrower than three (3) feet in any case.
- G. **Rear Yards:** Where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular, the average depth of the rear yard shall not be less than the otherwise required rear yard provided, however, that such rear wall shall not at any point be less than one (1) foot the otherwise required rear yard.

504.6 Height Regulations

- A. **Maximum:** Except as hereinafter provided, no building or structure, or part thereof, shall hereafter be erected or altered to a height greater than the maximum specified for the respective zone.
- B. **How Measured:** For the purpose of this Zoning Ordinance the "height" of a wall of a structure or a part of a building is the mean vertical distance from the average established grade in front of the lot, or from the average natural grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

Where a lot abuts on two or more streets or alleys of different average established grades in front of the lot, the higher of such grades shall control only for a depth of one hundred and twenty (120) feet measured perpendicularly back from the line of the higher street or alley.

On a corner lot the height is the mean vertical distance from the average natural grade at the building line, if higher, on the street of greatest width, or if two or more such streets are of the same width, from the highest of such grades. The height limitations as controlled by the side street shall govern for a distance of one hundred and twenty (120) feet measured at right angles back from such wider street, except on parts of such one hundred and twenty (120) feet as may be within a more restricted height zone.

- C. The height limitations contained herein do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, including agricultural buildings.

504.7 Structures to Have Access

Every building hereafter erected or moved shall be on an accessible lot adjoining a public street, or an approved private street, for at least twenty-five (25) feet, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

505 Junkyard

Junkyards are not designated as permitted uses in any district and are consequently non-conforming uses in all districts. They shall conform with Article VIII of this ordinance prescribing regulations for non-conforming uses. The Administrative Official shall ensure that all existing junkyards maintain valid permits to operate, issued by the Kentucky Department of Highways, as required by Kentucky Revised Statutes 177.905 through 177.951 and 177.990 and the Administrative Official shall ensure that all screening required by the Department of Highways is maintained as long as the junkyards remain in operation.

506 Group Housing

In the case of group housing of two or more buildings to be constructed on a parcel of ground, not subdivided into the customary streets and lots, and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such group housing, the application of the terms of this ordinance may be varied by the Planning Commission in a manner which will be in harmony with the character of the neighborhood. However, in no case shall the Planning Commission authorize a use prohibited in the district in which the housing is to be located, or a smaller lot area per family than the minimum required in such district. Neither a public hearing nor action by the governing body is required for authorization, but the Planning Commission may impose conditions in keeping with the spirit and intent of this ordinance.

507 Overnight Accommodations

507.1 Characteristics: Dwelling units arranged for short-term stays of less than 30 days for rent or lease.

507.2 Accessory Uses: Accessory uses may include pools and other recreational facilities, gift shops, limited storage, laundry facilities, offices, meeting facilities comprising less than 25 percent of the total gross floor area, offices, and business centers.

507.3 Examples: Examples include Hotels, Motels, Inns, Extended Stay Facilities, Bed and Breakfast Establishments, Short Term Rental Establishments, Recreational Vehicle Parks and Camps/Campgrounds.

507.4 Specific Use Standards

A. Bed and Breakfast Establishments

1. Bed and Breakfast Establishments shall be required to meet Fire and Building Codes. Bed and Breakfast Establishments shall be in compliance with KRS 219, and all other applicable state and local laws, including the Woodford County District Health Department Rules and Regulations;
2. Each room or suite to be rented shall be designed and intended to accommodate no more than two adults and accompanying children;

3. Each room or suite shall be rented for no longer than 30 days;
4. The use shall not adversely affect the uses permitted in the area and in the immediate neighborhood by excessive traffic generation, noise, trash and/or light trespass;
5. One parking space shall be required for each guest room or suite available for rent. All off-street guest parking areas shall be screened with landscaping when adjacent to single family uses;
6. Signs shall be limited to one externally illuminated on-premises monument or wall sign not to exceed four (4) square feet in area;
7. The Bed and Breakfast Establishments shall be operated by the owner, owner's agent, or lessee who shall reside on the property or adjacent property and shall be present at any Agritourism or Commercial events occurring in or at the establishment;
8. In the Incorporated limits of the City of Versailles Bed and Breakfast Establishments shall be prohibited in R-1 and R-2 zones. A Conditional Use Permit is required in the A-1, R-3, R-4 and P-1 zoning districts prior to commencement of the business. Bed and Breakfast Establishments shall be limited to the following number of guest rooms or suites: Bed and Breakfast Home, Maximum five (5) guest rooms/suites; Bed and Breakfast Inn, Maximum eight (8) guest rooms/suites. Bed and Breakfast Farmstay Establishments guest room/suite maximums shall be established by the Board of Adjustments and shall only be located in A-1 Zoning Districts;
9. In the Incorporated limits of the City of Midway Bed and Breakfast Establishments shall be prohibited in R-1 and R-2 zones. A Conditional Use Permit is required in the A-1, R-3, R-4 and P-1 zoning districts prior to commencement of the business. Bed and Breakfast Establishments shall be limited to the following number of guest rooms or suites: Bed and Breakfast Home, Maximum five (5) guest rooms/suites; Bed and Breakfast Inn, Maximum eight (8) guest rooms/suites. Bed and Breakfast Farmstay Establishments guest room/ suites maximums shall be established by the Board of Adjustments and shall only be located in A-1 Zoning Districts;
10. The Board of Adjustments, in considering approval of required Conditional Use Permit, shall make a finding that the number of rooms or suites granted shall not have adverse effect on surrounding properties. In addition, 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; and
11. Bed and Breakfast establishments shall be required when obtaining a Conditional Use Permit to list as part of the application any planned additional Commercial activities such as meetings, seminars, tea/ garden parties, weddings, receptions, festivals, concerts or Agritourism uses.

