

**Versailles - Midway - Woodford County**

# **ZONING ORDINANCE**

Versailles, Midway, and Woodford County  
Planning Commission  
Woodford County Courthouse, Room 204  
Versailles, KY 40383

**AS AMENDED**

# TABLE OF CONTENTS

## ARTICLE I IN GENERAL

100	Enactment .....	1-1
101	Short Title .....	1-1
102	Effective Date .....	1-1
103	Purpose, Objectives, Goals.....	1-1
104	Interpretation and Scope of Regulations .....	1-1
105	Separability Clause .....	1-2
106	Repeal of Conflicting Ordinances .....	1-2
107	Continuity.....	1-2

## ARTICLE II DEFINITIONS

200	Use of Terms .....	2-1
201	Defined Terms .....	2-1

## ARTICLE III ADMINISTRATION, ENFORCEMENT AND VIOLATION

300	Administrative Official.....	3-1
301	Permits required for Construction, Demolition, Structures and Locations thereof.....	3-1
302	Schedule of Fees and Expenses.....	3-5
303	Complaints Regarding Violations .....	3-5
304	Penalties for Violation.....	3-5

## ARTICLE IV BOARD OF ADJUSTMENT

400	Appointment and Proceedings of Board .....	4-1
401	Powers and Duties .....	4-1
402	Duties of Administrative Official, Board of Adjustment, Legislative Bodies and Courts on Matters of Appeal .....	4-5

## ARTICLE V GENERAL PROVISIONS

500	Establishment of Zoning District: Provisions for Official Zoning Map and Interpretation .....	5-1
501	Reserved.....	5-2
502	Townhouses .....	5-2
503	General Development Regulations .....	5-4
504	Supplementary District Regulations.....	5-12
505	Junkyard .....	5-15
506	Group Housing .....	5-15
507	Overnight Accommodations .....	5-17

508	Signs .....	5-21
509	Assisted Living Facilities .....	5-29
510	Agricultural Marketing Center .....	5-31

## ARTICLE VI PARKING REGULATIONS

600	General Regulations for Vehicles .....	6-1
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## ARTICLE VII ZONING DISTRICT REGULATIONS

700	Zoning Schedule .....	7-1
701	Agricultural (A-1) .....	7-2
702	Agricultural (A-2) .....	7-6
703	Rural Residential (R-R) .....	7-8
704	Small Community (A-4) .....	7-19
705	Low Density Single Family Residential (R-1A) .....	7-22
706	Single Family Residential (R-1B) .....	7-24
707	Single Family Residential (R-1C) .....	7-25
708	Multiple Family Residential (R-2) .....	7-26
709	Medium Density Residential (R-3) .....	7-28
710	High Density Residential (R-4) .....	7-30
711	Mobile Home District (M-1) .....	7-32
712	Professional Office (P-1) .....	7-38
713	Neighborhood Business (B-1) .....	7-40
714	Central Business District (B-2) .....	7-42
716	Highway business District (B-4) .....	7-44
717	Highway Interchange Service business (B-5) .....	7-46
718	Light Industrial (I-1) .....	7-48
719	Heavy Industrial (I-2) .....	7-51
720	Architectural Review Board & Historic Overlay Districts (HD) .....	7-53
721	Conservation District (CO-1) .....	7-59

## ARTICLE VIII NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USE

800	Intent .....	8-1
801	Non-Conforming Lots of Record .....	8-1
802	Non-Conforming Use of land (or land with minor structures only) .....	8-2
803	Non-Conforming Structures .....	8-2
804	Non-Conforming Uses of Structures and Premises in Combination .....	8-3
805	Repairs and Maintenance .....	8-4
806	Uses Under Special Exception Provision Not Non-Conforming Uses .....	8-4

**ARTICLE IX  
AMENDMENTS**

900	Application for Amendment .....	9-1
901	Planning Commission Procedure .....	9-1
902	Notice of Public Hearing.....	9-1
903	Public Hearing on Application .....	9-2
904	Recommendation of Commission for Zoning Map Amendment .....	9-2
905	Action by Legislative Bodies on Zoning Map Amendments .....	9-3
906	Recommendation of Commission Text Amendment .....	9-3
907	Action by Legislative Body on Text Amendment.....	9-3
908	Special Conditions to the Granting of Zoning Changes .....	9-3

**ARTICLE X  
FLOOD DAMAGE PREVENTION ORDINANCE**

Article 1	Statutory Authorization, Findings of Fact, Purpose and Objectives .....	10-1
Article 2	Definitions .....	10-2
Article 3	General Provisions.....	10-13
Article 4	Administration.....	10-16
Article 5	Provisions for Flood Hazard Reduction .....	10-20
Article 6	Appeals and Variance procedures.....	10-26
Article 7	Severability .....	10-29

**ARTICLE XI  
LANDSCAPE AND LANDUSE BUFFERS ORDINANCE**

1100	Intent.....	11-1
1101	Sites Affected .....	11-1
1102	Authority .....	11-2
1103	Jurisdiction .....	11-2
1104	Conflicting Regulations .....	11-2
1105	Where Landscape Materials Required .....	11-2
1106	Administration .....	11-13

# **ARTICLE I**

## **IN GENERAL**

### **100 Enactment**

In pursuance of the authority granted to cities and counties by Kentucky Revised Statutes, Chapter 100, Section 100.201, this ordinance/resolution is adopted by ordinance of the incorporated cities in Woodford County and adopted by resolution of the Fiscal Court of Woodford County and reads as hereafter set forth.

### **101 Short Title**

This ordinance/resolution shall be known and may be cited as "The Woodford County Zoning Ordinance." The zoning map and its necessary enlargements shall be entitled "Zoning Map - Woodford County, Kentucky." A copy of the text and maps are on file with the Planning and Zoning Office.

### **102 Effective Date**

This ordinance shall become effective immediately upon its adoption by the appropriate legislative bodies.

### **103 Purpose, Objectives, and Goals**

It is the intent, purpose, and scope of this ordinance to promote and protect the health, safety, morals, or general welfare of Woodford County and cities therein by empowering them to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot and use of buildings, structures, and land for trade, industry, residence, and other purposes as detailed in KRS 100.203.

The objectives and goals of this ordinance are to help provide for the harmonious and orderly development of the entire County as set forth in the Versailles-Midway-Woodford County Comprehensive Plan and amendments or appendices.

### **104 Interpretation and Scope of Regulations**

This Zoning Ordinance shall be interpreted literally. Whenever this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions or ordinances, the provisions of this ordinance shall govern. When subdivision plans, approved by the Planning Commission, contain setback or other features in excess of the minimum Zoning Ordinance requirements, such features as shown on the approved plan shall govern and shall be enforced by the local Zoning Administrator. Private deed restrictions or private covenants for a subdivision do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the Zoning Administrator.

All existing and future structures and uses of premises within the County (including cities) shall conform with all applicable provisions of this ordinance. Each zoning district is established to permit only those uses specifically listed as permitted, except as hereinafter provided under the non-conforming provisions, and is intended for the protection of those uses.

#### **105 Separability Clause**

If any clause, sentence, subdivision, paragraph, section or part of this Zoning Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

#### **106 Repeal of Conflicting Ordinances**

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. Any previously adopted ordinance entitled "The Woodford County Zoning Ordinance" for Versailles-Midway-Woodford County, Kentucky, together with all amendments thereto, is hereby repealed, and declared to be of no effect.

#### **107 Continuity**

Nothing in this Ordinance shall change the effective date of a violation of any provision of any previously adopted Zoning Ordinance that continues to be a violation of any provision of this ordinance.

## ARTICLE II

### DEFINITIONS

#### 200 USE OF TERMS

All words herein used in the present tense shall include the future tense; the singular shall include the plural, and the plural the singular.

The word "shall" is mandatory, not permissive or directory.

The word "used" includes arranged, designed or intended to be used.

#### 201 DEFINED TERMS

Unless otherwise provided, the following words and phrases are defined as follows.

**ACCESSORY USE (OF BUILDING):** A use customarily incidental hereto and subordinate to the principal use or building and located on the same lot with such principal use or building.

**ADMINISTRATIVE OFFICIAL:** Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulations, subdivision regulations, and if delegated, any provision of any housing or building regulations or any other land use control regulations.

**ADULT ENTERTAINMENT ESTABLISHMENT:** As defined in the City of Midway, City of Versailles and/or Woodford County Fiscal Court Code of Ordinances.

**AGRICULTURAL MARKETING CENTER:** A regulated regional development designed exclusively for the purpose of buying, selling and showing agricultural products, livestock and related farm supplies and equipment. Agricultural Marketing Centers provide a common commercial area for promoting the products produced through the sciences of aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all other forms of farm products cultivated, grown or produced by the agrarian community. Centers may include banks, restaurants, gift shops, equine and other livestock pavilions and show rings, veterinarian clinics and farm equipment sales. Other established components include commonly recognized commercial vendors whose commodities are traded through facilities known as farmer's markets; feed, seed and fertilizer sales; and livestock sales facilities, all of which are conducted, operated or managed for profit or non-profit as public markets for agricultural producers, market agencies and buyers.

**AGRICULTURAL USE (ARTICLE VII):** The growing and harvesting of crops including grass, legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, growing of mushrooms, nursery and forest planting stock, orcharding, forestry and the operation of greenhouses; the keeping, raising and feeding of livestock and poultry, swine, sheep, beef and dairy cattle, pony and horse productions; fur, game, fish and wildlife farm operation; farm buildings used for growing, harvesting and preparing crop products for market; roadside stands and signs pertaining to the sale or use of the premises or products produced thereon; farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock and poultry and preparing livestock and poultry products for market; farm dwellings including mobile homes occupied by farm owners, employees on the farm and members of the immediate family of the farm owner. Provided, however, that such dwellings for the farm owners, employees and members of the immediate family of the farm owner do

not exceed a density of one dwelling for each five (5) acres, and shall comply with Section 711.2 of this Ordinance as it relates to employees of the farm on which the mobile home is located, and further it is provided that such dwellings can be subdivided from the farm if it is to be continuously occupied by an immediate family member. It shall be comprised of a lot no smaller than one (1) acre in size, with access to an existing public road through an existing private driveway, to be shared with the original residence, through a platted and recorded access easement of fifteen (15) feet; or, the in-family lot can be comprised of a lot no smaller than five (5) acres in size with frontage on an existing public road or if the nearest property line of any lot is within 400 feet of the centerline of an existing public road; with a limit of no more than two (2) in-family lots fronting on an existing public road and sharing a common entrance; and meets all health and sanitation regulations in effect and contained herein, and provided further that the number of lots be limited to one lot in Woodford County per each immediate family member's lifetime and that such family member shall hold title to the tract so conveyed for at least five (5) years, and if said conveyance is made to a minor, the five (5) year restriction for holding title begins when the minor turns eighteen (18), and should the family members within five (5) years re-convey the tract to anyone other than to the person or persons from whom it was received, then such deed of re-conveyance shall be void, and provided further, that all such deeds from a farm owner to a family member shall contain a restrictive covenant stating clearly the five (5) year restriction for holding title and stating that any conveyance prior to said five (5) year restriction shall be void, and any deed from a farm owner to a family member pursuant to this section that fails to contain said restrictive covenant shall be void ad initio. Provided further, that in the case of a judicial sale the restriction on re-conveyance shall not apply. On farms where in-family conveyances are permitted all lots shall be counted against the sliding scale of "Lots to be Sold" as defined in Section 703.11(A). In no case shall any farm of 100 acres or more be permitted to have more than fifteen (15) lots.

**Mobile homes in Agricultural Districts:** It is further provided that mobile homes may be the principal residential structures on farms at least five acres in size. Any additional mobile homes that are used on the farm shall contain a minimum density of one unit for each ten (10) acres except when such is subdivided from the farm and is placed on a lot no less than five (5) acres in size and shall comply with Section 711.2 of this Ordinance as it relates to employees of the farm on which the mobile home is located. Mobile homes shall be provided the same yard requirements as for other types of dwelling units in the A-1 District. Mobile homes must obtain a conditional use permit in order to be placed on any existing lot less than five acres in size. In considering a conditional use permit the Board shall determine whether or not the mobile home will have a deleterious effect upon surrounding properties and that there is no objection from fifty percent (50%) of abutting property owners and provided that the mobile home is placed on a solid foundation and is underpinned.

**AGRITOURISM (KRS 247.801):** Agritourism means the act of visiting: a farm or ranch; or any agricultural, horticultural, or agribusiness operation; for the purpose of enjoyment, education, or active involvement in the activities of the farm, ranch, or operation. Agritourism activity" means any activity that: is carried out on a farm, ranch, agricultural operation, horticultural operation, or agribusiness operation; and allows or invites participants to view or participate in activities for recreational, entertainment, or educational purposes. Qualifying activities may include farming, ranching, historic, cultural, civic, or ceremonial activities, including but not limited to weddings and ancillary events; harvest-your-own operations; farmers' markets; or natural resource-based activities. The activities may qualify as agritourism activities whether or not a participant pays to view or to participate in the activity. Agritourism building" means any building or structure or any portion thereof that is used for one or more agritourism activities.



**ALLEY:** Any public or private way set aside for public travel, less than twenty-five (25) feet in width.

**ANIMAL HOSPITAL AND CLINIC:** A medical facility that provides for the examination, care, and treatment of animals that does not include boarding of animals except for those requiring emergency or medical treatment, which may include the storage of medicinal supplies when accessory to the primary use.

**ASSISTED LIVING FACILITY:** A building, establishment, complex, or distinct part thereof which: (a) accepts primarily aged persons for domiciliary care, not nursing or medical care; and (b) provides on-site to its residents private lockable residential spaces; (c) provides on-site to its residents in addition to the residential unit, meal service in a community dining facility and non-medical personal care services appropriate to the resident's respective needs, (d) other than supervision of self-administered medication, medical services are not provided. The facility may provide space for an unrelated Home Health Service or a Medical Doctor's Office for ease of access to those services by the residents, (e) provides linkages with hospital, community services and makes transportation available, (f) provides timely assistance to residents for response to urgent or emergency needs.

**ATHLETIC CLUB FACILITY:** An establishment which provides for indoor and/or outdoor commercial or non-commercial services and facilities which purport to improve the user's physical condition or appearance through participation in sports activities, fitness training, exercise, or body building. The establishment may offer access to the following: gymnasiums, swimming pools, tracks, ball courts, weightlifting equipment, exercise equipment or facilities, saunas, steam baths or whirlpools.

**AUTOMOBILE AND TRUCK REPAIR, MAJOR:** Rebuilding or reconditioning of engines or transmissions, vehicles or trailers; repair and collision service, such as body, frame, or fender straightening; painting; upholstering; auto glass work and the like.

**AUTOMOBILE AND TRUCK REPAIR, MINOR:** Minor repairs including auto inspection lanes, engine tune-ups; adjusting lights and brakes; but not including any operation specified under "Automobile and Truck Repair, Major."

**AUTOMOBILE SERVICE STATION (FILLING STATION):** A building or structure used for minor automobile and truck repair, the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies, including installation and minor services customarily incidental thereto; facilities for washing and for chassis and gear lubrication are permitted if enclosed in a building.

**AUTOMOBILE SALVAGE YARD (INCLUDES JUNK YARDS AND AUTO WRECKING YARDS):** Any place where three or more motor vehicles not in running condition, or other parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such automobiles or the parts thereof.

**BED AND BREAKFAST ESTABLISHMENT (KRS 219.011):** A one-family dwelling unit, but which also has guest rooms or suites used, rented, or hired out for occupancy or which are occupied for sleeping purposes by persons not members of the single-family unit. The innkeeper shall reside on the premises or property adjacent to the premises during periods of occupancy. The building shall be known as either a bed and breakfast home or a bed and breakfast inn.

**BED AND BREAKFAST HOME (KRS 219.011):** A bed and breakfast establishment having five (5) or fewer guest rooms or suites for occupancy, in which breakfast and other meals may be served to guests and whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy.

**BED AND BREAKFAST INN (KRS 219.011):** A private inn or other unique residential facility having six (6) or more guest rooms or suites for occupancy, in which breakfast and other meals may be served to guests and whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy.

**BED AND BREAKFAST, FARMSTAY (KRS 219.011):** A bed and breakfast establishment at a farm location whose focus includes agritourism as defined in KRS 247.801.

**BILLIARDS & POOL HALLS:** Any establishment which has, as part of its operation three (3) or more pool or billiard tables on the premises.

**BOARD:** The Board of Adjustment for Versailles-Midway-Woodford County, required by KRS 100, to administer applications for variances and conditional use permits and to hear appeals.

**BOARDING OR LODGING HOUSE:** A building other than a hotel which maintains a guest register and provides sleeping rooms and meals or cooking facilities for overnight guests, primarily not transients, for compensation for three (3), but not more than twenty (20) persons. A boarding or lodging house is distinguished from any other type of facility or use in that it is designed to be occupied and used for long term residents who are registered guests for a minimum of three (3) consecutive days and provides no services for non-overnight registered guests. Such a facility must provide off-street parking for all guests. Where kitchen facilities are included in a sleeping room, such room shall be deemed a dwelling unit.

**BUILDING:** Any structure constructed or used for a residence, business, industry or other public or private purpose, or accessory thereto.

**BUILDING CODE:** State mandated regulations that govern building, design, construction and maintenance. (Kentucky Building Code - KBC)

**BUILDING LINES:** Lines and/or utility easements and rights-of-way beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

**BUILDING LINE, WIDTH:** The distance between the side lot lines measured along the front building line of the lot as determined by the prescribed front yard requirement of the zone in which the lot is located or as designated by the final record plat, whichever is greater.

**BUILDING, PRINCIPAL:** A building, including covered porches, carports, and attached garages in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

**BUSINESS COLLEGE, TECHNICAL OR TRADE SCHOOL (WOODFORD CO & MIDWAY):** An educational institution primarily owned and operated by an individual, partnership, or corporation offering training in business, trade, technical or related areas through residence, extension, or correspondence, for which tuition is charged. Such training shall not include any courses or instruction in which the field or occupation would not be a permitted use within the zoning category in which the institution is located.

**BUSINESS COLLEGE, TECHNICAL OR TRADE SCHOOL (VERSAILLES):** An educational institution primarily owned and operated by an individual, partnership, or corporation offering training in business, trade, technical or related areas through residence, extension, or correspondence, for which tuition is charged.

**CAMPING TRAILER:** A vehicle intended for seasonal recreational use but not for year-round living accommodations. For purpose of this regulation, no trailer of any kind over twenty-two (22) feet in length shall be considered a camping trailer.

**CAMP OR CAMPGROUND:** Tracts of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary or movable nature, such as a cabin, hunting shelter, or tent. Any permanent structures, such as cabins, must comply with the appropriate requirements for dwellings in that district.

**CERTIFICATE OF OCCUPANCY:** A certificate issued by the Building Inspector and Zoning Administrator, after construction has taken place, which certifies that the building meets minimum standards for human occupancy.

**CHILD CARE CENTER:** Any facility which provides full or part-time care to at least four (4) children, other than family childcare, day or night, to children who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator, as regulated by the Commonwealth of Kentucky. The term shall not include childcare facilities operated by religious organizations while religious services are being conducted, or kindergarten or nursery schools which have as their primary function educational instruction.

**CHILD CARE, FAMILY:** An incidental and subordinate use within a dwelling and not an accessory structure, where full or part-time care is provided by a resident of the dwelling, for a fee, to children, as regulated by the Commonwealth of Kentucky.

**CHURCH:** A facility used primarily for religious worship services of an assembly nature that may secondarily provide social or community services such as counseling, childcare, senior services, and educational programs. For the purposes of this ordinance, synagogues, temples, and other places of religious assembly for worship, regardless of the terminology used by a specific faith or denomination, are considered churches pursuant to this definition.

**CLINIC, MEDICAL:** A building or part thereof designed and used for the diagnosis and treatment of human patients that does not including overnight care facilities.

**CLUB, PRIVATE:** Buildings and facilities the purpose of which is to render a social, educational, or recreational service to members and their guests and not primarily to render a service customarily carried on as a business or to render a profit. Private clubs shall include country clubs.

**COMMERCIAL COMPOSTING:** The aerobic or anaerobic decomposition of solid, organic materials to produce a stabilized, humus-like material that can be recycled to the land as a soil conditioner and low-grade fertilizer and primarily for use or distribution off the production site.

**COMMERCIAL GREENHOUSES:** Establishments primarily engaged in propagating and growing plants in containers, in soil or in other growing medium for the purpose of being sold and transplanted. This definition shall include sale of the following items: Plants grown on the premises or tended in a controlled environment of the greenhouse or plant nursery; sale of fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizer, all to be used in the soil or upon the live plant to preserve the life and health of the plants sold; landscape counseling, site planning contracting services when not the primary activity and when using plants grown or tended on the premises of the greenhouse or plant nursery. Note: This definition only applies to land use as provided for in the Zoning Ordinance and Subdivision Regulations and is not intended to affect the status of any business with regard to any federal or state tax laws or similar statutes.

**COMMERCIAL RESORT:** A resort furnishing lodging, meals, and such recreational facilities as swimming, boating, shuffleboard, horseback riding, and golf. The recreational facilities shall be incidental to the furnishing of lodging and meals.

**COMMISSION:** Versailles-Midway-Woodford County Planning Commission established pursuant to Chapter 100 of the Kentucky Revised Statutes.

**COMMUNITY CENTER:** Buildings and facilities for a social, educational, or recreational purpose, operated by a non-profit organization, which are generally open to the public and which do not render a service customarily carried on as a business.

**COMPREHENSIVE PLAN:** The adopted plan for Versailles-Midway-Woodford County which serves as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. Such plan shall include all elements whether expressed in words, graphics, or other forms.

**CONDITIONAL USE:** A use which is essential or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance area imposed in addition to those imposed in the zoning regulation.

**CONDITIONAL USE PERMIT:** Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Adjustment, consisting of two (2) parts: A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit and A statement of the specific conditions which must be met in order for the use to be permitted.

**DENSITY:** Number of dwelling units per acre.

**DORMITORY:** A building containing sleeping rooms operated by a school for academic instruction, or by a business college, technical or trade school, for which admission to residency is limited exclusively to students of such an institution, school or college. Where kitchen facilities or provisions for such are provided, such rooms shall be deemed dwelling units.

**DUMP:** A lot or tract of land or part thereof used for the disposal by abandonment, dumping, burial, burning, or other means of trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind except garbage.

**DWELLING:** A permanent building used primarily for human habitation but not including mobile homes or facilities for the housing of transient residents, occupied exclusively for residential purposes.

- A. Dwelling, Single Family - A permanent building, separate and free standing, in itself providing living accommodations for one family.
- B. Dwelling, Two Family - A permanent building designed exclusively for occupancy by two families, commonly known as a duplex.
- C. Dwelling, Multiple Family - A permanent building or portion thereof providing separate living accommodations for three or more families.

**DWELLING UNIT:** A single unit, consisting of one room or rooms connected together, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, kitchen facilities and sanitation.

**FAMILY:** A group of one or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no unrelated group shall consist of more than five persons, as distinguished from a group occupying a boarding or lodging house or hotel.

**FAMILY MEMBER (IMMEDIATE):** One or more persons related to each other by birth, adoption or marriage. For purposes of in-family conveyances this would be parent-to-child, child-to-parent, spouse to spouse, sibling to sibling, grandparent to grandchild and grandchild to grandparent. Unrelated individuals jointly owning property are not eligible to utilize the in-family conveyance ordinance.

## **FILLING STATION (SEE AUTO SERVICE STATIONS)**

**FLOODPLAIN:** Any land area susceptible to be inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the planning department.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface more than one foot. The term refers to that area designated as floodway on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the planning department.

**FLOOR AREA:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage; without deduction for hallways, stairs, closets, thickness of walls, columns or other features; but, including finished attics, and finished basements.

**FLOOR AREA RATIO:** Floor area of buildings on a lot divided by ground area of the lot on which it is located.

**GARDEN CENTERS (OFFICE & SALES YARD):** Establishments used primarily for the sale of live plants, including greenhouses and plant nurseries. When accessory to the sale of plants, the sale of the following items shall be allowed: Cut plants, cut trees, and wreaths, bulbs and seeds which may have been transported to the premises for the purpose of resale; ground covers; fungicides, chemicals, peat moss, humus, mulches and fertilizers; lawn statuary, furniture, bird baths, bird feeders, birdhouses and pottery; pots and containers for plants; artificial flowers; home lawn and garden equipment including manual and automatic grass cutting devices, grass seeding devices, mulchers, thatchers, tillers, but not including farm tractors and machinery; garden landscape devices including railroad ties, stepping stones, fencing, edging, trellises, plastic and burlap; hand tools such as sprayers, shovels, dusters, rakes, hoes, and watering devices; firewood; landscape planning and contracting services incidental to the garden center to include contractual services for lawn and garden sprigging, maintenance, fertilizing, spraying and mowing.

**GARAGE, PRIVATE:** An accessory building (including a carport) housing not more than four (4) motor driven vehicles. The building owner may lease vehicle space but shall not provide repairing or servicing of motor vehicles for financial gain.

**GARAGE, PUBLIC:** Any building or premises, except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor driven vehicles.

**GARBAGE:** Any odorous, putrescible or combustible waste materials.

#### **GREENHOUSES, COMMERCIAL (SEE COMMERCIAL GREENHOUSES)**

**GROUP OR ROW HOUSE:** A group or row of not more than eight (8) semi-detached single-family dwellings not more than two (2) rooms deep with access to a street as herein defined.

**HAZARDOUS MATERIALS:** Any chemical, biological or radiological compound, gas, oil, gasoline, lubricant or other petroleum products, substances, solution or mixture which because of its quality, quantity, concentration, physical or infectious characteristics, or any combination thereof, when released into the environment, presents or may present harmful or potentially harmful effects to human health or welfare or the environment.

**HEIGHT, BUILDING:** The vertical distance from the grade to the top of the highest roof beam of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

**HELIPORT:** A facility used exclusively for helicopter operations including landing, takeoff, loading, discharging, fueling, maintenance, and/or transient storage of helicopters.

**HELISTOP:** A facility used exclusively for helicopter landing, take-off, loading, discharging, and/or transient storage of helicopters but not including facilities for maintenance, fueling or long-term storage of helicopters.

**HISTORIC, STRUCTURE:** Those structures listed or eligible for listing on the National Register.

**HOME IMPROVEMENT STORE:** A facility of more than 50,000 square feet gross floor area engaged in the retail sale of various basic hardware lines such as tools, builders' hardware and materials, paint and glass, house wares and household appliances, home decorating fixtures and accessories, lawn and nursery materials and supplies and other items generally used in the maintenance, repair or construction of buildings or other structures and property.

**HOME OCCUPATION:** A gainful occupation or profession carried on in a residence such as the studio of an artist or sculptor, dressmaking and tailoring, upholstery, handicrafts, tutoring, individual musical instruction (provided no instrument is amplified) and professional services, provided such home occupation is performed under the following conditions:

- (1) The use is clearly incidental and secondary to use for dwelling purposes and occupies no more than twenty-five percent (25%) or three hundred (300) square feet of the total floor area of the dwelling, whichever is less.
- (2) The use is conducted entirely within a dwelling and not in any accessory building.
- (3) The use is carried on only by residents of the dwelling.
- (4) No mechanical equipment is installed or used except as is normally used for domestic or professional purposes.
- (5) No stock and trade are kept or commodities sold except such as are produced by the residents on the premises.
- (6) The use does not require external alteration of the dwelling.
- (7) The use does not adversely affect the uses permitted in the immediate neighborhood by excessive traffic generation or noise.
- (8) No outside signage of any kind shall be displayed on the property which identifies the home occupation.
- (9) No additional blacktop, concrete or gravel parking shall be permitted beyond that normally provided in comparable neighborhood homes.

**HOME OFFICE:** An office for record keeping and administration of work. Such office shall be subject to the following conditions:

- (1) The office shall be clearly incidental and secondary to the use for dwelling purposes with no more than twenty-five percent (25%) nor more than five hundred (500) square feet in any case of the dwelling devoted to the office use.
- (2) The office shall be located in the dwelling unit and not in any accessory building.
- (3) The office shall be operated by and shall employ only residents of the dwelling unit.
- (4) No sale of merchandise shall be conducted on the property.
- (5) No commodities or merchandise shall be stored on the property and no storage, as defined herein shall be permitted.
- (6) No signs of any kind shall be displayed on the property which identifies the home office use.
- (7) No visits to the home office by customers, clients, patrons and the general public are allowable.
- (8) The residence shall maintain its residential character and shall not be altered or remodeled so as to change the residential appearance of the building.

#### **HOTEL (SEE MOTEL)**

**JUNK YARDS:** A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of wastepaper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts there from.

**KENNEL:** Any place where house pets are kept for purposes other than those customary and incidental to a household.

**KRS 100:** Kentucky Revised Statutes that enable cities and counties to enact local planning and land use regulations and specify how planning and zoning shall be administered.

**KITCHEN FACILITIES:** Equipment arranged in a room or some other space in a structure which facilitates the preparation of food including, but not limited to, a combination of two or more of the following--a range, microwave oven, dishwasher, kitchen sink, or refrigerator.

**LANDMARK:** Any site, building, structure, or natural feature that has visual, historic, or cultural significance.

**LANDSCAPE, PLAN:** A scaled drawing, including dimensions and distances, existing and proposed buildings, vehicle use areas, driveways, and the location, size, and description of all landscape materials.

**LANDSCAPE, ARCHITECT:** A qualified person currently licensed by the State Board of Examiners and Registration of Landscape Architects of Kentucky.

**LANDSCAPE, LANDSCAPE BUFFER AREA (LBA):** A strip of land to be set aside to separate incompatible land uses on which shall be placed trees, bushes, ground covers and barriers as necessary to reduce the deleterious effects of the activities.

**LANDSCAPE, LANDSCAPING:** The use of planting material, pavements, walls, fences and earth mounds to enhance the aesthetic and safety characteristics of new and existing development.

**LANDSCAPE, EARTH MOUNDS:** Ridges of piled earth constructed with proper slopes (not to exceed 3:1) and plant material to prevent erosion.

**LANDSCAPE, FENCE:** A barrier constructed of wood, metal, stone, brick or other weatherproof material for the purpose of restricting movement, or screening conflicting activities from sight. In the case of wood fences, slats are to be a minimum 1/2" in thickness and are to be placed on the outside of the fence unless the design is two-sided (shadow-box, etc.). Chain link fencing may not be used to meet the requirements of this ordinance. The height of fences shall be governed as set forth in the Zoning Ordinance. Fences shall not be used for advertising purposes.

**LANDSCAPE, HEDGE:** A row of bushes planted at such interval as to create a continuous mass within two years after planting.

**LANDSCAPE, INCOMPATIBLE LAND USES:** Any facility or use on a property which is incompatible with the adjacent use. For example, parking areas and dumpsters would be incompatible uses, but drainage facilities most likely would not.

**LANDSCAPE, INTERIOR LANDSCAPING AREAS:** Planting areas such as islands or peninsulas within a vehicular use area as required by Section 1105.11 of this Ordinance.

**LANDSCAPE, VEHICULAR USE AREA:** Any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more of any type vehicle or mobile home including but not limited to parking lots, loading and unloading areas, sales and services area.



**LANDSCAPE, GROUND COVER:** Planting with a mature height of twelve inches (12") or less including but not limited to grass, certain junipers, and ivy. Within LBAs next to a public right-of-way, crushed rock, tree bark or process shale may also be used.

**LANDSCAPE, LOW SHRUBS:** Low lying deciduous or evergreen ground covers.

**LANDSCAPE, SCREENING:** A method of visually or audibly shielding or obscuring an adjacent or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

**LANDSCAPE, SHRUBS:** Planting materials with a functional mature height of two to twelve feet with foliage for its full height.

**LANDSCAPE, TREES:** Planting materials with a functional mature height of ten or more feet. When used in conjunction with interior landscaping areas, trees should have a minimum clear height of five feet from the ground to the lowest branch.

#### **LODGING HOUSE (SEE BOARDING HOUSE)**

**LOT:** A piece, parcel, tract or plot of land occupied or to be occupied by one principal building and its' accessory buildings and including the open spaces required under this regulation.

**LOT OF RECORD:** Any lot, the deed of which is on record at the office of the County Clerk of Woodford County at the time of enactment of this resolution.

**LOT AREA, GROSS:** The total area circumscribed by the boundaries of a lot, except when the boundary of the lot extends into a public street right-of-way, then the street right-of-way shall be used in computing the lot area.

**LOT COVERAGE:** The computed portion of ground area occupied by the outside walls of buildings and structures as defined by gross floor areas within a lot.

**MAIL ORDER BUSINESS:** A business engaged in the sale of manufactured products, goods, merchandise and finished products primarily through means of mail or telephone orders, including the administrative offices of such business.

**MARINA:** A dock providing secure moorings for boats that may include accessory retail facilities for boat owners, crews and their guests.

**MICRO-BREWERY/CLASS B DISTILLER:** A facility within a completely enclosed building which is intended for the production and packaging of up to 25,000 barrels per calendar year of malt beverages, or 50,000 gallons of distilled spirits per calendar year, which may be associated with a restaurant or tasting room, under the terms and conditions specified by KRS 243.157, KRS 243.150, KRS 243.120, KRS 243.0305, and other applicable laws.