B. Short Term Rentals

1. Short Term Rental establishments shall be required to meet Fire and Building codes. Short Term Rental establishments shall be in compliance with all other applicable state and local laws, including the Woodford County District Health Department Rules and Regulations;
2. Hosted Home-Sharing Short Term Rental establishments: Each room or suite to be rented shall be designed and intended to accommodate no more than two adults and accompanying children;
3. Dedicated Short Term Rental establishments: Each room or suite within the dwelling unit to be rented shall be designed and intended to accommodate no more than two adults and accompanying children;
4. Each room, suite or home shall be rented for no longer than 30 days;
5. The use shall not adversely affect the uses permitted in the area and in the immediate neighborhood by excessive traffic generation, noise and light;
6. One parking space shall be required for each guest room or suite available for rent. All off-street guest parking areas shall be screened with landscaping when adjacent to single family uses;
7. Signs are prohibited for Short Term Rental establishments located in the A1, A-2, A-4, CO-1, R-2, R-3, R-4 and P-1 zoning districts;
8. Short Term Rental establishments owner, owner's agent, or lessee shall be present at any Agritourism or Commercial events occurring in or at the establishment;
9. In the Incorporated limits of the City of Versailles Short Term Rental Establishments shall be prohibited in R-1 and R-2 zones. A Conditional Use Permit is required in the A-1, R-3, R-4 and P-1 zoning districts prior to commencement of the business. Short Term Rental Establishments shall be limited to the following number of guest rooms or suites: Hosted Home-Sharing, Maximum four (4) guest rooms/suites and Dedicated Short Term Rental establishments, maximum six (6) guest rooms/suites;
10. In the Incorporated limits of the City of Midway Short Term Rental Establishments shall be prohibited in R-1 and R-2 zones. A Conditional Use Permit is required in the A-1, R-3, R-4 and P-1 zoning districts prior to commencement of the business. Short Term Rental Establishments shall be limited to the following number of guest rooms or suites: Hosted Home-Sharing, Maximum four (4) guest rooms/suites and Dedicated Short Term Rental establishments, maximum six (6) guest rooms/suites;
11. The Board of Adjustments, in considering approval of required Conditional Use Permit, shall make a finding that the number of rooms granted shall not have adverse effect on surrounding properties. In addition, the Board of Adjustment shall take into consideration the

number of Short Term Rental Establishments, if any, within the general neighborhood of the property being considered for such use; and

12. Short Term Rental Establishments shall be required when obtaining a Conditional Use Permit to list as part of the application any planned additional Commercial activities such as meetings, seminars, tea/garden parties, weddings, receptions, festivals, concerts or Agritourism uses.

508 Signs

It is the purpose of this section to permit such signs that will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety or otherwise endanger the public morals, health, or safety; and further to regulate such permitted signs in such a manner as to prevent them from causing annoyance or disturbance to the citizens and residents of Woodford County, Versailles and Midway.

508.1 Permitted Signs are permitted in the following districts:

- A. Residential Districts. Ground-pole, wall signs, and project entrance signs are permitted subject to the following:
 1. Nameplate signs shall not exceed two (2) square feet in area;
 2. Identification signs for institutional use shall not exceed twenty-four (24) square feet;
 3. Non-conforming business in residential zones shall not exceed more than fifty (50) square feet in area.
 4. Real estate and subdivision signs are permitted providing there is only one (1) sign permitted at each major entrance, such signs are removed or extended by permit from the Building Inspector after the property has been sold or six (6) months after installation, whichever comes first, and provided further that such signs do not exceed twenty four (24) square feet in area or six (6) feet in width or six (6) feet in height.
 5. Project Entrance Signs – Same as Type #1 and Type #2 in 508.2, B-4 District below.
- B. Professional Office Districts – Twenty-four (24) square feet maximum area. Not higher than six (6) feet. Maximum of two (2) signs, one can be a free-standing sign located a minimum of ten (10) feet from the right of way.
- C. Commercial and Industrial Districts.
 1. Banner signs in the business, commercial and industrial district shall be permitted, limited to two (2) banners per ten (10) linear feet of building frontage with a maximum of sixty (60) square feet (buildings on corner lots shall be double frontage). At no time shall in excess of seventy-five (75%) percent of the building facade be covered by banners. At any one time, the total number of banners per place of business shall not exceed four (4). Banners shall be fastened securely to the building so that there is virtually no danger that the banner may be moved by

the wind or other forces of nature. At no time shall any banner be affixed as to be a hazard to pedestrian's customers or traffic.

2. Pennants and streamers with no general products advertising or listing or specific goods or services shall be limited to two (2) pennants or streamers per one (1) foot of linear property line frontage. Placement of pennants and or streamers shall at a minimum provide eight (8) feet of vertical clearance and shall not project into the right-of-way. Pennants and streamers shall be securely attached to a permanent structure.
3. Portable signs having a height not greater than five feet and a width not greater than three feet located not more than ten feet from the door of a business which are displayed only during the hours the business is open are removed at all other times. No more than one (1) such sign shall be permitted for any business. Each sign shall be constructed and situated in such manner that it shall not be a hazard to pedestrians, customers, or traffic.
4. Changeable Copy Signs (the capability of a permanent sign to change content, whether by means of manual or electronic input) without animation are allowed on all permanent signs. Such signs shall be limited to one (1) changeable copy message sign per parcel. Changeable copy shall not exceed 30% of the total surface area of the sign.
 - a. No electronic sign shall: Contain or display animated, moving video, or scrolling advertising.
 - b. No electronic sign shall: Display an image, symbol or combination thereof for a period of time less than six (6) seconds. A change in image, symbol or combination shall be accomplished within two (2) seconds and occur simultaneously. Once changed, the symbol or image shall remain static until the next change.
 - c. An electronic sign must: Contain a default mechanism that freezes the sign in one position if a malfunction occurs.
 - d. An electronic sign must: Automatically adjust the intensity of its display according to natural ambient light conditions.

No electronic message or image shall be allowed to be projected onto buildings or other objects. A sign on which the only copy that changes is an electronic or manual indication of time and/or temperature shall be considered a "time and temperature" portion of a sign and not a Changeable Copy Sign for purposes of this Ordinance.

5. No more than two (2) major identification signs per place of business shall be permitted except in the case of a Shopping Center Complex where a lot has double frontage on public streets, then there can be no more than three (3) signs comprised of two (2) wall signs and one of the following: business name on the Shopping Center Complex sign; or – one monument sign on the lot with said business.

The following chart contains the on-premise sign regulations for commercial and industrial districts.

508.2 ON PREMISES SIGNS- COMMERCIAL AND BUSINESS DISTRICTS

District	Types of Signs Permitted	Regulations
B-1 Districts	Wall Signs	Twenty-four (24) sq. ft. maximum area. Identification of the business only. Not higher than the roof line. Shall not project more than fifteen inches (15") from a wall.
	Portable Signs	Height not greater than five feet, a width not greater than three feet, located not more than ten feet from the door of a business which are displayed only during the hours the business is open and are removed at all other times. No more than one (1) such sign shall be permitted for any business.
B-2 Districts	Wall Signs	Same as B-1.
	Portable Signs	Same as B-1.
	Projecting Signs	A projecting sign may be a substitute for, or in lieu of, one (1) wall sign for the principal use; the sign must have nine (9) feet of clearance above the sidewalk; the sign must not project more than five (5) feet from the building nor be any closer than eighteen (18) inches from the curb or driving lane; the sign must not extend above the peak of the roof; and, a two or more story building must not have the projecting sign above twenty (20) feet high above the sidewalk. (City of Versailles & Woodford County Only)
B-4 Districts	Wall Signs	One (1) square foot for each linear foot of building frontage is the maximum area not to exceed three hundred (300) square feet. Fifteen-inch (15") projection limitation. Identification purposes only. Shall not extend above roof line.
	Portable Signs	Same as B-1.
	Free Standing Signs	Setback a minimum of thirty (30) feet from right-of-way. Limited to one (1) sign per lot and counts as one of major signs of identification. Thirty-five (35) feet maximum height of overall structure. Signs shall have a maximum of one hundred fifty (150) square feet of sign area per side, limit two (2) sides.

Shopping Center Sign



Setback a minimum of fifteen (15) feet from right-of-way. Limited to one (1) sign per public street access point into the development with a maximum of two (2) signs per development. Signs shall have a maximum of two hundred (200) square feet of sign area per side, limit two (2) sides. Maximum sign structure height is thirty-five (35) feet. Such signs shall be included in architecturally significant masonry structure.

Monument Signs

Setback a minimum of ten (10) feet from the right-of-way; limited to one (1) sign per lot and counts as one of the major identification signs, eight (8) feet maximum height overall structure and a maximum overall width of ten (10) feet. Signs shall have a maximum area of eighty (80) square feet of sign area per side, limit two (2) sides. Area includes entire area of sign, including base.

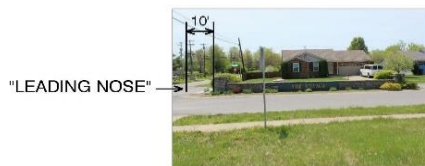
Project Entrance Sign

TYPE #1



Type #1- Located on one or both sides of an entrance. Setback a minimum of ten (10) feet from right-of-way. Limited to two (2) signs per public street entrance. Signs shall be mounted on a permanent masonry structure not exceeding thirty-two (32) square feet in sign area, not exceeding six (6) feet in height.

TYPE #2



Type #2- Located in the median of a boulevard entrance. Setback a minimum of ten (10) feet from the leading nose of the median. Limited to one (1) sign per entrance. Signs shall be mounted on a permanent masonry structure not exceeding thirty-two (32) square feet in area, not exceeding four (4) feet in height. Must obtain an encroachment permit from appropriate governing authority prior to installation.

Banners

No more than two (2) banners per ten (10) linear feet of building maximum of sixty (60) square feet. (Buildings on corner lots shall be entitled to double frontage) Total banners shall not exceed four (4), and at no time shall be in excess of seventy-five (75%) percent of the building façade be covered by banners. Must be fastened securely to

		building or supportive permanent structure.
	Pennants and Streamers	Limited to two (2) pennants or streamers per one (1) foot of linear property line frontage. Shall at minimum provide eight (8) feet of vertical clearance and shall not project into right of way. Shall be securely attached to a permanent structure.
B-5 Districts	Wall Signs	Same as B-4
	Portable Signs	Same as B-4
	Free-Standing Signs	Same as B-4
	Shopping Center Sign	Setback a minimum of fifteen (15) feet from right-of-way. Limited to one (1) sign per public street access point into the development with a maximum of two (2) signs per development. Signs shall have a maximum of three hundred (300) square feet of sign area per side, limit two (2) sides. Maximum sign structure height is forty (40) feet. Such signs shall be included in architecturally significant masonry structure.
	Monument Signs	Same as B-4
	Project Entrance Sign	Same as B-4
	Banners	Same as B-4
	Pennants and Streamers	Same as B-4
I-1 Districts	Wall Signs	One (1) square foot for each linear foot of building frontage is the maximum area. Fifteen-inch (15") projection limitation. Identification purposes only. Shall not extend above roof line.
	Free Standing Signs	Same as B-4
	Monument Signs	Same as B-4
	Industrial Park Sign	Setback a minimum of fifteen (15) feet from right-of-way. Limited to one (1) sign per public street access point into the industrial park with a maximum of two (2) signs per park. Signs shall have a maximum of two hundred (200) square feet of sign area per side, limit two (2) sides. Maximum structure

height is thirty-five (35) feet. Such signs shall be included in architecturally significant permanent structure.