**MOBILE HOME:** A structure transportable in one or more sections which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to improve property.

**MOBILE HOME PARK:** An area developed as herein specified with accommodations for not less than ten (10) mobile homes.

**MOBILE HOME SUBDIVISION:** A residential subdivision designed exclusively for and occupied only by mobile homes and similar units designed for transportation in which the homes and the land are owned by the occupants.

**MOTEL OR HOTEL:** A building or group of buildings containing individual sleeping or living units (suites) designed for the temporary occupancy of transient guests and including hotels, motor lodges, motor hotels, or auto courts, but not including boarding or lodging houses. (Must provide off-street parking as specified by this Ordinance)

**MOTOR HOME:** A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle. (See more under Recreational Vehicle)

**NONCONFORMING LOT:** A lot of record existing at the effective date of the zoning ordinance (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum area requirement of the district in which the lot is located.

**NON-CONFORMING USE OR STRUCTURE:** An activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption of the zoning ordinance, but which does not conform to all of the regulations contained in the zoning ordinance which pertain to the zone in which it is located.

**NURSING HOME OR REST HOME:** A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnoses, treatment, or care of the sick or injured.

**OPEN SPACE:** Outdoor area of a lot or tract which is designated and used for outdoor living, recreation, pedestrian access or planting. Off-street parking and loading areas, driveways, and required front and side street side yard areas do not qualify as useable open space.

## **PERMITS**

- (1) Building Permit - A permit issued by the Building Inspector and Zoning Administrator authorizing the construction or alteration of a specific building on a specific lot, submitted and approved per the Kentucky Building Code (KBC) as adopted by jurisdiction.
- (2) Temporary Occupancy Permit - A temporary certificate issued by the Building Inspector for a building or structure, or part thereof, before the entire work covered by the permit has been completed, provided that such portion or portions will be occupied safely prior to full completion of the building or structure without endangering life or public welfare.
- (3) Wrecking Permit (Demolition Permit) - A permit issued by the Building Inspector before a building or structure, or major part thereof is razed.
- (4) Grading Permit - A permit issued by the Zoning Administrator before any stripping, cutting, filling, stockpiling of earth or land.
- (5) Sign Permit - A permit issued by the Zoning Administrator before any sign is erected, moved, added to, or structurally altered.
- (6) Zoning Permit - A permit issued by the Zoning Administrator that authorizes the recipient to make use of property in accordance with the requirements of this zoning ordinance.

**PERSONAL SERVICES OR PERSONAL SERVICE ESTABLISHMENTS:** Commercial business providing services to individuals such as beauty and barber shops, shoe repair, dressing making and tailoring.

**PLANT NURSERY:** An establishment engaged in the outdoor cultivation of only trees and shrubs for transplanting. A greenhouse may be an accessory structure when used to propagate and prepare the trees or plants for planting on the premises.

**PRINCIPAL PERMITTED USE:** A use which is permitted outright in a district for which a zoning certificate may be issued by the Zoning Administrator in accordance with the provisions of the Ordinance.

**PRINCIPAL STRUCTURE:** A building in which is conducted a principal or conditional use. In any residential zone, any structure containing a dwelling unit shall be deemed a principal structure on the lot on which the same is located. Where a non-conforming use is the primary use on the property, the building in which it is located shall be deemed a principal structure.

**PRINCIPAL USE OF STRUCTURE:** The primary use of the land or the main structure on a lot which determines the primary activity that takes place on the land or in the structure.

**RECREATIONAL VEHICLE:** A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable to a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**REHABILITATION HOME:** A building or group of buildings providing a supervised residence for persons recovering from the effects of drug or alcohol abuse, psychiatric disorders, or as a condition of their parole or probation. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and generally have twenty-four (24) hour-a-day supervision.

**RESTAURANT:** An eating establishment where food is served and/or consumed primarily within the building and where consumption of food in motor vehicles on the premises is not encouraged. Note: A restaurant may only include drive-through facilities (where food is served to patrons while in their motor vehicle through a window or other facilities and consumption on the premises in motor vehicles is not encouraged) as permitted and regulated in the zone in which the restaurant is located.

**RESTAURANT, DRIVE-IN:** An eating establishment where food is served by employees or by self-service outside the building and consumed on the premises principally in a motor vehicle.

**RURAL RESIDENTIAL DISTRICT:** The Rural Residential District is a zoning district classification applicable to residential subdivisions of property located outside existing urban service boundaries of Woodford County and within an A-2 Agricultural district; the number of building lots on any individual property is based on a sliding scale approach which considers the total size of the parcel owned. Eighty percent (80%) of the land in this farm shall be residual farmland or open space utilized for those permitted uses within an A-2 Agricultural District other than single family dwelling units and their accessory structures, except that if there is one existing farm dwelling (as of April 1, 1999) it can remain on the residual farmland and not be subject to Section 803. In the event the residual farmland or open space is thirty acres (30) or less and one farm residence exists or is proposed on the residual, then in that event, the residual farmland or open space shall remain as one undivided parcel; if no farm residence exists or is proposed on the residual farmland, or in the event, that more than thirty (30) acres of residual farmland exists, where a farm residence exists or is proposed, then, in that event, the residual farmland or open space, or in the case when a farm residence exists or is proposed, the excess of the residual farmland over thirty (30) acres may be owned jointly or

in common by the owners of the building lots, or an association of the owners of the subdivision or a person or entity who does not necessarily own a dwelling unit within the rural residential subdivision, but who makes a binding commitment to utilize the land for permitted uses other than the construction or maintenance of any dwelling units except one existing farm dwelling as noted above. If one farm dwelling exists or one is proposed on the residual farmland one "Lot to be Sold" shall be reduced from the sliding scale established in 703.11 (A), and all residual farmland acreage up to and including thirty (30) acres of the designated residual farmland shall remain as one undivided parcel.

**SCHOOLS FOR ACADEMIC INSTRUCTION:** All schools offering primarily classroom instruction with participation of teachers and students, limited to elementary, junior and middle high schools, high schools, junior colleges, colleges, theological seminaries, bible colleges, and universities; but not including business colleges, technical or trade schools.

**SHORT TERM RENTAL:** A dwelling unit or portion of a dwelling unit that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days. This term does not include hotel or motel rooms, extended stay lodging facilities, or bed and breakfast establishments. This may include renting a portion of a dwelling or accessory structure while the resident is present. Short term rentals include the following arrangements: Hosted Home Sharing, where the primary occupant(s) of the residence remains in the dwelling with the guests; and Dedicated Short Term Rentals, where there is not a primary occupant of the dwelling and it is only used by guests. The term Short Term Rental may include home sharing arrangements described as Boarding, Rooming, Vacation or Tourist House/Home.

**SIGN:** Shall mean and include any outdoor announcement, declaration, device, demonstration or insignia used for direction, information, activity, services or any interests.

- A. Banner Sign - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags or official flags of any institution or business shall not be considered banners.
- B. Business Sign - A (on-premise) sign which identifies a building or directs attention to a business, product, activity or service manufactured, sold, offered or stored upon the premises as the primary use(s) where such sign is located.
- C. Pennant or Streamer - Any lightweight fabric or similar material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- D. Political Signs - A temporary on-premise sign supporting the candidacy for office or urging action on any other matter on the ballot of a state, local or national election or referendum.
- E. Projecting Sign - A sign suspended from or supported by a building or similar structure and projecting outwards.
- F. Sign Structure - The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the display.
- G. Wall Signs - A sign which is attached directly to a building wall and which does not extend more than fifteen (15) inches therefrom nor higher than the roof line of the building, with the exposed face of the sign in place parallel to the building wall.
- H. Free Standing Sign - A permanent sign erected on a framework not attached to any building, and attached to the ground, on one or more uprights or braces in the ground, whose purpose is to identify the name of a single user located on the lot with user.
- I. Monument sign - A permanent Freestanding Sign which is completely self-supporting, has its sign face or base no more than six (6) inches above the ground.

- J. Shopping Center Complex or Industrial Park Sign – A freestanding pylon or monument sign within a commercial or industrial development whose purpose is to identify the name of the development, its tenants and its major vehicular access points.
- K. Project Entrance Sign – A freestanding monument sign within a residential, commercial, or industrial development whose purpose is to identify the name of the development (no tenants) and its major vehicular access points.
- L. On-premise Sign – Any on site sign on a permanent structure located on the premises to which sign pertains.
- M. Off-premise Sign – Any off-site sign, available for rent, on a permanent structure on which the copy is periodically changed and which is not located on the premises which such advertising copy pertains.

**STORAGE:** The keeping, either indoors or outdoors, of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession. Storage does not include the overnight parking in residential zones of a single vehicle weighing no more than two and one-half (2½) tons gross vehicle weight which, although used primarily for business, trade or professional purposes, also provides daily transportation to and from work. (Amended December 2005)

**STORY:** That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and ceiling next above it.

**STREET:** Any public or private right-of-way, twenty-five (25) feet or more in width, dedicated to vehicular and pedestrian movement, and which may also provide space for the location of under or above ground utilities. The word "street" shall include the words "road", "highway", and "thoroughfare."

**STRUCTURE:** Anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings, signs, and pools (in ground).

**SUBDIVISION:** The division of a parcel of land into three (3) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or re-division of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section.

**SUBDIVISION, MAJOR:** (See Subdivision Regulations)

**SUBDIVISION, MINOR:** (See Subdivision Regulations)

**TEMPORARY EMERGENCY, CONSTRUCTION OR REPAIR RESIDENCE:** A residence (which may be a mobile home) that is: (a) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (b) located on a nonresidential construction site and occupied by persons having construction. (Any such use must be approved by the Board of Adjustment).

**TEMPORARY USE PERMIT:** A permit issued for the temporary use of a mobile home for the purposes of a construction trailer or temporary dwelling.

**TENANT HOME:** An accessory residence located in an agricultural zone occupied by a person, other than the owner's family or the farm manager, employed in an agricultural use on the property.

**TOURIST DESTINATION:** Tourist Destinations provide for the rehabilitation and productive re-use of structures existing as of (date), in the rural areas of Woodford County, thus promoting tourism and the overall economy, while allowing for the continued use of the subject property for agricultural purposes, if any, and preservation of the landmark or historic structure. Tourist Destinations are allowed as a permitted Principal Use in designated Zoning Districts. Tourist Destination is a unique, regionally recognized existing landmark or historic structure as of January 1, 2012, that is primarily known for its existing architectural significance and/or uniqueness, which promote tourism and the overall economy, which naturally draws the general public as a destination that meets the following criteria and limitations:

- a. A use or operation must be operated by and located in an existing structure located on land which is occupied by the owner, lessee, or owner's agent.
- b. Property must be at least 30 acres in size and have road frontage on a State or Federal Highway.
- c. Overnight accommodations to guests are allowed but the number of guest rooms is limited to 10 rooms.
- d. A restaurant is allowed and may serve registered overnight guests and/or the public, with the number of seats for patrons limited to 75.
- e. Public tours of the structure(s) and grounds are allowed.
- f. Gift shops, open to the public, are allowed but must be accessory to other allowed uses.
- g. Special events, including charitable events, receptions, parties, corporate picnics, weddings, or any other events/activities which are determined by the Agricultural Advisory Review Committee to be of the same general character as those listed herein, are allowed but the number of such events is limited to 7 per week with no more than 2 held on any one day.
- h. Special events and activities must be located at least 300 feet from an adjoining property line.
- i. All food preparation must take place in a kitchen inspected, approved, and licensed by the County Health Department.
- j. In order to not create noise or lighting conditions detrimental to the surrounding area amplified music shall be prohibited after 11:00 p.m. and outdoor lighting shall be shielded.
- k. A current guest register including names, addresses and dates of occupancy of all guests shall be kept on site at all times if overnight accommodations are provided.
- l. All business licenses and revenue collection ordinances of Woodford County, Versailles and Midway shall be complied with.
- m. The Kentucky Building Code and other applicable local/state laws shall be adhered to.
- n. Parking requirements will be as set forth herein in Article VI.
- o. All parking areas will be buffered with trees, shrubs, walls, or fences per Article XI-1105.3D.
- p. No parking will be allowed for any guest or those attending special events on public road right-of-ways.
- q. Overflow parking areas shall remain grass and buffered as provided in section O above.
- r. Access to the subject property shall be approved by the appropriate local, state, or federal agency having jurisdiction.
- s. Signs shall be limited to one externally illuminated on-premise sign on each existing contiguous public road not to exceed twenty-four (24) square feet in area.

- t. Additions to the existing structure and/or additional structures if constructed past the date specified herein shall not be used for operations specified herein but rather used as otherwise allowed.
- u. The owner, owner's agent, or lessee shall cooperate with the Woodford County Tourist Commission to display, without charge, information on other tourist destinations within Woodford County.
- v. A site plan drawn to scale as specified in Article III, Section 301.3 (B) is required for review and approval prior to establishing uses specified herein.

**TOURIST DESTINATION EXPANDED:** Tourist Destinations provide for the rehabilitation and productive re-use of structures existing as of (date), in the rural areas of Woodford County, thus promoting tourism and the overall economy, while allowing for the continued use of the subject property for agricultural purposes, if any, and preservation of the landmark or historic structure. Tourist Destinations may be allowed only as a Conditional Use in designated Zoning Districts and subject to any conditions imposed. A Tourist Destination is a unique, regionally recognized existing landmark or historic structure that is primarily known for its existing architectural significance and/or uniqueness, which promote tourism and the overall economy, which naturally draws the general public as a destination that meets the following criteria and limitations:

- a. Overnight accommodations to guests may be permitted by the Board of Adjustment, with the number of guest rooms exceeding 10 but as stipulated and approved by the Board of Adjustment.
- b. A restaurant serving registered overnight guests and/or the public, with the number of seats for patrons exceeding 75 but as stipulated and approved by the Board of Adjustment.
- c. Special events, including charitable events, receptions, parties, corporate picnics, weddings, or any other events/activities which are determined by the Agricultural Advisory Review Committee to be of the same general character as those listed herein, are allowed but the number of such events may exceed 7 per week or with more than 2 held on any one day as stipulated and approved by the Board of Adjustment.

**TOWNHOUSE:** A group or row of attached single family dwellings in which each unit has its own front, rear, or side access to the outside and each unit is separated from any other unit by one or more common fire-resistant walls and is capable of being subdivided into separate units.

**TRACT:** A lot. The term tract is used interchangeably with the term lot, particularly in the context of subdivision, where one "tract" is subdivided into several "lots." (See Lot)

**USE:** The purpose or activity for which a building, structure, or land is occupied or maintained.

**UTILITY FACILITIES:** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or an entity defined as a public utility for any purpose (by the appropriate provision of state law) and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

**VARIANCE, DIMENSIONAL:** A departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

**WOODLOT, COMMERCIAL:** Premises, or portions thereof, used for seasoning and storage of firewood and for cutting and splitting of timber to produce firewood for later resale.

**YARD:** An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings except as otherwise provided in this ordinance

- A. Yard, Front - The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.
- B. Yard, Rear - The yard extending across the entire width of the lot between the rear lot line and the nearest part of the building.
- C. Yard, Side - The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.



## **ARTICLE III**

### **ADMINISTRATION, ENFORCEMENT AND VIOLATION**

#### **300 Administrative Official**

An Administrative Official (Zoning Administrator) shall be appointed by the Planning Commission with the approval of the City Councils of Midway and Versailles and the Fiscal Court of Woodford County and shall administer and enforce this ordinance. The official may be provided with the assistance of such other persons as the legislative bodies may direct.

If the Administrative Official shall find that any of the provisions of this ordinance are being violated, the official shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The official shall order discontinuance of illegal use of land, buildings, illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

#### **301 Permits required for Construction, Demolition, Structures and Locations thereof:**

Permits shall be required for the following activities and shall be issued by the appropriate Administrative Official in conformity with the provisions of this Zoning Ordinance.

##### **301.1 Permits Required**

No permit shall be issued by the Administrative Official except in conformity with the provisions of this ordinance, unless a written order from the Board of Adjustment is received in the form of an administrative review, conditional use, or variance as provided by this ordinance.

If no permit has been issued and construction begins or continues, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a permit shall establish a prima facie case for the issuance of the restraining order. This is in addition to penalties that may be imposed by Section 304 of this Ordinance.

- A. Building Permits - No building or other structures shall be erected, moved, added to, or structurally altered, nor shall any said activities be commenced without a building permit therefore, issued by the Building Inspector and Zoning Administrator.
- B. Wrecking Permits (Demolition Permits) - No building or other structures shall be razed, demolished or removed, either entirely or in part, nor shall any of said activities be commenced without a wrecking permit therefore, issued by the Building Inspector.
- C. Grading Permits - No grading, stripping, excavating, filling, stockpiling of earth or land shall be commenced without a grading permit therefore, issued by the Zoning Administrator.

- D. Sign Permits - No sign shall be created, erected, moved, added to or structurally altered, nor shall any of said activities be commenced without a permit therefore, issued by the Zoning Administrator.
- E. Permits Authorized by the Board of Adjustment - The Zoning Administrator and/or Building Inspector shall issue permits in conformance with the written authorization of the Board of Adjustment concerning administrative review appeals, conditional use permit appeals, variance appeals, or other appeals as authorized in this Zoning Ordinance.
- F. Other Permits - Additional permits may be required by the Administrative Official to enforce the provisions of this Ordinance.

### **301.2 Compliance with Other Codes, Statutes, and Regulations**

Nothing in this section or other sections of the Zoning Ordinance shall be construed to exempt any applicant from a permit from compliance with all local, state and federal codes, statutes and regulations.

### **301.3 Permit Application Requirements and Procedures**

All applications for permits shall be accompanied by such plans and information as the Administrative Official deems to be necessary to determine compliance and provide enforcement of this Zoning Ordinance. The application materials listed below shall be the minimum. Additional information may be required.

All applications for building permits shall be submitted to the appropriate Administrative Official. The applicant shall submit a completed application form; a site plan or lot layout (as specified below); floor plans of the proposed new structure or alterations of existing structure, drawn to scale; building elevations of exterior of the new or existing structure or structures; and any other information necessary for determining compliance with this ordinance and/or the Kentucky Building Code. Two copies of all of the above information shall be required. One copy of the plans shall be returned to the applicant by the Administrative Official after each copy has been marked as approved or disapproved, and attested to the same by his/her signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Administrative Official until such time that a Certificate of Occupancy is issued, then the plans may be returned to the applicant, upon request. If approved, a permit will be issued upon payment of a fee based on an approved Fee Schedule as posted in the Zoning Administrators Office.

- A. Building Permits for Single Family and Two Family Dwellings - All applications for permits for detached single family and two family dwellings and their accessory buildings shall be accompanied by a lot layout drawn to scale showing the location and dimension of any existing or proposed principal or accessory buildings on the lot, the location and dimension of all required yards, easements, height of the building and the location and dimension of the required parking. Lot layouts may not have to be drawn to scale in A-1 Districts, but proof of a recorded deed or plat is required.
- B. Building Permits for All Other Buildings - All applications for building permits, including associated permits, other than those for single family or two family dwellings and their accessory buildings, shall be accompanied by a site plan

drawn to scale showing the actual shape and dimension of the lot to be built upon; including, but not limited to the following information:

1. Ingress and egress to the property.
2. Off-street parking and loading facilities, and other paving.
3. Refuse and service areas; structures.
4. Water and sewer utilities, indicating the size and access point of the services.
5. Screening and buffering proposals (where applicable).
6. Proposed sign locations.
7. Signature of review and approval by the Health Department and, where applicable, County Road Department and State Fire Marshall.
8. Storm water drainage specifications and proposals; designed to the satisfaction of the Planning Commission's engineer in accordance with the Subdivision Regulations.
9. Reference to the location of the site by either an address or firegate number, lot number of a recorded plat and a vicinity sketch showing the site and surrounding roads and other features necessary to determine the exact location of the site.
10. The existing and intended use of each building or part of the building including the number of existing and proposed dwelling units the building is designed to accommodate.
11. Statement that the use is located outside of the floodplain designated by the Federal Insurance Administration, or an indication of the actual location of the site and its' accessory uses within the floodplain.
12. Show adjacent zones.
13. The applicant shall be required to supply such supplementary information as necessary to comply with all requirements of this Section 301.4, to insure compliance with all requirements of the Zoning Ordinance.

Other Approvals - If this Zoning Ordinance requires approval by another agency of certain site plan features, such approval shall be obtained prior to issuance of a building permit.

Previous submission of development plans as a requirement to map amendment applications and/or approved subdivision plats may fully, or in part, satisfy the requirements of this section. Where a development plan has been approved by the Planning and Zoning Commission as a condition to a zoning district map amendment, building permits shall be issued in accordance with said plan.

C. Grading Permits - Grading permits may be issued by the Zoning Administrator for grading, stripping, excavating, filling or stockpiling of earth or land as a part of any approved construction plan pertaining to subdivision development, site design proposals and/or development plans. Plans submitted shall provide sediment control measures as required in the Subdivision Regulations and must be designed to the satisfaction of the Planning Commission's engineer. No grading permit shall be required for the following:

1. Finished grading and excavation below finished grade (a) for basements and footings of a single-family or duplex residential structure, (b) for retaining walls, (c) for swimming pools, (d) for cemeteries for human or animal burial, or (e) for accessory structures

- related to single-family residences or duplex structures authorized by a valid building permit.
2. Accepted agricultural land management practices such as plowing, cultivation, and construction of agricultural structures.
  3. Installation of lateral sewer lines, telephone lines, electricity lines, gas lines, or other public service facilities.

#### **301.4 Certificates of Occupancy**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Administrative Official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

Temporary Certificates of Occupancy - A temporary certificate of occupancy may be issued by the Administrative Official for a period not exceeding six (6) months during alterations, or partial occupancy of a building pending its completion in accordance with general rules or regulations concerning such temporary certificate and with such additional conditions or safeguards as are necessary in the circumstances of the case to protect the safety of the general public.

#### **301.5 Expiration of Building Permit**

If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Administrative Official, and written notice thereof shall be given to the persons affected.

If the work described in a building permit has not been completed and a Certificate of Occupancy has not been issued within one year of the date of the issuance thereof, said permit shall expire and be canceled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained. A building permit may be extended for a period of up to six (6) months. Application for extension of said permit must occur within thirty (30) days of the expiration date of the original building permit. Buildings subject to review and permitting by the State Department of Housing Building and Construction are exempt from the one (1) year restriction. No refund shall be made of any fees for building permits so judged to be expired or that have been canceled, nor shall any additional fees be imposed for any extension thereof. There shall be a fifty percent (50%) refund of the fee for a building permit, if the request for refund is made within forty-five (45) days of the date that the building permit was issued.

#### **301.6 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Occupancy**

Building permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided by Section 304 hereof.

### **302 Schedule of Fees and Expenses**

The legislative bodies adopting this ordinance do hereby grant the Planning Commission and Board of Adjustment the power to establish a reasonable schedule of fees, charges, and expenses and a collection procedure for certificates of occupancy, appeals, applications for amendments, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Administrative Official, and may be altered or amended as the Planning Commission and/or Board of Adjustment see fit.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

### **303 Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the Administrative Official. The Official shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.

### **304 Penalties for Violation**

For failure to pay any required permit fee when due, a penalty of one hundred percent (100%) of the required permit fee is hereby imposed, and shall be increased to fifty (\$50.00) per day from the date of written notice from the Commission until a permit is applied for. Such penalties shall be in addition to other penalties imposed by this ordinance.

Violation of the provisions of any zoning ordinance or failure to comply with any of the requirements herein including, but not limited to, violations of conditions and safeguards established in connection with grants of variance or special exceptions and violations of 503.3 (F) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than two-hundred and fifty dollars (\$250) or imprisoned in the county jail for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense; provided, however, that the total term of imprisonment for any violator may not exceed twelve (12) months.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Legislative Body from taking such other lawful action as is necessary to prevent or remedy any violation.

## **ARTICLE IV**

### **BOARD OF ADJUSTMENTS**

#### **400 Appointment and Proceedings of Board**

Matters of the Board of Adjustments s, pertaining to membership, appointment, terms, vacancies, oath, compensation, removal and officers, shall be in accordance with KRS 100.

The Board of Adjustments s shall adopt rules necessary to the conduct of its' affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman who shall give written or oral notice to all members of the Board at least seven (7) days prior to the meeting which notice shall contain the date, time and place for the meeting and the subject or subjects to be discussed.

The Board of Adjustments s shall keep minutes and records of all proceedings including regulations, transactions, findings and determinations, and the number of votes for and against each question all of which shall be public record and be immediately filed in the office of the Board.

#### **401 Powers and Duties**

The Board of Adjustments s shall have the following powers and duties:

##### **A. Administrative Review - Appeals to the Board**

The Board of Adjustments s shall have the power to hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation. Such appeal shall be taken within thirty (30) days.

1. Procedures - Appeals to the Board of Adjustments s may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of any zoning enforcement officer. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action of the official by filing with said officer and with the Board a notice of appeal specifying the grounds thereof and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Board of Adjustments, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.
2. Public Notices - The Board shall find a reasonable time for hearing the appeal and give public notice in accordance with KRS 424, as well as written notice to the appellant and the Administrative Official at least one (1) week prior to the hearing and shall decide the same within sixty (60) days. The affected party may appear at the hearing in person or by agent or attorney.
3. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Board of Adjustments after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a

restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the Administrative Official from whom the appeal is taken and/or due cause shown.

- B. Conditional Use Permits - The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the Zoning Ordinance which may be suitable only in specific locations in the zone and only if certain conditions are met.
1. All Districts: The following conditional uses may be approved in all zoning districts:
    - a. Non-local public utility and private transmission lines and pipes.
    - b. Radio, T.V. and telephone transmission structures.
    - c. Large utility structures and public service buildings.
    - d. Expansion of railroads and appurtenances.
    - e. Government buildings and uses.
    - f. Churches and Libraries.
  2. Specified Zoning Districts: Other conditional uses may be approved only in those zoning districts where they are designated as conditional uses under the zoning district regulations.
  3. Procedure: An applicant shall submit an application for a conditional use permit to the Administrative Official, and the applicant shall follow all procedures set forth in Article IV Section 401 of this ordinance and KRS 100.237. The Administrative Official shall refer the application to the Board of Adjustments. Payment of a fee shall be required of the applicant before the issuance of the conditional use permit. Other regulations for conditional use permits are as follows:
    - a. The Board of Adjustments may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use, along with reference to the specific section in the zoning regulation listing the conditional use permit under consideration. The Board of Adjustments shall have the power to revoke conditional use permits, or variances for non-compliance with the conditions thereof. The Board shall have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such costs. Furthermore, the Board of Adjustments may, where appropriate, base their findings and recommendations on information provided by the Agricultural Advisory Review Committee, appointed by the Woodford County Fiscal Court.
    - b. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, building, housing, and other regulations.

- c. A conditional use permit shall be exercised within one (1) year from the date of issuance within the meaning of KRS 100.
  - d. The Administrative Official shall review all conditional use permits except for those for which all conditions have been permanently satisfied, at least once annually, and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions which are listed on the conditional use permit, the Administrative Official shall report the fact in writing to the Chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions of the permit. A copy of the report shall be furnished to the landowner at the same time it is furnished to the Chairman of the Board of Adjustments. Upon hearing the report, as required by KRS 100, if the Board finds the facts alleged to be true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Administrative Official to revoke the conditional use permit and to cause the termination of the activity on the land which the conditional use permit authorizes.
  - e. Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative Official, upon the request of the applicant may, if the facts warrant, make a determination that the conditions have been satisfied. The Administrative Official shall compile a report including findings of fact to be included in the file and attached to the file a copy of the conditional use permit. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.
  - f. Notice of the public hearing shall be given at least 14 days in advance of the hearing in accordance with KRS 100.
  - g. Recording: As required by KRS 100, a copy of the conditional use permit must be filed with the County Court Clerk at the applicant's expense.
- C. Variances - The Board shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site, on the effective date of the zoning regulation or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height, or width of building, or size of yards, but not population density) of the zoning ordinance would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.
- 1. Findings Necessary - The Board may grant a variance provided that the granting of the variance will not adversely affect the public's health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable



circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
- b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
- c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- d. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

2. Procedures - An applicant shall submit an application for a variance to the Administrative Official, and the applicant shall follow all procedures set forth in Article IV of this ordinance. The Administrative Official shall refer the application to the Board of Adjustments. Payment of a fee shall be required of the applicant before the issuance of the permit. Other regulations for variances are as follows:

- a. Notice of public hearing shall be given as in Section 401.A (2).
- b. The public hearing shall be held. The affected party may appear in person or by agent or attorney.
- c. The Board of Adjustments shall make findings that the requirements of Section 401.C (1) have been met by the applicant. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that these findings shall be recorded along with any imposed conditions or resolutions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.
- d. If the property adjoins residential property, the adjoining property owners must be notified in writing 14 days in advance of the meeting date.

3. Recording - As required by KRS 100, a copy of the variance must be filed with the County Court Clerk at the applicant's expense.

4. Variance Runs with The Land - A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site, as per KRS 100.

D. Non-Conforming Use and Structure Appeals - The Board of Adjustments shall have the authority to hear and decide appeals as authorized in Article VIII concerning non-conforming uses and structures per KRS 100. The Board shall not allow the enlargement, substitution or extension of a non-conforming use beyond the scope and area of its operation at the time the ordinance, which makes its use non-conforming, was adopted. Nor shall the Board permit a change from one non-conforming use to

any other non-conforming use. If it approves the appeal, the Board must find, in addition to all requirements of Article VI, that the non-conformity of the use or the non-conformity of the structure would not be increased in scope or area of its operation, and that it would not have an adverse effect on existing or future development of the subject property or the surrounding area. In approving an appeal the Board may require appropriate conditions be met to insure the health, safety, and welfare of the community and to protect the essential character of the surrounding area.

- E. Limits of Authority - The Board shall act only within the strict limits of its authority as defined in the Zoning Ordinance. The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question. (KRS 100)
- F. Board Has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official - In exercising the above mentioned powers, the Board of Adjustments may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken.
- G. Interpretation of Zoning Map - Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines indicated on the zoning map, the Board after, notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this ordinance for the particular section or district in question.

#### **402 Duties of Administrative Official, Board of Adjustments, Legislative Bodies and Courts on Matters of Appeal**

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Board of Adjustments only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Board of Adjustments shall be to the courts as provided by law.

It is further the intent of this ordinance that the duties of the governing bodies in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the governing bodies shall have only the duty of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law.

## **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 304.

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 Reserved**

## **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 shall not exceed a density of eleven (11) units per net acre.
2. R-4 District: Maximum Townhouse Density in a R-4 zone shall not exceed a density of fifteen (15) units per net acre.
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 plat shall also include the location of parking facilities and buildings. The Planning and Zoning 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 Officer

### **503.3 Development Plans**

#### **A, General Provisions**

Subject to the provisions of this Article, a Preliminary Development Plan shall be submitted with a Zoning District Map Amendment; any time there is more than one principal building proposed on a lot; and/or, any time a building is proposed in a "Planned District" as defined in subsection "B" below. A Public Hearing shall only be required when the Plan accompanies a Zoning District Map Amendment.

Applications for any proposed amendment to the Zoning District Map shall include a Preliminary Development Plan in accordance with the provisions of this regulation. The Preliminary Development Plan is intended to demonstrate to the Planning and Zoning Commission the character and objectives of the proposed development in adequate detail for the Planning and Zoning Commission to evaluate the effect the proposed development would have on the community and determine what provisions, if any, should be altered for the protection and promotion of the general public welfare.

Where the Planning Director determines it to be appropriate, the Director may permit the development plan to be submitted in a final form at the time of the rezoning application. Development Plans shall be prepared in accordance with Sub-Section C and/or D of this article. More specific aspects of the approved Preliminary Development Plan shall be designated on the Final Development Plan; or the Final Development Plan may be waived in lieu of a Preliminary and Final Subdivision Plat.

#### **B. Planned Districts**

For the purpose of this regulation, R-4 High Density Residential, B-4 Highway Business District, B-5 Highway Interchange Service, the Industrial Districts (I-1 and I-2), the Mobile Home District (M-1) and for the erection of more than one principal structure on a lot (See Section 504.5A), shall require Planning and Zoning Commission approval of a Final Development Plan prior to the issuance of any Building Permits. Building Permits for said districts shall be approved only when in conformance with a Development Plan approved by the Planning and Zoning Commission.

#### **C. Preliminary Development Plan**

A Preliminary Development Plan is a site plan by which, at the early stages of development design, the commission may consider, approve and restrict many major aspects of the development without requiring an undue amount of final design work on the part of the developer. The Preliminary Development Plan is less detailed and specific than a Final Development Plan in terms of exact arrangement of building, parking areas, open spaces, access points and any other site design features. No building permits can be issued based upon a Preliminary Development Plan.