	Project Entrance Sign	Same as B-4
I-2 Districts	Wall Signs	Same as I-1.
	Free Standing Signs	Same as I-1.
	Monument Signs	Same as B-4
	Industrial Park Sign	Same as I-1.
	Project Entrance Sign	Same as I-1.

508.3 Off Premise Advertising Signs

- A. Placement and Height Regulations - Off-premise advertising signs will not be permitted to be erected in, within, or unless:
 - 1. Fifty (50) feet from automobile bridges, nearest corner of street intersections (unless on roof structure), an on premise sign equal to or greater than one hundred fifty (150) square feet in area, or interstate highway right-of-ways; nor
 - 2. Seventy-five (75) feet from residential districts and hospitals; nor
 - 3. One hundred (100) feet from any public park, historic or recreation area, school, churches, or another off-premise sign of any size.
 - 4. Five hundred (500) feet from another off-premise sign directed towards same interstate, limited access, or arterial highway;
 - 5. The placement of one panel on top of another panel is prohibited;
 - 6. Off-premise signs will not be permitted to be erected unless the back of the sign is shielded from public view from a building or street by another structure of equal or greater dimensions, or by high planting or unless such back is enclosed in a solid backing and painted a neutral color.

- B. District and Area Regulations:
 - B-5 Ground-pole signs only; three hundred (300) square feet per facing maximum area; Back to back and "V" type permitted; Setback same as for buildings; Thirty (30) feet maximum height. Sign shall count as one of the permitted signs allowed.
 - I-1 Same as B-5
 - I-2 Same as B-5

508.4 Signs Prohibited

1. Signs that incorporate in any manner any flashing or moving lights. Any sign which displays exclusively current time and temperature information is not considered "flashing or moving."
2. String lights or any unshielded light that is visible by the public from a public street and is used in connection with commercial premise for commercial purposes, including attention-getting, other than Christmas decorations.
3. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement achieved by electronic or mechanical means or action or normal wind currents.
4. Any sign which obstructs or detracts from the visibility of any traffic sign or traffic control device on public streets and roads, by reason of the size, location, coloring or illumination.
5. Any sign or sign structures which (a) is structurally unsafe, (b) constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidate or abandonment, (c) is not kept in good repair, or (d) is capable of causing electrical shocks to persons likely to come into contact with it.
6. Signs which make use of words such as "STOP", "LOOK", "DANGER", "YIELD", or other similar words, phrases, symbols or characters in such a manner as to imply the need or requirement of stopping or the existence of danger.
7. Portable signs, folding signs, "A" frame signs, "T" shaped or any other similar free-standing signs not permanently anchored or secured to either a building or the ground except as specifically authorized by Section 508.1 (B) (3).
8. Free-standing signs that extend or are built over public property, except as specifically permitted herein.
9. Free standing signs for single lot users that are part of a shopping center complex (does not include Monument Signs).
10. Temporary window feature signs using more than twenty percent (20%) of a window in a commercial business.
12. Any sign extending more than forty (40) feet above the base of the structure.
13. Any sign erected or maintained upon trees or painted or drawn upon rocks or other natural features.
14. Any sign other than governmental traffic control signs or devices that are or would be located in the right-of-way of any street or highway without the written permission of the governmental body holding the right-of-way.

15. Any sign face that is abandoned (a sign which no longer identifies a business conducted or product sold on the premises or any advertising sign which no longer directs attention to a bona fide business conducted, product sold, or activity being conducted after the establishment ceases operation for a period of sixty (60) consecutive days shall be removed.
16. Banners located on poles or fences, except for solely charitable events or activities. Charitable event or activity banners shall be limited to being displayed for 14 consecutive days with a minimum 14 day waiting period prior to redisplaying.

508.5 Placement of Political Signs

One temporary sign per candidate and/or ballot issue per lot relating to an election shall be allowed. Signs shall not exceed four (4) square feet in surface area in residential districts and thirty-two (32) square feet in surface area in all other districts. Signs shall not be placed within the clear site triangle as defined by Section 504.1 (Visibility at Intersections) and shall not be placed within any public right-of-way. Signs shall be erected no earlier than thirty (30) days prior to the election and removed within five (5) days after the election.

508.6 Signs Exempt from Permit Requirements

The following signs shall not require a permit. However, such signs are subject to applicable restrictions contained within this Article.

- A. Political Signs
- B. Nameplates
- C. Government Signs
- D. Real Estate Signs
- E. Incidental Signs
- F. Window Signs (placed on inside of windows, signs placed on the outside of windows are considered as Wall Signs).
- G. The changing of copy of an off-premise sign, informational sign, or electronic message display system.
- H. Alteration of a sign face for the same business name, if in conformance with the applicable standards contained herein.