1. Procedure for a Preliminary Development Plan: The applicant shall have a registered engineer, land surveyor, or landscape architect, (providing that all engineering data is supplied by a registered engineer), prepare the Preliminary Development Plan. Fourteen (14)



copies, on 18"x 24" or 24"x 36" of the plan, shall be submitted to the Planning Commission Staff at least seven (7) days prior to the Technical Review Committee (TRC) meeting. The TRC will review all Preliminary Development Plans. The Plan shall be accompanied by the filing fee. No TRC or Commission action shall be taken on any Plan until required fees have been paid in full. After review by TRC, four (4) hard copies, one reduced copy (8 1/2"x11" or 11"x17") and one digital copy shall be submitted to the Planning Commission Staff at least fourteen (14) days prior to the date set for the Planning Commission meeting/hearing.

If the Preliminary Development Plan is accompanying a zoning map amendment a joint public hearing shall be held by the Planning Commission on the Plan and the re-zoning. Notice of the hearing shall be at least seven (7) days and no more than twenty-one (21) days prior to the date set for public hearings per KRS 424. After the hearing, the Planning Commission shall proceed to take action on the Zoning District Map Amendment and the Preliminary Development Plan. If the Preliminary Development Plan is disapproved by the Commission or if the Commission fails to approve or disapprove the Plan and the Zoning District Map amendment is subsequently approved by the appropriate legislative body, the Commission shall take action upon the Preliminary Development Plan within ninety (90) days of the action of the legislative body. Preliminary Development Plans not accompanying a Zone District Map Amendment will not have a Public Hearing, but the Commission shall take action within forty-five (45) days of the Commission meeting at which the Plan is reviewed. If no action is taken within that time, the Plan stands approved as submitted.

2. Content of a Preliminary Development Plan: A Preliminary Development Plan shall contain the following information at a minimum:
  - a. A title block containing the plan name, development plan type, name and address of developer and plan preparer, and written and graphic scale.
  - b. The boundary of the subject property, its record plan designation (if available), and the record plan name or owner's name of all adjoining property.
  - c. A vicinity sketch, oriented in the same direction as the design scheme.
  - d. Topography with contour intervals as shown on the available USGS sheets or local GIS.
  - e. Location, arrangement, and approximate dimensions of existing and proposed driveways, walk-ways, parking areas and arrangement of spaces, points of ingress and egress (including all gates restricting vehicular access), access points for construction vehicles, and other vehicular and pedestrian rights-of-way.
  - f. Location and cross-sections of any proposed or existing streets within or abutting the subject property.
  - g. Screening, landscaping and buffering, recreational and other open space areas.
  - h. Approximate size, location, height, floor area, area arrangement and use of proposed and existing buildings and signs.

- i. Storm drainage areas, floodplains, conceptual drainage controls and storm water retention and any other designated environmentally sensitive or geologic hazard area.
- j. Proposed and existing easements for utilities or other purposes.
- k. General areas of substantial existing trees including those located along fence rows and drainage areas along with a general description of the type and size of such trees.
- l. Location of any existing burial grounds and, if required, provisions for their protection, maintenance and accessibility.
- m. A statistical summary of all pertinent site data, including site area, zoning, building coverage and floor area, parking, open space, etc.
- n. A note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan.
- o. A note stating that no building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
- p. Conformance of the development plan with the Comprehensive Plan and Zoning District Regulations.
- q. An owner's certification signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, do fully agree to all graphic and textual representations shown hereon, and do adopt this as my (our) development plan for the property.
- r. A Commission's certification to be signed by the Commission's Secretary if and when the plan is fully approved, as follows: "I do hereby certify that this development plan was approved by the Planning Commission at its meeting held on (date)."

#### **D. Final Development Plan**

A Final Development Plan is a development plan from which a Building Permit will be sought. A Final Development Plan does not require a Public Hearing (unless it is accompanying a Zone District Map Amendment) and is intended to deal with site design issues at a detailed level and to actually dictate the approved locations of buildings, parking areas, open spaces, access points and any other site design features. If a Preliminary Development Plan has been approved the Final Development Plan shall be substantially consistent with it.

1. Procedure for a Final Development Plan: The applicant shall have a registered engineer, land surveyor, or landscape architect, (providing that all engineering data is supplied by a registered engineer), prepare the Final Development Plan. Fourteen (14) copies, on uniform size sheets, 18"x 24" or 24"x 36" of the plan, shall be submitted to the Planning Commission Staff at least seven (7) days prior to the Technical Review Committee (TRC) meeting. The TRC will review all Final Development Plans. The Plan shall be accompanied by the filing fee. No TRC or Commission action shall be taken on any Plan until required fees have been paid in full. After review by TRC, four (4) hard copies and one digital copy shall be submitted to the Planning Commission Staff at least fourteen (14) days prior to the date set for the Planning Commission meeting/hearing.

If the Final Development Plan is accompanying a Zoning District Map Amendment a joint public hearing shall be held by the Planning Commission on the Plan and the Map Amendment. Notice of the hearing shall be at least seven (7) days and no more than twenty-one (21) days prior to the date set for public hearings per KRS 424. After the hearing, the Planning Commission shall proceed to consideration of the Zoning District Map Amendment and the Final Development Plan. If the Final Development Plan is disapproved by the Commission or if the Commission fails to approve or disapprove the Plan and the Zoning District Map Amendment is subsequently approved by the appropriate legislative body, the Commission shall take action upon the Final Development Plan within ninety (90) days of the action of the legislative body. If the Final Development Plan is not accompanying a Zoning District Map Amendment the Commission shall take action within forty-five (45) days of the Commission meeting at which the plan is reviewed. If no action is taken within that time, the plan stands approved as submitted.

2. Content of a Final Development Plan: A final development plan shall contain the following information at a minimum: All information required for Preliminary Development Plans as required, "a" through "r" above; except that contour intervals shall be at two (2) feet; a tree preservation plan, data block, and tree protection areas shall be provided if required; all of the plan information shall be of an exact nature, rather than approximate or general; and the plan shall be tied to local horizontal and vertical GIS Datum.

#### **E. Amendments to Development Plans**

Amendments to approved development plans can be made only by official Planning and Zoning Commission action. However, amendments which fully meet the requirements set forth hereinafter for minor amendments may be approved and certified by the Planning Director without further action by the Commission.

Minor Amendments Defined - Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments: (1) Shall not decrease the overall land area in yards, or other open spaces; (2) Shall not increase building ground area coverage, floor area, or height, or increase the number of dwelling units; (3) Shall not increase the number or size of signs; (4) Shall not change the location or cross-section of any street and shall not increase the number, or change the location of street access points; (5) May include a reduction in parking spaces only when an associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan. To qualify as a minor amendment, this reduction may be equal to but not exceed the difference in minimum required parking between the original plan and the proposed minor amended plan. For any case where parking in excess of the minimum requirement was provided on the original development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.

1. Procedures for Minor Amendments - Shall be as set forth in Section D (1) above, except that the Minor Amended Plan will be forwarded to the Chairman of the Commission for signature.
2. Content and Format of Minor Amendments - Minor amendments shall have the same content and format requirements as the original development plan, except that 1) the title shall indicate the plan is a minor amendment, 2) a note shall be added listing the exact nature of the requested changes (no plan change shall be considered in effect unless it is referenced in this note), and 3) the following will be the required language for the Commission's certification: "I do hereby certify that this development plan amendment complies with the provisions of Article V, Section 503 of the Zoning Ordinance."
3. Procedures for Major Amendments - The procedure for a major amendment to a development plan shall be the same as for the original submission as specified in Section D (1) above. However, in addition to the standards listed in Section D (1), the Commission may also disapprove or modify the requested amendment if it finds that such amendments will adversely affect the public health, safety and welfare, or alter the essential character of the development as originally approved.
4. Content and Format of Major Amendment Requirements - Major amendments to development plans shall have the same content and format requirements as the original development plan, except that 1) the title shall indicate the plan is an amended development plan, and 2) a note shall be added listing the exact nature of the requested changes. No plan change shall be considered in effect unless it is referenced in this note.

**F. Deviation from Development Plan**

After approval of any amendment to the Zoning District Map, or approval to any development plan, the property owner must adhere to the terms, restrictions and guidelines as set forth and imposed in the development plan for the subject property. Any person whose use of his/her property deviates from the development plan will be deemed in violation of this ordinance, and subject to the penalty provision of Section 304 herein. Prior to instituting any criminal and/or civil action, the Planning Director shall first give the violator a minimum 10-day notice to abate, setting forth the basis of the non-compliance claim.

**503.4 Water Supply and Sewage Disposal**

No building shall be constructed or occupied, and no mobile home shall be occupied unless the water supply and sewage disposal facilities have been approved by the County Health Officer.

Wherever water or sewer mains are accessible (accessibility generally meaning within fifty (50) to seventy-five (75) feet of the property line), buildings and mobile homes shall be connected to such mains. In every other case, individual water supply and sewage disposal must meet the requirements set by the County Health Officer.

In addition to the County Health Officer's requirements the following shall apply:

- 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 of one hundred fifty (150) feet. In-family conveyances as permitted in the agricultural zone shall be considered exempt from the one hundred fifty (150) feet minimum road frontage requirement.
- C. Multi-Family and Non-Residential Uses: Lot areas and types of sewage treatment (septic tank, aeration or other) for multi-family residences and non-residential uses shall be determined by the Planning Commission on an individual basis. The Planning Commission shall make their determination based upon site evaluations, estimated quantity and quality of effluent, possible pollution of adjacent lands, future possibility of serving the area and other factors. The Planning Commission may require the developer to submit technical data and opinions from various professional sources to aid them in their determination of required lot size and treatment procedures.
- 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 and that the lot can support a sewage disposal system that can be installed and used safely and efficiently for wastewater treatment.

#### **503.5 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 Engineer.
- G. For failure to comply with the provision of this section, a penalty of fifty dollars (\$50.00) per day shall be imposed from the date of written notice from the Commission that a violation has occurred, provided that each day's violation thereof shall be a separate offense for the purpose thereof. Such penalty shall be in addition to any other penalties imposed by this ordinance. Certificates of Occupancy shall be held for any completed construction in violation of this section until penalties imposed are paid. In the event that violations of this section have occurred, which in the discretion of the Commission creates an immediate danger peril to the community, the Commission may issue an order to immediately cease and desist further construction, grading, and excavation until such violations have been corrected.

## **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 OHB, OHR, 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 a 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 rear property lines, and at least 2 (two) feet from lot lines of adjoining lots in a residential district; provided, however, that an accessory building may be constructed on a side or rear lot line, not an alley lot line, by common consent of the adjoining property owners concerned.
- 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. The Development Plan shall be according to Section 503.3.D.

- 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 except for in-family conveyances (See Article II, 202).

#### **504.8 Residential Uses in Business Districts**

Residential uses are permitted as Conditional Uses in Business districts according to the following schedule:

- B-1 same as R-3
- B-2 same as R-4

#### **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 zones. A Conditional Use Permit is required in the A-1, R-2, 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. In the Unincorporated area of Woodford County Bed and Bed and Breakfast Establishments shall be prohibited in RR, R-1, R-2 and R-3 zoning districts. A Conditional Use Permit is required in the A1, A-2, A-4 and the CO-1 zoning districts prior to commencement of the business. Breakfast Establishments shall be limited to the following number of guest rooms or suites: Bed and Breakfast Home, Maximum (5) guest rooms/suites; Bed and Breakfast Inn, Maximum (8) guest rooms/suites. Bed and Breakfast Farmstay Establishments guest room maximums shall be established by the Board of Adjustments;
11. In the Unincorporated area of Woodford County prior to the filing of a Conditional Use Permit, all Bed and Breakfast Farmstay Establishments shall submit an application to the Agricultural Advisory Review Committee for review and comment. The Agricultural Advisory Review Committee shall make a recommendation to the Board of Adjustments based on findings and recommendations that the proposed Bed and Breakfast Farmstay Establishment is of the same general character as the surrounding properties or will contribute to keeping a Woodford County farm active as an agricultural enterprise, an agritourism enterprise or a tourist designation;
12. 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
13. 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. Any Bed and Breakfast Establishment seeking a Conditional Use Permit in an unincorporated area of Woodford County that include any planned additional commercial activities must submit an application to the Agricultural Advisory Review Committee for review and comment on the planned commercial activities prior to the Board of Adjustment review.

**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 zones. A Conditional Use Permit is required in the A-1, R-2, 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. In the Unincorporated area of Woodford County - Short Term Rental Establishments are not permitted in the RR, R1, R-2 and R-3 zoning districts. A Conditional Use Permit is required in the A1, A-2, A-4 and the CO-1 zoning districts prior to commencement of the Short Term

Rental business. Short Term Rental Establishments shall be limited to the following number of guest rooms/suites: Hosted Home-Sharing, Maximum five (5) guest rooms/suites and Dedicated Short Term Rental establishments, maximum eight (8) guest rooms/suites;

12. In the Unincorporated area of Woodford County prior to the filing of a Conditional Use Permit, any proposed Dedicated Short Term Rental Establishments shall submit an application to the Agricultural Advisory Review Committee for review and comment. The Agricultural Advisory Review Committee shall make a recommendation to the Board of Adjustments based on findings and recommendations that the proposed Dedicated Short Term Rental Establishments is of the same general character as the surrounding properties or will contribute to keeping a Woodford County farm active as an agricultural enterprise, an agritourism enterprise or a tourist designation;
13. 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
14. 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. Any Short Term Rental Establishment seeking a Conditional Use Permit in an unincorporated area of Woodford County that include any planned additional commercial activities must submit an application to the Agricultural Advisory Review Committee for review and comment on the planned commercial activities prior to the Board of Adjustment review.

## **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 or some other permanent supportive structure 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.

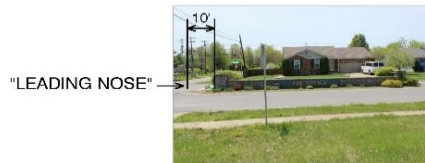
### Project Entrance Sign

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

I-1 Districts	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
	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.
11. Wall signs painted on a building.
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.

17. Single product signs.

#### **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.

Any person in violation of this ordinance who fails to correct the violation within five (5) days after notice shall, upon conviction, be fined at the rate of not more than ten dollars (\$10.00) per day, per sign, for every day that any and all outdated signs remain unremoved, beginning on the day immediately following the period for sign removal.

#### **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
- 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. Subject to final development plan approval by the Planning Commission (as outlined in Art V, 503.3).

#### **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. An application for Final Development Plan approval for an assisted living facility shall be filed with the Planning Commission after the Conditional Use is approved by the Board of Adjustment. Each application shall be accompanied by the required development plan drawn to scale, as outlined in Article V, Section 503.3 (D) and prepared by a licensed engineer, architect or landscape architect. Such site plan shall be reviewed by the Technical Review Committee and the Planning Commission. 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. Development Plan 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 horses) and grain commodity trading offices and marketing sales facilities designed for covered animal control.
- D. Equestrian sales, riding and training facilities.

### **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 (see Article VII, Industrial Zones) for Agricultural Marketing Centers 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, including equestrian sales 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. Freestanding signs shall be permitted but are limited to the principal permitted uses, not to exceed 40 feet in height and setback same as requirement for buildings. All proposed signage must be identified on the required development plan.

**H. Development Plans and Operational Plans**

Final development plans for Agricultural Marketing Centers shall require a public hearing before the Planning Commission and the plan shall include all information as required in Article V, Section 503.3 and 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.

# ARTICLE VI

## PARKING REGULATIONS

### **600 General Regulations for Vehicles**

- A. Any parking or loading space established prior to the effective date of this ordinance resolution and which is used or intended to be used in connection with any main building, structure or use, or any spaces designed and intended to comply with the requirements of this ordinance for any such main building or structure erected after such effective date, shall hereafter be maintained so long as said building, structure or use remains, unless the owner provides and maintains in another location an equivalent number of required spaces in conformance with the provisions of this ordinance.
- B. Where the principal use is changed, and additional parking spaces are required under the terms of this ordinance as a result of such change, it shall be unlawful to begin or maintain such altered use until such time as the required off-street parking is provided.

### **600.1 Loading and Unloading Spaces Required**

- A. In all districts in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more which is to be occupied by manufacturing, processing, storage, warehouse, goods, display, retail store, wholesale store, market, hotel, hospital, funeral parlor, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material, objects, or merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading space there, plus one (1) additional off-street loading space for each twenty thousand (20,000) square feet or fraction thereof of floor area so used in excess of twenty thousand (20,000) square feet.
- B. Each loading space shall have minimum dimensions of twelve (12') feet in width, fifty (50') feet in length, exclusive driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet.