509 Assisted Living Facilities

509.1 Intent

Permit Assisted Living Facilities as Conditional Use Approvals by the Board of Adjustment in Medium Density Residential (R-3) and High Density Residential (R-4) Zoning Districts.

509.2 General Provisions

- A. No Certificate of Occupancy shall be issued prior to certification of compliance with the (Voluntary) Certification of Assisted Living Residences standards per Kentucky Revised Statutes. This requirement can be met by written notice from the Cabinet for Families and Children or a statement of intended compliance signed by the owner, engineer/architect, and management group addressing each of the requirements of the Voluntary Certification Program.
- B. No Certificate of Occupancy shall be issued prior to the issuance of required permits and certificates by federal, state, and local agencies and all required conditions of approval by the Board of Adjustment and the Planning Commission.

509.3 Locational Standards

- A. Development shall be located on an arterial street, collector street, or local street.
- B. Development shall be located within the Urban Service Boundary of Versailles or Midway as defined by the Comprehensive Plan.
- C. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design, and building placement. The street network shall be capable of accommodating the traffic generated by the proposed uses.

509.4 Site Standards

- A. Minimum lot size shall be two (2) gross acres.
- B. The maximum allowable density for such developments shall be 12 units per gross acre for R-3 and 24 units per gross acre for R-4 Districts.
- C. These facilities should be designed so as to cluster the residential units and associated buildings based on the net density and provide sufficient open space and amenities areas.
- D. The maximum height of such facilities is three stories or 40 feet.
- E. Three (3) parking spaces shall be provided for every four (4) residential units. Ten percent of the total number of parking spaces shall be designated as handicap accessible.
- F. Each unit shall contain at least 400 sq. ft. of gross floor area.
- G. Minimum useable open space shall be 20% in R-3 and R-4 Districts; maximum lot coverage shall be 25% in R-3 and 30% in R-4 Districts; and the maximum floor area ratio (FAR) shall be 0.5 in R-3 and 0.7 in R-4 Districts.

509.5 Area Regulations

All buildings shall be set back from the street right-of-way and from all property lines as required by the zoning district within which the development is located except:

- A. Where adjacent to a residential or agricultural zoning district, the minimum setback shall be 50 feet.
- B. Where adjacent to a state highway, the minimum setback from that highway right-of-way shall be 50 feet.

509.6 Administrative Procedures for Assisted Living Facilities:

- A. An application for Conditional Use approval shall be filed with the Board of Adjustment office for their regular scheduled meeting, unless otherwise noted.
- B. The following information shall be included in addition to the requirements for development plans, but not limited to:
 - 1. The location and legal description, including the appropriate tax map and parcel identification, of the proposed assisted living facility.
 - 2. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the development, including building elevations and floor plans.
 - 3. A table attached on the plan or as an addendum, identifying the number of residential units, by bedroom size and the gross square foot area of each unit size.
 - 4. A description of common and specialized services to be provided to the residents.
 - 5. A landscaping plan, including all required screening and buffering.
 - 6. The location, height, focal direction, and lighting levels (intensity), in foot candles, of all external lighting structures.
 - 7. A preliminary project development, construction and occupancy schedule. The schedule shall demonstrate the applicant's readiness, ability to provide facilities and services. Building Permit approval shall be contingent upon issuance of all required permits and approvals from federal, state, and local authorities.
 - 8. Drainage and erosion control plan.
 - 9. Such other architectural and engineering data as may be required by the Planning Commission to determine compliance with the provisions of the Zoning Ordinance and Subdivision & Development Regulations.

510 Agricultural Marketing Center

New ordinance creating Intent, Permitted Uses, Lot Requirements and Other Requirements.

510.1 Intent

Woodford County's agrarian history has been noted nationally and internationally for various components throughout its 200 + years of recorded history. During the past sixty (60) years, the evolution of our agricultural society has been affected by the same political, economic, sociological and technological factors that have altered all sectors of society. Agriculture's continual economic importance and the benefits it provides to the surrounding agricultural community requires that Agricultural Marketing Centers, their evolution, intent, purpose, and 21st century functions, be recognized, and that provisions for these centers through Planning and Zoning Regulation amendments allow for continued promotion and marketing avenues for the agricultural industry. Both history and economics have proven agricultural marketing to be vital to the economy of Woodford County, Kentucky.

510.2 Principal Permitted Uses

The uses allowed are those listed as permitted principal use in the I-1 Light Industry Zoning District. The following uses shall be permitted in Agricultural Marketing Centers.

- A. Sales pavilions or facilities for farm machinery and equipment.
- B. Retail sale of agricultural products, supplies and related items. This may include both indoor and/or outdoor wholesale and retail Farmer's Market.
- C. Livestock (primarily cattle) and grain commodity trading offices and marketing sales facilities designed for covered animal control.

510.3 Accessory Uses

- A. Tourist centers, gift shops, coffee shops and/or restaurants, meeting and assembly rooms.
- B. Accessory Offices for governmental agencies related to agriculture, banking, insurance and financial institutions
- C. One (1) dwelling unit for owner's, operators, security personnel, or employees of a permitted use, which may be in a separate structure.
- D. Veterinary clinic, including the sale of livestock pharmaceutical supplies and equipment.
- E. Incidental marketing of sheep, goats and swine.

510.4 Lot, Yard, and Height Requirements

Lot, yard and height requirements for Agricultural Marketing Centers (see Article VII, Industrial Zones) shall be as required by property standards and guidelines, or governmental standards, whichever is stricter, or as set forth herein.

510.5 Other Requirements

A. Locational Standards

An Agricultural Marketing Center may be established only upon land that meets both of the following criteria:

1. The property shall be located within one (1) mile of the point of intersection of the centerline of a Federal Interstate interchange.
2. The property is not located on an identified environmentally sensitive area.