### **600.2 Parking Spaces**

- A. Number Required

In all districts except "Central Business" there shall be provided at the time any building or structure is erected or enlarged, off-street parking spaces, either in garages or parking areas conforming with the provisions of this section, for such building or structure or part thereof, either singly or collectively, in addition to the above required loading and unloading spaces, in accordance with the following requirements:

USE	UNIT OF MEASUREMENT	PARKING SPACES REQUIRED PER UNIT OF MEASUREMENT
One-family Dwellings	each dwelling unit	One (1)
Two-family Dwellings	each dwelling unit	One (1)
Multiple-family Dwelling	each dwelling unit	Two (2)
Rooming and Boarding Houses	each five (5) beds	Three (3) and not less than (minimum of 3 spaces)
Fraternities, Sororities and Dormitories	each five (5) beds	One (1)
Beauty and Barber Shops	each 200 sq. ft. floor area	One (1) (minimum of 3 spaces)
Home Improvement Stores (Amended May 2008)	each 300 sq. ft. floor area	One (1)
Hotels & Motels & Tourist Homes	each suite	One (1) (minimum of 5 spaces)
Private Clubs or Lodges	each four (4) members	One (1)
Hospitals, Nursing Homes each three (3) beds, Orphanages, Convents Rest Homes and Rehabilitation Homes	each employee & each staff member on the maximum working shift.	One (1) Plus One (1) One (1) (minimum of 5 spaces)
Medical or Dental Clinics	each 200 sq. ft. of floor area	One (1)
Offices of Veterinarians animal hospitals or clinics, and kennels.	each 200 sq. ft. of floor area	One (1)
Churches, Theaters, Stadiums, Sports Arenas or Auditoriums other than incidental to a school	each five (5) seats	One (1) (minimum of 5 spaces)
Auditoriums incidental to a school	each five (5) seats	One (1)
Kindergartens, Nursery schools, and child care centers	first twelve (12) children every ten (10) additional children or fraction thereof	Three (3) Plus One (1)
Elementary & Middle Schools	every fifteen (15) auditorium seats each class room each employee	One (1) or One (1) Plus One (1) plus (whichever is greater)

USE	UNIT OF MEASUREMENT	PARKING SPACES REQUIRED PER UNIT OF MEASUREMENT
All other schools for academic instruction	every five (5) main auditorium seats or, every five (5) gymnasium seats or, every five (5) classroom seats.	One (1) One (1) or One (1) (whichever is greater)
Dance Halls, Assembly Halls or Exhibition Halls without fixed seats	each 100 sq. ft. of floor area each three employees.	One (1), Plus One (1)
Billiard or pool halls, arcades, indoor athletic facilities and other amusement places.	each 100 sq. ft. floor area every three (3) employees	One (1), Plus One (1)
Libraries, Museums, Community Centers and Art Galleries	each 600 sq. ft. of floor area	One (1)
Garden Centers	each 400 sq. ft. of floor area each employee.	One (1), Plus One (1) with a minimum of Five (5) spaces.
Banks, Business or Professional Offices	each 200 sq. ft. of floor area	One (1)
Bowling Alleys	each alley	Five (5)
Skating Rinks	each 400 sq. ft. floor area every employee	One (1), Plus One (1)
Funeral Homes or Mortuaries	each five (5) seats available under maximum occupancy. each funeral vehicle & each dwelling unit.	One (1), Plus One (1)
Laundromat, Self-Service Laundry or Dry Cleaning	each two (2) washing machines, dryers, and dry-cleaning machines	One (1)
Radio and television stations.	every two employees on a maximum shift. each vehicle owned by the use	One (1), Plus  One (1) with a minimum of five (5) spaces
Restaurants	each 200 sq. ft. floor area or every four (4) seats.	One (1) or One (1), whichever is greater)

USE	UNIT OF MEASUREMENT	PARKING SPACES REQUIRED PER UNIT OF MEASUREMENT
Taverns, or Night Clubs	each 150 sq. ft. floor area or every three (3) seats.	One (1) or One(1), whichever is greater.
Establishments for display each rental, sale, service, or repair of farm implements, contractor equipment, automobiles, motor- cycles, boats travel trailers, manufactured homes, or supplies for such items.	600 sq. ft. of floor area	One (1) with a minimum of five (5) spaces
Wholesale business, warehousing, establishments for special trade and general contractors, machine shop; sale of feed, grain or other agricultural supplies, garden centers; and establishments for the rental, sale, service and repair of farm equipment contractor equipment, trucks, travel trailers and manufactured homes.	each 600 sq. ft. of floor area	One (1) with a minimum of five (5)spaces
Retail uses	for the first 10,000 sq. ft. one (1) space for every 400 sq. ft. of floor area with a minimum of three (3) spaces;	One (1)
	for all floor area exceeding the first 10,000 square feet, one (1) space for every 200 sq. ft. Combined uses located in a single building shall calculate required parking on the total square footage of the building and not the individual retail uses therein.	One (1)
Manufacturing or industrial uses.	Every two (2) employees on a maximum working shift.	One(1) with a minimum of five (5) spaces
Retail sales facility for manufactured goods	each 400 sq. ft. of floor area	One (1)
Combined Uses	Combined uses shall provide parking equal to the sum of the individual uses.	
Assisted Living Facilities	each dwelling unit ( <b>Amended Nov. 1998</b> )	Three (3) spaces for every four (4) residential units

In the case of any use which is not specifically mentioned herein, the provisions for a similar use which is mentioned shall apply.

- B. Parking spaces for the disabled shall be required based on the total number of proposed spaces as follows:

Total Parking Spaces in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each
100 over 1000	

Note: Chart taken from Americans with Disabilities Act (ADA) - Accessibility Guidelines for Buildings and Facilities.

- C. Minimum Design Maintenance Requirements for Parking Areas.

Every parcel of land hereafter used as a parking area shall be developed and maintained in accordance with the following requirements:

1. Off street parking areas shall equal or exceed the number of spaces required and shall be of usable shape and surface, and have convenient ingress and egress. Not less than seventy-five percent (75%) of the total required parking spaces shall be designed for use by full size vehicles. Up to twenty-five percent (25%) of the required parking may be designed and designated for compact vehicles.
2. Aisles and access drives shall be designed so as to provide an adequate vehicular maneuvering area upon the property being served and in no case shall off-street parking areas be permitted which encourage or require the backing onto or maneuvering within any public right-of-way, except that the Board of Adjustment has the ability to approve vehicular parking where they back onto a public right-of-way in the Central Business District (B-2) and the Old and Historic Zones (OH) in the City of Versailles.
3. Where parking areas are provided for five (5) or more vehicles, or containing more than eighteen hundred (1800) square feet of area, they shall be improved with an asphaltic, concrete, brick, or other properly bound surface, so as to be durable and dustless, unless two hundred (200) feet or more distant from a residence district in which case dust proof treatment will suffice. On bound surfaces each parking space shall be physically delineated on the surface of the parking area.
4. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. To prevent this, water shall be intercepted in a suitable manner and piped to a retention basin area, if none exists or none is required, then to the storm sewer, gutter line or drainage ditch. Permanent storm water retention shall be provided for all off-street parking areas containing five (5) or more parking spaces and/or more than eighteen hundred (1800) square feet of parking area.
5. Any lighting used to illuminate such parking areas shall be so arranged as to reflect away from the adjoining premises in any residential district, as well as public street or highway, so as to minimize glare or reflection that may constitute a traffic hazard or nuisance.

6. Off-street parking areas for more than five (5) vehicles or containing more than eighteen hundred (1800) square feet of parking area, shall be effectively screened on each side which adjoins or fronts property situated in a residential district or used for residential or institutional purposes by a wall, fence or densely-planted compact evergreen hedge, of a design or type which is acceptable to the Zoning Administrator, not less than four (4) or more than six (6) feet in height, except that, in any industrial district, said wall, fence or hedge shall be not less than four (4) or more than eight (8) feet in height. Further provided that such wall or fence shall not be used for advertising purposes and shall be maintained in good condition. The space between such fence, wall, or planting screen and the lot line of adjoining property in any residential district shall be landscaped with grass, shrubs, or an evergreen ground cover, and maintained in good condition.

#### D. Location of Off-Street Parking

The location of parking facilities shall be as hereinafter set forth and where distances are specified, they shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.

1. For one and two-family dwellings, on the same lot with the building they are required to serve.
2. For multiple family dwellings, not more than two hundred (200) feet from the building they are required to serve.
3. For uses located in and permitted in the "B-1", "B-3", "B-4", and "P-1" districts, and for hospitals, nursing homes, convalescent and rest homes, orphanages, rooming houses, lodging houses, private clubs, fraternity and sorority houses and churches not more than three hundred (300) feet from the building they are required to serve.
4. For uses located in and permitted in "I-1" and "I-2" districts and uses not specified herein above not more than seven hundred (700) feet from the building, or other place of assembly, they are required to serve.

#### E. Units of Measurement

1. For the purpose of this section, "Floor Area" in the case of offices, merchandising or service types of uses shall mean the gross floor area used, or intended to be used, by tenants or for services to the public as customers, patrons, clients or patients, including area occupied by fixtures and equipment used for display sale of merchandise. It shall not include area used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilets or rest rooms, for utilities, or for dressing rooms, fitting or alteration rooms.
2. In stadiums, sports arenas, churches and other places of assembly where patrons or spectators occupy benches, pews or other similar seating facilities, each twenty four (24) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this Ordinance-Resolution.
3. When units of measurement determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one half (1/2) shall be disregarded, and fraction over one half (1/2) shall require one (1) parking space.

#### F. Joint Use of Parking Areas

1. Off-street parking areas required for residential use shall not be included in any joint parking arrangement.
2. Up to one hundred percent (100%) of the off-street parking required for a church, or an auditorium incidental to a public or private school, and up to fifty percent (50%) of the off-street parking required for any other use may be provided by a joint parking arrangement.



3. The joint parking area shall be within three hundred (300) feet of all of the uses being served by such facility measured by the walking distance from the nearest point of the parking facility to the nearest point of the building in which the use is located and which parking is intended to serve.
4. The applicant shall submit sufficient data to the Zoning Administrator to demonstrate that the normal and regular operating hours of the uses proposing a joint parking arrangement do not coincide or overlap in any manner.
5. All parties shall execute a properly drawn legal instrument for the joint use of off-street parking areas. This instrument, having been approved as to form and manner of execution by the legal counsel of the Versailles-Midway-Woodford County Planning Commission, shall be filed with the application.

#### G. Minimum Distances and Set-backs

1. Minimum Distances and Setbacks for Parking, Loading and Unloading Areas in Residential Zones
  - A. Minimum Required Parking - In every R-1A, R-1B, R-1C and R-2 zone, there shall be provided at least one (1) off street parking space for each dwelling unit; no such space shall be located within any required front yard or side yard area.
  - B. Additional Parking - Provided the above parking has been met, additional parking shall be permitted in the required front yard or side street side yard in any R-1A, R-1B, R-1C, or R-2 zone provided the following requirements are met:
    1. The parking area and driveway shall be paved with concrete, asphalt, brick, or other suitable hard surface material as approved by the Zoning Administrator or Building Inspector.
    2. The paved areas (parking areas and driveways) shall be set back from the property lines as follows:

Zone	Setback from Front Lot Line and/or	Setback from
	Side Side Street Lot Line	Lot Line
R-1A	10'	4'
R-1B	6'	2'
R-1C	6'	2'
R-2	6'	2'

3. The percentage of coverage of parking areas and driveways shall not exceed fifty (50%) percent of the total required front yard or side street side yard.
4. The design of the parking areas and driveways shall be developed so as to discourage the backing of vehicles onto a public right-of-way.
5. A permit shall be required for the construction of all parking areas and driveways that fall under the above regulations. The owner must provide the Zoning Administrator or Building Inspector with a plot plan showing the entire lot, the location of the residence, the layout of the parking areas and driveways, (both the required spaces and proposed extra spaces) and all proposed landscaping and screening required and any other information necessary to clearly define the proposed construction as required.

C. Parking, Loading, and Unloading Prohibited in All Other Residential Zones

In all Residential zones other than R-1A, R-1B, R-1C, and R-2, no off street parking area, loading or unloading area, maneuvering area or aisles shall be permitted within the required front yard or side street side yard of any lot with a principal building. Where parking is the principal use of a lot, such off-street parking, loading or unloading area shall not be closer to any lot line than the distance required for a principal building on one (1) story in height. NO portion of the front yard or side street side yard, exclusive of driveways, shall be paved or surfaced; and all such front and side street side yards shall be enclosed by a wall, or landscaped in such a manner suitable to preclude any such activity as prohibited in this Section.

2. Minimum Distances and Set-backs for Parking, Loading and Unloading Areas in Zones Other Than Residential Zones.

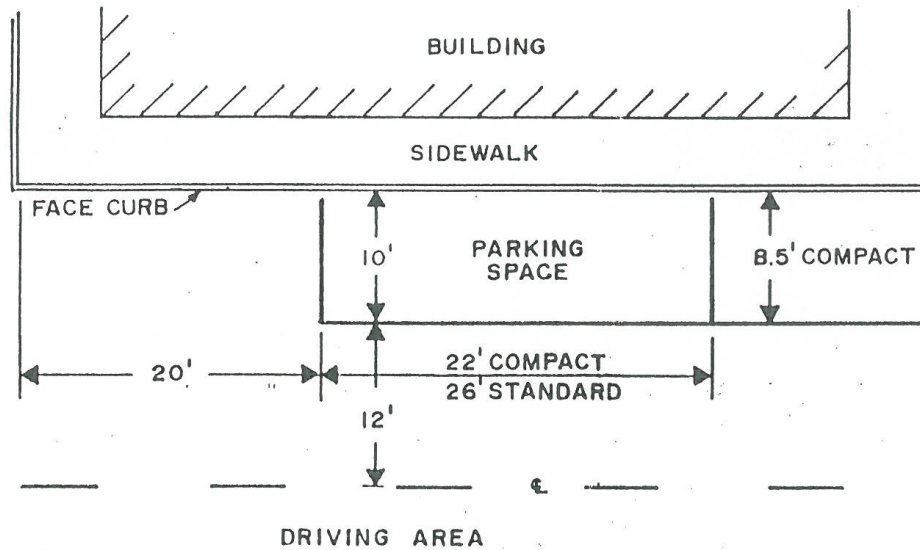
- A. No part of any parking area for more than five (5) vehicles, or containing more than eighteen hundred (1800) square feet of parking area, shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care unless screened by an unpierced masonry wall.
- B. If on the same lot with a principal building, the parking area shall not be located within the front yard or side street side yard required for such building; and, if not on the same yard required for such building; and, if not on the same lot, not closer to any street line than the least depth of the yard which would be required for a principal building of one (1) story height. The fence, wall or hedge required by subsection (C) (6) of this section shall be set back from each street the same as if it were a building wall, so as to observe the front yard and side street yard requirements of this Ordinance Resolution.

### 3. MINIMUM STANDARDS FOR PARKING, LOADING, AND UNLOADING AREAS

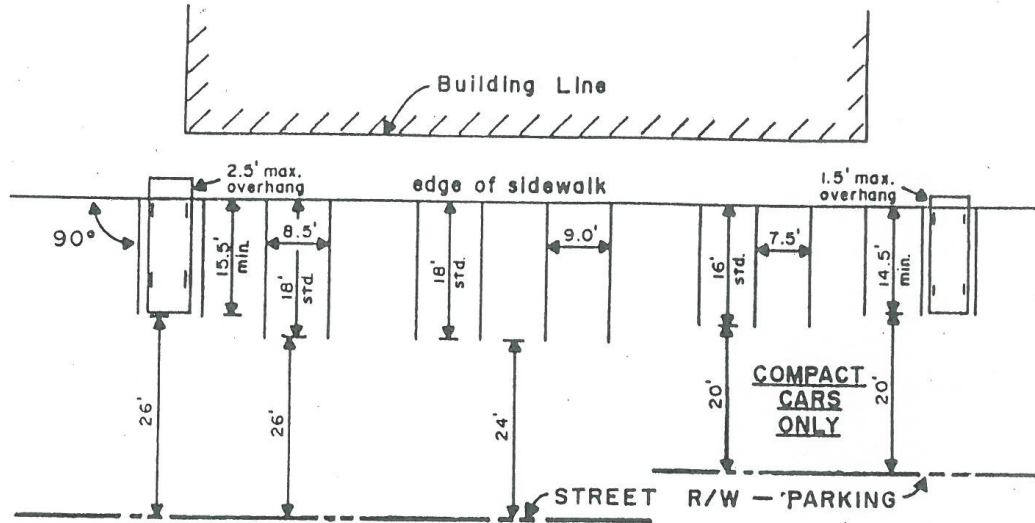
#### "General"

The following minimum standards are in reference to Article VI of the "Zoning Ordinance - Resolution" for Versailles-Midway-Woodford County, Kentucky. Examples illustrate the minimum standards necessary to accommodate parking, loading, and unloading at various angles to the maneuvering areas or aisles.

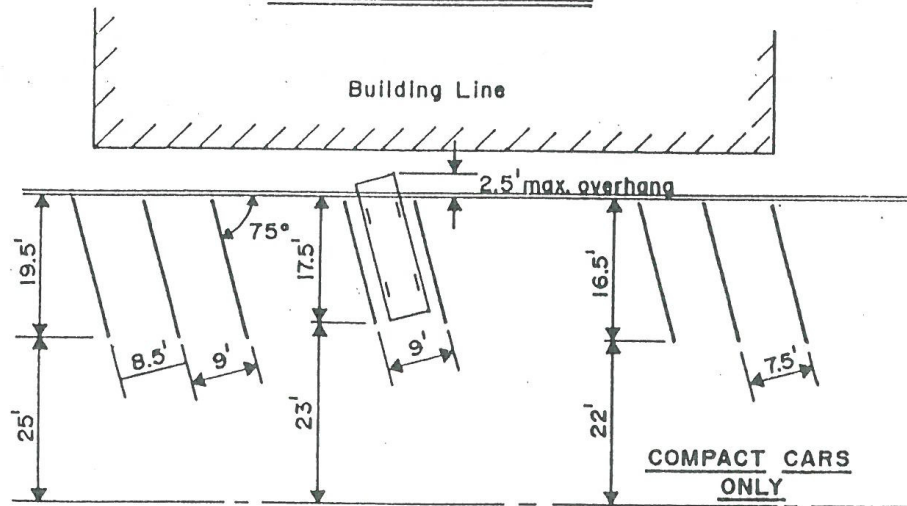
#### PARALLEL PARKING



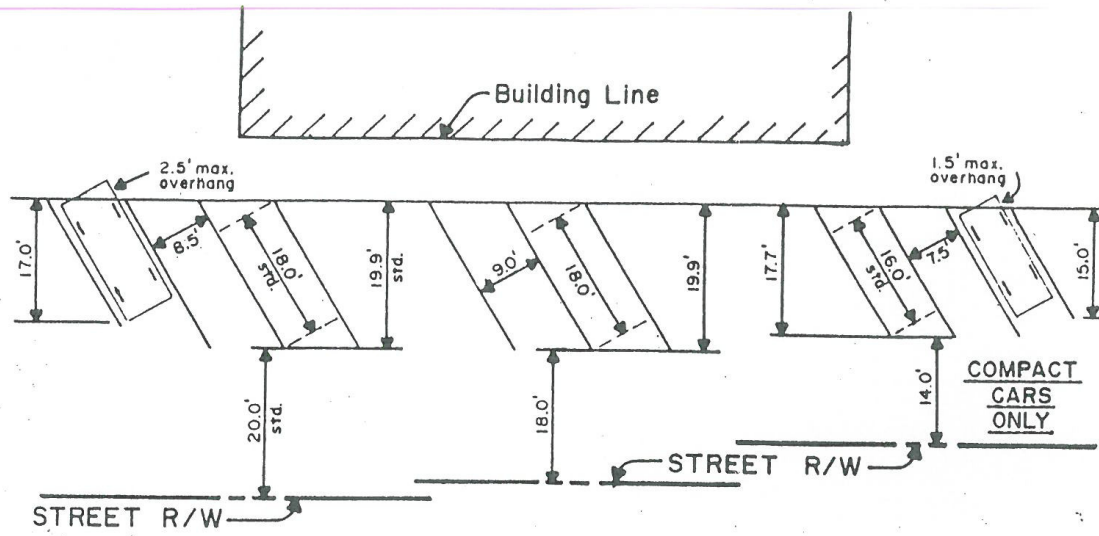
## 90° PARKING



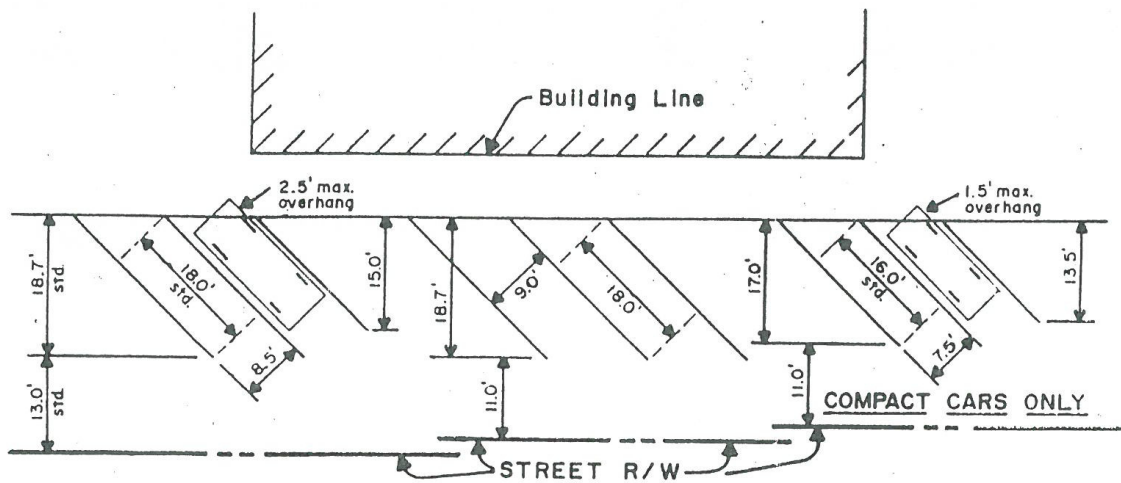
## 75° PARKING



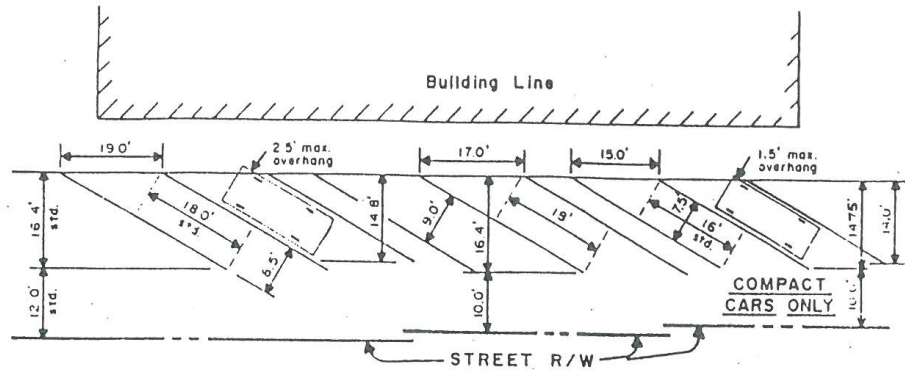
## 60° PARKING



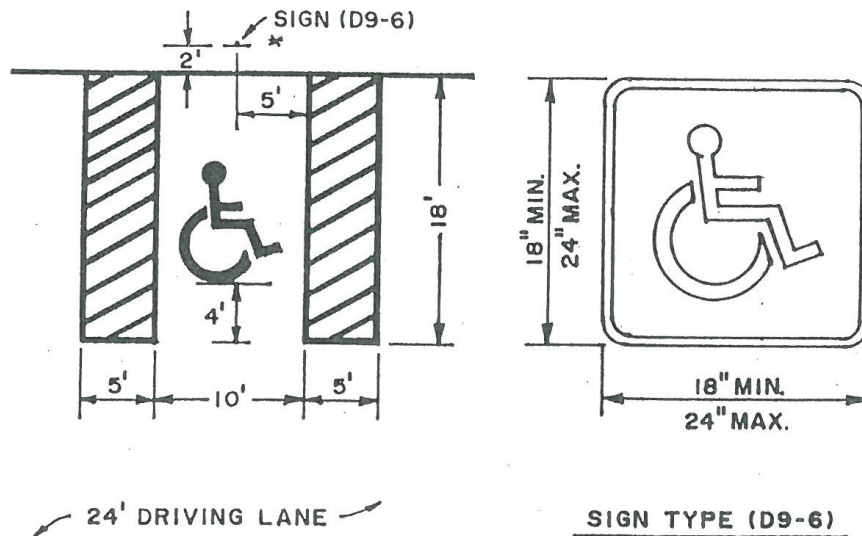
## 45° PARKING



### 30° PARKING



### HANDICAP PARKING SPACE REQUIREMENT



\* NOTE: Minimum mounting height of five (5) feet.

Note: These details were taken from the Lexington-Fayette Urban County Zoning Ordinance.

#### A. Variations

1. If no private walk is proposed, the stall depth may be measured from the building line.
2. If stall areas immediately adjacent to the street right of way line, tire stops or other restraints shall be provided so as to preclude any portion of a vehicle from protruding over the street right of way. The tire stops are to be a minimum of five (5) feet from the right-of-way line.

#### B. Barriers required at right-of-way line

To prevent vehicles from entering or exiting the private property at any point other than at driveways approved by the City Engineer (if in the City) County Engineer (if in the County), there shall be installed on their property at all points on the street frontage other than at approved driveways, a barrier meeting any of the following designs.

1. A concrete curb, a minimum of six (6) inches wide and six (6) inches high measured from parking lot grade.
2. A pipe and chain barrier.
3. A metal or wooden guardrail.
4. A hedge meeting other requirements of the zoning ordinance resolution.
5. Any other barrier meeting the joint approval of the Building Inspector and City or County Engineer.

#### C. Tire Stops

In the event the parking stalls are immediately adjacent to the street right-of-way line and no barrier is provided with sufficient height to prevent vehicles from protruding over the right-of-way then -- tire stops shall be provided with the face of the tire stop five (5) feet from the right-of-way line to prevent vehicle overhang. (See Exhibit "A") The tire stops shall be in addition to the aforesaid barrier.

#### D. Exceptions

In "B", "P", and "I" districts, where private or semi-public interests acquire, develop, and maintain parking areas for the joint use of their establishments, the Board of Adjustment may modify or waive the parking requirements for certain uses in the area concerned.

#### E. Restricted Business or Industrial Automobile Parking Area

The establishment and operation of a restricted accessory parking area may be authorized by the Board of Adjustment as a conditional use in such parts of any "R-2", "R-3", or "R-4" districts as abut, either directly or across the alley, a "B" or "I" district or any institutional building non-conforming in a particular residential district, subject to the following conditions and requirements:

1. The parking areas shall be accessory to and for use in connection with one (1) or more business or industrial establishments located in an adjoining "B" or "I" district, or in connection with one or more existing institutional buildings on adjoining premises.
2. Such parking area shall be situated on premise not less than five thousand (5,000) square feet in area which shall abut at least fifty (50) feet, either directly or across an alley, on a business or industrial district, or on the premises of the existing institutional building to which the parking area is accessory.
3. Such parking area shall be used solely for the parking of passage automobiles. No commercial repair work or service of any kind shall be conducted, and no charge shall be made for parking.

No sign of any kind, other than designating ownership, entrances, exits, and conditions of use, shall be maintained on such parking area.

4. Each entrance and exit to and from such parking area shall be at least twenty (20) feet distant from any adjacent lot line located in any residential district.
5. The parking area shall be subject to all the requirements of this section concerning surfacing, lighting, screening, and minimum distances and set-backs.
6. Any permit issued by the Building Inspector for such parking area, may be revoked at any time that the aforementioned requirements are not complied with, and any permittee who uses premises to which said permit relates in violation of any of the conditions specified by this section or fixed to such permit, shall be deemed in violation of this Ordinance-Resolution and shall be subject to the penalty prescribed in Article III, Section 304.

#### **600.3            Parking and Storage of Certain Vehicles**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

#### **600.4            Parking, Storage, or Use of Major Recreational Equipment**

For purposes of this Ordinance, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles) motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored in the front yard or in the side yard where possible to park or store otherwise, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty four (24) hours during loading or unloading. For the purpose of this ordinance, corner lots shall be deemed to have only one front yard, that being where the existing front door of the residence is located. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. In the enforcement of this ordinance, consideration shall be given to those properties where moving and/or storage of equipment on or over septic tank disposal systems or other utility equipment could cause severe damage or create problems with such systems or utilities.(Amended December 2003)

#### **600.5            Garages, Public Parking Lots, Filling Stations and Automobile Sales Lots**

- A. No building structure or premises shall be used, erected or altered which is intended or designed to be used as a community garage, a public garage or public parking lot, an automobile repair shop or filling station, having an entrance or exit for vehicles in the same block front and within two hundred (200) feet of the property boundary of any school, public playground, church, hospital, public library, convalescent, nursing or rest home, or orphanage and no such entrance or exit, except for a community garage shall be located within twenty(20) feet of any residential zone; nor shall any part of such public garage or public parking lot, automobile repair shop or filling station be located within one hundred (100) feet of any property boundary line of any of the aforesaid public or institutional uses."Parking Lot" as used herein does not include off-street parking areas as otherwise required for the public or institutional uses listed above.
- B. No gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within fifteen feet (15) of any right-of-way line or within fifty (50) feet of any residential zone except where such pump, pit, or appliance is within a completely enclosed building and distant at least fifteen feet (15) from any vehicular entrance or exit of such building.
- C. Every parcel of land hereafter used as an automobile or trailer sales lot or as a filling station shall be subject to the requirement of this section, concerning surfacing, lighting, screening and minimum distances and set-backs, and shall be considered, in the application thereof, as the equivalent of a parking area for more than five (5) vehicles, except that in the case of a filling station, the requirements concerning screening on that side which



faces premises situated in a residential zone or institutional premises shall apply only to that area used for parking and only when for more than five (5) vehicles.

- D. A community garage may be permitted by the Board of Adjustment in any "R-2", "R-3", or "R-4" district, even on an otherwise vacant lot; provided, such garage shall conform with all requirements of this Ordinance-Resolution for accessory buildings in said respective district and provided, further, that no part of any such garage shall be within eighty (80) feet of any right-of-way line or in "R-2" and "R-3" districts within twenty-five (25) feet of any other lot line, and in "R-4" districts within twenty (20) feet of any other lot line except the rear lot line of an adjoining lot which is in any "B", "P", or "I" district, and no entrance to such garage shall face any lot line or make an angle with it of less than forty-five (45) degrees within thirty (30) feet of it, except an alley lot line or lot lines of an adjoining lot in any "B", "P", or "I" district.

## ARTICLE VII

### ZONING DISTRICTS

#### 700 Zoning District Regulations Schedule of Zones

Section	Zone	District Title
701	A-1	Agriculture
702	A-2	Agriculture
703	RR	Rural Residential
704	A-4	Small Community
705	R-1A	Low Density Single Family Residential
706	R-1B	Low Density Single Family Residential
707	R-1C	Low Density Single Family Residential
708	R-2	Two Family Residential
709	R-3	Medium Density Residential
710	R-4	High Density Residential
711	M-1	Mobile Home District
712	P-1	Professional Office
713	B-1	Neighborhood Business District
714	B-2	Central Business District
716	B-4	Highway Business District
717	B-5	Highway Interchange Service
718	I-1	Light Industrial
719	I-2	Heavy Industrial
720	HD	Historic Overlay District
721	CO-1	Conservation District

**700.1** To facilitate public understanding of this ordinance and for the better administration thereof the regulations limiting the use, buildings and arrangement of buildings are for the most part set forth in the following schedule for each of the districts established by Section 500 of this ordinance. Such schedule is hereby adopted and declared to be a part of this ordinance hereinafter referred to as the schedule and may be amended in the same manner as any other part of this ordinance. Wherever in such schedule there appear the words "same as in (symbol of district) above:" such words shall be construed to include the specific limitations set forth in the same column for the district thus referred to. Otherwise, all limitations as to uses permitted, permissible height, required yard, and minimum sizes thereof and other requirements shall be those set forth in such schedule. The following applies to all Zoning Districts:

- A. All area regulations are subject to the Supplemental District provisions of Article V, Section 504.
- B. All area regulations are subject to the provisions of Article V, Section 503.4 where public sewer system is not accessible.
- C. Minimum Front Yard Dimension is from the street right-of-way line.

## **701 AGRICULTURAL (A-1)**

**701.1 Intent** - This zone is established to preserve the rural character of the agricultural service area by promoting agriculture and related uses, and by discouraging all forms of urban development except for a limited amount of conditional uses.

### **701.2 Principal Uses**

- A. Agriculture Uses (KRS 100.111 & Article II, Section 201)
- B. Riding Stables, and Fishing Lakes
- C. Public parks, playgrounds, public or privately owned golf courses, forests and conservation areas
- D. Single Family Detached Dwellings
- E. Tourist Destinations (See Article II, Definitions)
- F. Greenhouses and Nurseries

### **701.3 Accessory Uses**

- A. Accessory uses and structures customarily incidental to any principal use located on the same lot therewith such as agricultural structures, tenant homes, private garages, private stables or parking areas, not including any business, trade or industry.
- B. Home Offices and Home Occupations.
- C. Office of a resident physician, architect, or similar professional person when located within this dwelling.
- D. Roadside stand offering for sale agricultural products produced in Woodford County.
- E. On-farm markets in existing or new on-farm buildings offering for sale agricultural products produced in Woodford County or value-added products made from agricultural or other natural resource products primarily from Kentucky.