B. Site Standards

Any parcel considered for the construction of an Agricultural Marketing Center facility must meet all of the following site criteria:

1. The property shall be a minimum of thirty (30) acres in size.
2. The property must have easy access to the federal highway system with that access approved by the Kentucky Transportation Cabinet and Federal Highway Officials.
3. All roads to the site shall be of sufficient width and construction to safely handle all sizes of trucks when fully loaded during all weather conditions.
4. All Agricultural Marketing Center facilities must be landscaped either in accordance with property standards and guidelines, or governmental standards, whichever is stricter; all facilities must be naturally screened from adjacent property.

C. Enclosed Livestock Pavilion Facility

All sales and marketing of livestock, shall be conducted in an enclosed facility. All pre-sale and post-sale financial and transport arrangement of livestock shall take place under a roofed facility that is designed and constructed for secure animal control while being constructed with exceptional ventilation for ample air circulation.

D. Livestock Waste Management

Livestock waste will be managed in accordance to USDA NRCS technical standards for storage and composting.

E. Applicable Laws Must be Met

All facilities must be operated in compliance with applicable federal, state and local laws and regulations including those pertaining to noise, air, light, water, and composting.

F. **Signage Standards**

All way finding signage shall be clearly marked and comply with the American with Disabilities Act Guidelines. Property signage placement and standards shall comply with either property standards and guidelines or governmental standards, whichever is stricter. All proposed signage must be identified on the required development plan.

H. **Development Plans and Operational Plans**

Development Plans for Agricultural Marketing Centers shall follow the submission, review and approval process established therein. In addition to the development plan an operational plan must also be submitted for review by the Commission and will be subject to the same approval process as development plans. Where the Commission deems appropriate, the Kentucky No Discharge Operational Permit (KYNDOP) or other appropriate permits from the Kentucky Division of Water or any other applicable federal, state or local agency, may be required prior to approval of an Operational Plan or Development.

1. The Operational Plan shall address the following:
 - a. Provisions for a natural waste management plan subject to all applicable local, state, and federal requirements.
 - b. Provisions for maintaining air and water quality
 - c. Hours of operation and anticipated hours for truck deliveries and truck shipments
 - d. Routing of trucks on the site, including truck stacking, parking and loading areas.
 - e. Placement of all existing and proposed utilities should be clearly defined in the development plan and addressed in the operational plan.

511 Medicinal Cannabis Facilities

511.1 Characteristics: Medicinal Cannabis Facility: (a) Means marijuana as defined in KRS 218B.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B; (b) Includes medicinal cannabis products and raw plant material; and (c) Does not include industrial hemp or industrial hemp products as defined in KRS 260.850.

511.2 Accessory Uses: Medicinal Cannabis accessories or accessory use means any equipment, product, or material of any kind which is used, intended for use, or designed for use in the preparing, storing, using, or consuming medicinal cannabis in accordance with KRS 218B;

511.3 Definitions: KRS 218B.010 - For the purposes of this Section, unless the context otherwise requires:

- A. Cannabis Business - Means an entity licensed under this chapter as a cultivator, dispensary, processor, producer, or safety compliance facility.
- B. Cultivator - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090.

- C. Dispensary - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- D. Enclosed, Locked Facility - Means an indoor growing space such as a room, greenhouse, building, or other indoor enclosed area that is maintained and operated by a cultivator or producer and is equipped with locks and other security devices that permit access only by authorized agents of the cultivator or producer, as required by the Cabinet.
- E. Medicinal Cannabis Practitioner - Means a physician or an advanced practice registered nurse who is authorized to prescribe controlled substances under KRS 314.042, who is authorized by his or her state licensing board to provide written certifications pursuant to KRS 218B.050.
- F. Medicinal Cannabis Product - (a) Means any compound, manufacture, salt, derivative, mixture, or preparation of any part of the plant Cannabis sp., its seeds or its resin; or any compound, mixture, or preparation which contains any quantity of these substances when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with this chapter; and (b) Does not include industrial hemp products as defined in KRS 260.850.
- G. Processor - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- H. Producer - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- I. Raw Plant Material - (a) Means the trichome-covered part of the female plant Cannabis sp. or any mixture of shredded leaves, stems, seeds, and flowers of the Cannabis sp. plant; and (b) Does not include plant material obtained from industrial hemp as defined in KRS 260.850;
- J. Safety Compliance Facility - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;

511.4 Specific Use Standards

Medicinal Cannabis Facilities in the incorporated area of Versailles KY are subject to the following Specific Use Standards in all applicable zoning districts:

- A. Medicinal Cannabis Facilities shall be required to meet Fire and Building Codes. Medicinal Cannabis Facilities must adhere to all applicable local, state, and federal requirements and shall be in compliance with KRS 218B;
- B. In the Incorporated limits of the City of Versailles, Medicinal Cannabis Facilities shall be prohibited in any Residential zone;
- C. Medicinal Cannabis Facilities shall not be located within a floodplain;
- D. A Development Plan Application and Approval is required for any proposed Medicinal Cannabis Facility. In addition to the Development Plan requirements, the Planning Commission shall consider the impact of the proposed facility upon surrounding properties and institute other site design measures so that the character of the area is protected;

- E. Medicinal Cannabis Facilities must submit all applicable state, or federal construction-related permits to the Planning Commission prior to commencement of any project construction. Additionally, public water lines and hydrants shall be available to the project area sufficient to meet the fire protection standards in accordance with the Versailles Fire Department;
- F. Medicinal Cannabis Facilities shall be setback a minimum of 50 feet from public rights-of-way and a minimum of 25 feet adjacent property lines. All structures shall be at least 100 feet from any residential district, adjacent residential use or adjacent residential structure. The setback distance may be increased by the Planning Commission as determined to be necessary to assure compatibility with other land uses depending on case-specific factors;
- G. Medicinal Cannabis Facilities shall not be located nearer than 1,000 feet from any licensed day care center, public or private elementary, middle, or secondary school;
- H. Medicinal Cannabis Facilities shall comply with the landscape requirements set forth in Article XI. In addition, the minimum landscape buffer width for Medicinal Cannabis Facilities shall be 25 feet along all rights-of-way and adjacent to other residential land uses;
- I. Medicinal Cannabis Facilities shall be limited to one externally illuminated on-premises monument sign not to exceed ten (10) feet in height and thirty-two (32) square feet in sign face area. Wall signs shall not exceed twenty-four (24) square in sign face area or 5% of any building wall façade, whichever is greater.
- J. Outdoor storage of materials, equipment, or supplies associated with a Medicinal Cannabis Facilities is not allowed, unless otherwise allowed by the underlying zoning district;
- K. All Medicinal Cannabis Facilities loading and unloading areas shall be oriented away from public streets;
- L. Cultivator and Cultivator Agent Permissible Actions (as required in KRS 218B) and Zoning District Requirements:
 - (1) A cultivator or cultivator agent acting on behalf of a cultivator shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, or to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for: (a) Acquiring, possessing, planting, cultivating, raising, harvesting, trimming, or storing cannabis seeds, seedlings, plants, or raw plant material; (b) Delivering, transporting, transferring, supplying, or selling raw plant material or related supplies to other licensed cannabis businesses in this state; or (c) Selling cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.
 - (2) Cultivators and cultivator agents acting on behalf of a cultivator shall: (a) Only deliver raw plant material to a licensed processor, licensed producer, licensed safety compliance facility, or

licensed dispensary for fair market value; (b) Only deliver raw plant material to a licensed dispensary, processor, or producer after it has been checked by a safety compliance facility agent for cannabinoid contents and contaminants in accordance with administrative regulations promulgated by the cabinet; (c) Not supply a dispensary with more than the amount of raw plant material reasonably required by a dispensary; and (d) Not deliver, transfer, or sell raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five percent (35%) to a licensed dispensary, processor, or producer.

- (3) A Tier I cultivator shall not exceed an indoor growth area of two thousand five hundred (2,500) square feet. A Tier II cultivator shall not exceed an indoor growth area of ten thousand (10,000) square feet. A Tier III cultivator shall not exceed an indoor growth area of twenty-five thousand (25,000) square feet. A Tier IV cultivator shall not exceed an indoor growth area of fifty thousand (50,000) square feet.
- (4) Medicinal Cannabis Cultivator Facilities shall only be located in Agricultural (A-1), Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.

M. Dispensary and Dispensary Agent Permissible Actions (as required in KRS 218B) and Zoning District Requirements:

- (1) A dispensary or dispensary agent acting on behalf of a dispensary shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for: (a) Acquiring or possessing medicinal cannabis from a cultivator, processor, or producer in this state; (b) Acquiring or possessing medicinal cannabis accessories or educational material; (c) Supplying, selling, dispensing, distributing, or delivering medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders or other dispensaries; (d) Selling cannabis seeds to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; or (e) Acquiring, accepting, or receiving medicinal cannabis products from a cardholder, except that a dispensary may not offer anything of monetary value in return for medicinal cannabis received from a cardholder. Any medicinal cannabis received by a dispensary under this paragraph or pursuant to KRS 218B.070 shall be destroyed by the dispensary or its agents and shall not be sold, dispensed, or distributed to another cardholder.
- (2) A dispensary or dispensary agent acting on behalf of a dispensary shall: (a) Maintain records that include specific notations of the amount of medicinal cannabis being dispensed to a cardholder and whether it was dispensed directly to a registered qualified patient or visiting qualified patient, or to a registered qualified patient's designated caregiver. Each entry shall include the date and time the medicinal cannabis was dispensed. The data required to be recorded by this paragraph

shall be entered into the electronic monitoring system established pursuant to KRS 218A.202 in accordance with administrative regulations promulgated by the cabinet for the recording of medicinal cannabis dispensing; (b) Only dispense or sell medicinal cannabis after it has been checked by a safety compliance facility agent for cannabinoid contents and contaminants in accordance with administrative regulations promulgated by the cabinet; (c) Only dispense or sell medicinal cannabis to a registered qualified patient, visiting qualified patient, or designated caregiver after making a diligent effort to verify: 1. That the registry identification card or, for visiting qualified patients, the out-of-state registry identification card presented to the dispensary is valid, including by checking the verification system, if it is operational, or other cabinet-designated databases; 2. That the person presenting the registry identification card or, for visiting qualified patients, the out-of-state registry identification card is at least eighteen (18) years of age and is the person identified on the registry identification card by examining at least one (1) other form of government-issued photo identification; and 3. The amount of medicinal cannabis the person is legally permitted to purchase pursuant to KRS 218B.025 by checking the electronic monitoring system established pursuant to KRS 218A.202; (d) Not acquire, possess, dispense, sell, offer for sale, transfer, or transport: 1. Raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five percent (35%); 2. Medicinal cannabis products intended for oral consumption as an edible, oil, or tincture with more than ten (10) milligrams of delta-9 tetrahydrocannabinol per serving; 3. Any medicinal cannabis product not described in subparagraph 1. or 2. of this paragraph with a delta-9 tetrahydrocannabinol content of more than seventy percent (70%); or 4. Any medicinal cannabis product that contains vitamin E acetate; (e) Not acquire medicinal cannabis from any person other than a cannabis business licensed under this chapter, or an agent thereof, a registered qualified patient, or a designated caregiver; (f) Not sell or dispense medicinal cannabis products intended for consumption by vaporizing to a cardholder who is younger than twenty-one (21) years of age or to a designated caregiver for a registered qualified patient who is younger than twenty-one (21) years of age; (g) Not dispense or sell medicinal cannabis to a minor; (h) Not dispense or sell more medicinal cannabis to a cardholder than he or she is legally permitted to purchase at the time of the transaction; and (i) Not rent office space to a medicinal cannabis practitioner.

- (3) A dispensary may operate a delivery service for cardholders and may deliver medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders at the address identified on the cardholder's registry identification. (b) All delivery services operated or offered by a dispensary shall comply with administrative regulations promulgated by the cabinet pursuant to this section and KRS 218B.140.
- (4) Medicinal Cannabis Dispensary Facilities shall only be located in Professional Office (P-1), Highway Business (B-4), Highway

Interchange Service (B-5), Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.

N. Processor and Processor Agent Permissible Actions (as required in KRS 218B) and Zoning District Requirements:

- (1) A processor or processor agent acting on behalf of a processor shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for: (a) Acquiring or purchasing raw plant material from a cultivator, processor, or producer in this state; (b) Possessing, processing, preparing, manufacturing, manipulating, blending, preparing, or packaging medicinal cannabis; (c) Transferring, transporting, supplying, or selling medicinal cannabis and related supplies to other cannabis businesses in this state; or (d) Selling cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.
- (2) A processor licensed under this section shall not possess, process, produce, or manufacture: (a) Raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five percent (35%); (b) Medicinal cannabis products intended for oral consumption as an edible, oil, or tincture with more than ten (10) milligrams of delta-9 tetrahydrocannabinol per serving; (c) Any medicinal cannabis product not described in paragraph (a) or (b) of this subsection with a delta-9 tetrahydrocannabinol content of more than seventy percent (70%); or (d) Any medicinal cannabis product that contains vitamin E acetate.
- (3) Medicinal Cannabis Processor Facilities shall only be located in Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.

O. Producer and Producer Agent Permissible Actions (as required in KRS 218B) and Zoning District Requirements:

- (1) A producer or producer agent acting on behalf of a producer shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for: (a) Acquiring, possessing, planting, cultivating, raising, harvesting, trimming, or storing cannabis seeds, seedlings, plants, or raw plant material; (b) Delivering, transporting, transferring, supplying, or selling raw plant material, medicinal cannabis products, or related supplies to other licensed cannabis businesses in this state; (c) Selling cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; (d) Acquiring or purchasing raw plant material from a cultivator in this state; or (e) Possessing, processing,

- preparing, manufacturing, manipulating, blending, preparing, or packaging medicinal cannabis.
- (2) Producers and producer agents acting on behalf of a producer shall: (a) Only deliver raw plant material to a licensed processor, licensed producer, licensed safety compliance facility, or licensed dispensary for fair market value; (b) Only deliver raw plant material to a licensed dispensary, processor, or producer after it has been checked by a safety compliance facility agent for cannabinoid contents and contaminants in accordance with administrative regulations promulgated by the cabinet; (c) Not supply a dispensary with more than the amount of raw plant material reasonably required by a dispensary; and (d) Be limited to an indoor cannabis growth area of fifty thousand (50,000) square feet.
 - (3) A producer licensed under this section shall not possess, process, produce, or manufacture: (a) Raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five percent (35%); (b) Medicinal cannabis products intended for oral consumption as an edible, oil, or tincture with more than ten (10) milligrams of delta-9 tetrahydrocannabinol per serving; (c) Any medicinal cannabis product not described in paragraph (a) or (b) of this subsection with a delta-9 tetrahydrocannabinol content of more than seventy percent (70%); or (d) Any medicinal cannabis product that contains vitamin E acetate.
 - (4) Medicinal Cannabis Producer Facilities shall only be located in Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.

P. Safety Compliance Facility and Safety Compliance Facility Agent Permissible actions. and Zoning District Requirements:

- (1) Acquiring or possessing medicinal cannabis obtained from cardholders or cannabis businesses in this state;
- (2) Returning the medicinal cannabis to cardholders or cannabis businesses in this state;
- (3) Transporting medicinal cannabis that was produced by cannabis businesses in this state;
- (4) The production or sale of approved educational materials related to the use of medicinal cannabis;
- (5) The production, sale, or transportation of equipment or materials other than medicinal cannabis, including but not limited to lab equipment and packaging materials that are used by cannabis businesses and cardholders, to cardholders or cannabis businesses licensed under this chapter;
- (6) Testing of medicinal cannabis produced in this state, including testing for cannabinoid content, pesticides, mold, contamination, vitamin E acetate, and other prohibited additives;
- (7) Training cardholders and cannabis business agents. Training may include but need not be limited to: (a) The safe and efficient cultivation, harvesting, packaging, labeling, and distribution of medicinal cannabis; (b) Security and inventory accountability procedures; and (c) Up-to-date scientific and medical research findings related to use of medicinal cannabis;
- (8) Receiving compensation for actions allowed under this section;

- (9) Engaging in any noncannabis-related business activities that are not otherwise prohibited or restricted by state law.
- (10) Medicinal Cannabis Safety Compliance Facilities shall only be located in Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.