### **701.4 Conditional Uses**

- A. Airport, cemeteries, art or antique shops, quarries and gravel pits, and horse sales.
- B. Schools for academic instruction.
- C. Public buildings and properties.
- D. Commercial golf and driving ranges on a temporary and revocable certificate provided adjacent areas are predominantly undeveloped.

- E. Garbage or refuse disposal by City or County.
- F. Animal Hospitals & Clinics.
- G. Research Facilities.
- H. Sportsmen Farms and Kennels.
- I. Agritourism Uses (KRS 247.801), (based on findings and recommendations from the Agricultural Advisory Review Committee).
- J. Bed and Breakfast Home, Bed and Breakfast Inn, and Bed and Breakfast Farmstay Establishments.
- K. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.
- L. Churches
- M. Plant Nursery
- N. Tourist Destination Expanded

A unique, regionally recognized existing landmark or historic structure that is primarily known for its existing architectural significance and/or uniqueness, that promotes tourism and the overall economy, which naturally draws the general public as a destination that meets the criteria of a Tourist Destination as defined herein with the following special allowances:

- a. Overnight accommodations to guests may be permitted by the Board of Adjustment, with the number of guest rooms exceeding 10 but as stipulated and approved by the Board of Adjustment.
- b. A restaurant serving registered overnight guests and/or the public, with the number of seats for patrons exceeding 75 but as stipulated and approved by the Board of Adjustment.
- c. Special events, including charitable events, receptions, parties, corporate picnics, weddings, or any other events/activities which are determined by the Agricultural Advisory Review Committee to be of the same general character as those listed herein, are allowed but the number of such events may exceed 7 per week or with more than 2 held on any one day as stipulated and approved by the Board of Adjustment.

#### **701.5 Prohibited Uses**

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

## **701.6 Lot, Yard and Height Requirements**

Minimum Lot Size	30 acres
Minimum ROW Frontage	150 feet
Minimum Width at Building Line	200 feet
Minimum Front Yard	80 feet
Minimum Each Side Yard	25 feet
Minimum Rear Yard	50 feet
Maximum Height of Building	1-1/2 stories or 35 feet
Maximum Density	One Dwelling (See 701.7.C below)

## **701.7 Special Provisions**

- A. Farm uses need only to comply with the front yard requirements. All other uses shall be a distance at least one hundred (100) feet from any lot in any residential district or any lot adjacent to a dwelling, school, church, or institution for human care.
- B. So long as land remains in this district it shall not be eligible for subdivision, except as provided by the definition of "Agricultural Uses" in Article II of the Ordinance.
- C. It shall be provided that in-family conveyances shall be permitted at a density that shall not exceed one (1) dwelling for each five (5) acres. In-family conveyance shall be defined as a tract to be continuously occupied by an immediate family member. It shall be comprised of a lot no smaller than one (1) acre in size, with access to an existing public road through an existing private driveway to be shared with the original residence, through a platted and recorded access easement of fifteen (15) feet, or, the in-family lot can be comprised of a lot no smaller than five (5) acres in size with frontage on an existing public road or if the nearest property line of any new lot is within four hundred (400') feet of the centerline of an existing public road; with a limit of no more than two (2) in-family lots fronting on an existing public road and sharing a common entrance; and which meets all health and sanitation regulations in effect contained herein, and provided further that the number of lots be limited to one lot in Woodford County per each immediate family member's lifetime and that such family member shall hold title to the tract so conveyed for at least five (5) years, if said conveyance is made to a minor, the five (5) year restriction for holding title begins when the minor turns eighteen (18), and should the family member, within five (5) years, re-convey the tract to anyone other than to the person or persons from whom it was received, then such deed of re-conveyance shall be void, and provided further, that all such deeds from a farm owner to a family member shall contain a restrictive covenant stating clearly the five (5) year restriction for holding title and stating that any conveyance prior to said five (5) years shall be void, and any deed from a farm owner be provided further that in the case of a judicial sale the restriction on re-conveyance shall not apply. On farms where in-family conveyances are permitted, all lots shall be counted against the sliding scale of "Lots to be Sold" as defined in Section 703.11 (A). In no case shall any farm of 100 acres or more be permitted to have more than fifteen (15) in-family conveyance lots.

## 701.8 Definitions

- A. Agri-tourism enterprise - Refers to a commercial enterprise at a working farm, ranch or agricultural plant conducted for the enjoyment of visitors that generates supplemental income for the owner.
- B. Agricultural tourism - Refers to the act of visiting a working farm or any agricultural, horticultural, or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation.
- C. Natural resource products - Commodities or products derived from the natural environment including, but not limited to: wood, water, wild plants, and non-domesticated animals.
- D. On-farm markets - Refers to the sale of agricultural or natural resource products or value-added agricultural or natural resource products, directly to the consumer from a site on a working farm or any agricultural, horticultural, or agribusiness operation.
- E. Roadside stands - Also known as farm stands, refers to any activity where the farmer sells agricultural and value added products directly to consumers at a stand or kiosk located on or near the farm.
- F. Value-added - Any activity or process that allows farmers to retain ownership and that alters the original agricultural or natural resource products or commodity for the purpose of gaining a marketing advantage. Value-added may include bagging, packaging, bundling, pre-cutting, cooking, chilling, etc.
- G. Agricultural plant - A facility where the value-added processing of agricultural and/or other natural resources occurs.
- H. Commercial enterprise - A formal business or an activity that involves the buying and selling of goods and services.

## **702 AGRICULTURAL (A-2)**

### **702.1 Intent**

This zone is established to be comprised of all property outside of the A-1 zone, Small Community, and all other zones in Woodford County.

### **702.2 Principal Uses**

Same as A-1 (See 701.2)

### **702.3 Accessory Uses**

Same as A-1 (See 701.3)

### **702.4 Conditional Uses**

Same as A-1 (See 701.4)

### **702.5 Prohibited Uses**

Same as A-1 (See 701.5)

### **702.6 Lot, Yard and Height Requirements**

Minimum Lot Size - Thirty (30) acres (except with zone change as provided in "Other Provisions" of this chart, and except those tracts platted on the "Bishop" property on Scotts Ferry Road, (which tracts need a road frontage of only one hundred thirty five (135) feet) and all other deeds of record for tracts less than thirty (30) acres filed prior to February 9, 1989, (which tracts shall have no minimum road frontage), or tracts that were platted and the plats recorded prior to February 9, 1989 (which tracts need a road frontage of only one hundred thirty five (135) feet), and any ten (10) acre tracts deeded or platted and recorded after February 9, 1989, and before the effective date of this amendment, September 20, 1990 (which tract needs a road frontage of only one hundred thirty five (135) feet).

Minimum Lot Size	30 acres
Minimum ROW Frontage	150 feet
Minimum Width at Building Line	200 feet
Minimum Front Yard	80 feet
Minimum Each Side Yard	25 feet
Minimum Rear Yard	50 feet
Maximum Height of Building	35 feet
Maximum Density	One Dwelling (See 702.7.C below)

### **702.7 Special Provision**

- A. Rural Residential shall only be allowed in an A-2 zone provided rezoning application has been made to, and approved by, the Versailles-Midway-Woodford County Planning and Zoning Commission. (See Section 703)
- B. Farm uses need only to comply with the front yard requirements. All other uses shall be a distance at least one hundred (100) feet from any lot in any residential

district or any lot adjacent to a dwelling, school, church, or institution for human care.

- C. So long as land remains in this district it shall not be eligible for subdivision, except as provided by the definition of "Agricultural Uses" in Article II of the Ordinance.
- D. It shall be provided that in-family conveyances shall be permitted at a density that shall not exceed one (1) dwelling for each five (5) acres. In-family conveyance shall be defined as a tract to be continuously occupied by an immediate family member. It shall be comprised of a lot no smaller than one (1) acre in size, with access to an existing public road through an existing private driveway to be shared with the original residence, through a platted and recorded access easement of fifteen (15) feet, or, the in-family lot can be comprised of a lot no smaller than five (5) acres in size with frontage on an existing public road or if the nearest property line of any new lot is within four hundred (400') feet of the centerline of an existing public road; with a limit of no more than two (2) in-family lots fronting on an existing public road and sharing a common entrance; and which meets all health and sanitation regulations in effect contained herein, and provided further that the number of lots be limited to one lot in Woodford County per each immediate family member's lifetime and that such family member shall hold title to the tract so conveyed for at least five (5) years, if said conveyance is made to a minor, the five (5) year restriction for holding title begins when the minor turns eighteen (18), and should the family member, within five (5) years, re-convey the tract to anyone other than to the person or persons from whom it was received, then such deed of re-conveyance shall be void, and provided further, that all such deeds from a farm owner to a family member shall contain a restrictive covenant stating clearly the five (5) year restriction for holding title and stating that any conveyance prior to said five (5) years shall be void, and any deed from a farm owner be provided further that in the case of a judicial sale the restriction on re-conveyance shall not apply. On farms where in-family conveyances are permitted, all lots shall be counted against the sliding scale of "Lots to be Sold" as defined in Section 703.11 (A). In no case shall any farm of 100 acres or more be permitted to have more than fifteen (15) in-family conveyance lots.



## **703 RURAL RESIDENTIAL DISTRICT (RURAL RESIDENTIAL)**

### **703.1 Preamble**

The Rural Residential District (Rural Residential) is intended to maintain the rural and scenic qualities of Woodford County by preserving farmland and significant open lands while allowing landowners a reasonable return on their holdings. It is further intended to provide for controlled rural residential growth beyond the limits of the urban service districts of Woodford County, while maintaining the viability of existing Woodford County agricultural activities, providing for farming opportunities for future farmers, allowing current farmers to realize the monetary value of their land, protecting historic, scenic or environmentally sensitive areas, and ensuring that rural residential growth can be adequately served by public roadways, fire and police protection, and public schools, without requiring unplanned and/or inordinate public expenditures. To achieve this intent, the Rural Residential District is designated to (a) maximize the clustering of rural residential lots on the least number of acres located on existing farmlands and significant open lands, and (b) minimize the loss of farmlands and significant open lands to residential uses through the establishment of contiguous parcels of non-residential acres.

### **703.2 Definitions**

For purposes of Section 703 of the ordinance, the following terms are expressly defined:

**Farm** - Any tract of land in Woodford County within the A-1 or A-2 or CO-1 zones on an approved Comprehensive Plan Land Use Map and existing as of July 16, 1990.

**Lot to be Sold** - Any division of a farm in Woodford County that existed as of July 16, 1990 constitutes a "lot to be sold" for the express purpose of determining the number of lots eligible for rural residential development under the sliding scale established in Section 703.11 (A), provided however the following divisions shall not be counted as a lot to be sold: a) any out conveyances that are consolidated by deed or plat with another existing contiguous farm; (b) any in-family conveyance that is consolidated back with the parent farm prior to a request for Rural Residential development and which has no residential structure located thereon at the time it is reconsolidated. (Any in-family conveyance consolidated back with the parent farm which has a residential structure on it shall be counted as a Lot to be Sold).

### **703.3 Principal Uses**

- A. Single family dwellings.
- B. Non-commercial horticultural or agricultural uses and buildings, including greenhouses.
- C. Non-commercial kennels, riding stables, fishing lakes.
- D. Parks, playgrounds, golf courses, forest, conservation areas and governmental facilities.

#### **703.4 Prohibited Uses**

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

#### **703.5 Accessory Uses**

- A. Accessory uses and structures customarily incidental to any principal use located on the same lot.
- B. Living quarters for persons employed on the premises without cooking facilities, and not rented.
- C. Private garages and parking areas.
- D. Private swimming pools when they meet yard requirements for principal buildings and when adequately fenced.
- E. Incidental home occupation, provided that no stock or trading products are kept or commodity sold except that which is produced on the premises; roadside stands for sale of agricultural products produced on the premises.
- F. Office of a resident physician, architect or similar professional person when located within his dwelling, provided that no more than one person, not a resident in said dwelling, is employed in such office.

#### **703.6 Conditional Uses**

- A. Churches (with the provision that a Final Development Plan is approved by the Planning Commission).

#### **703.7 Lot, Yard and Height Requirements**

Minimum Lot Area	1 acre
Minimum ROW Frontage	100 feet
Minimum Width at Building Line	150 feet
Minimum Front Yard	50 feet
Minimum Rear Yard	75 feet
Least Side Yard	25 feet
Minimum Sum of Side Yards	50 feet
Maximum Building Height	35 feet

#### **703.8 Plats**

All plats for lots in the Rural Residential District shall state whether the lot fronts on a public or private road. For purposes of Section 703.11A (a) below, any division of a farm tract occurring after July 16, 1990, which fronts on an existing public road, shall be classified as a "lot on an existing public road".

#### **703.9 Locational Standards**

- A. Rural Residential District classification may be granted for parcels containing floodplains, slopes in excess of twelve percent (12%), high concentrations of

sink holes, sinkhole drainage areas, areas of Karst topography and aquifers or aquifer recharge areas, lakes, wooded lands, stone (rock) fences or designated historic structures if these features are specifically designated to be a part of the non-dwelling unit portion of the subject property.

- B. Public water shall be available to the subject site, with the providing utility verifying in writing of its ability to provide sufficient water service and water pressure to ensure an adequate supply for private use.
- C. Complete individual onsite sewage treatment systems must be appropriate for the subject site, with the Woodford County Health Department verifying in writing the suitability of the site for such systems, while retaining final approval of the proposed sewage treatment system. Furthermore, no proposed lot in the Rural Residential District containing less than five (5) acres shall be approved for a zone change under this section without first providing a sub-surface septic system approved by the Woodford County Health Department. Surface, Wetland, or other experimental on ground sewage treatment systems shall not meet this requirement on lots containing less than five (5) acres.
- D. Permitted development of rural residential should be in conformance with the Versailles-Midway-Woodford County Comprehensive Plan, its population projections and land use plan.

#### **703.10 Design Standards**

In addition to the requirements contained in the Versailles-Midway-Woodford County Subdivision Regulations, the following minimum standards shall be met in order to grant the designation of a Rural Residential District and approve the conceptual development plan. In cases of conflict between this ordinance and the Subdivision Regulations, this ordinance will take precedence.

- A. Privately owned streets may be permitted only with the dedication of a minimum right-of-way easement of thirty (30) feet, provided; however, it may be less than thirty (30) feet upon good cause shown and approval by the Planning and Zoning Commission. Any future streets prior to acceptance by the County must be upgraded to county standards at the expense of the homeowners or homeowners' association and any plat showing a street right-of-way of less than fifty (50) feet shall contain a note that the street is not suitable for acceptance into the Woodford County Road System.
- B. Driveway or new road (whether private or publicly dedicated) access onto a publicly maintained road shall be spaced a minimum distance of five hundred (500) feet from center to center of access, or as approved by the Woodford County Engineer or Kentucky Department of Transportation.
- C. Lots should be laid out to the greatest extent feasible to achieve the following objectives:
  - 1. On the most suitable soils for onsite sewage treatment systems (in unsewered areas only);
  - 2. On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural use;

3. Within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
  4. In locations least likely to block or interrupt scenic vistas, as seen from the public roadway (s);
- D. Sidewalks need not be constructed.
- E. For proposals containing four (4) or more lots, property perimeter screening/buffering shall be provided between residential and agricultural uses. This screening/buffering requirement recognizes that agricultural and residential zones may not be visually or functionally compatible. Thus, this screening/buffering requirement is intended to meet the following three objectives:
1. Screening/buffering shall provide for visual screening of the dwelling units from the public thoroughfares and adjacent properties.
  2. Screening/buffering serves to reduce the transfer of farm chemicals, lawn chemicals, pesticides, fertilizers and similar potentially dangerous substances from the adjoining agricultural land to the residential land or transfer from the residential land to the adjoining agricultural land.
  3. Screening/buffering greatly reduces other hazards and conflicts which are likely to occur when a residential zone abuts an agricultural zone. (For example, either zone may produce unpleasant odors, sound, and lighting which would likely have a negative impact on the adjoining zone).

The screening/buffering shall occur in a platted landscape buffer area. The landscape screening/buffer area shall be located on each lot. The landscape screening/buffer area shall be a minimum of fifty (50) feet wide where any proposed lot adjoins any property that is not zoned R.R. (Rural Residential). When a R.R. (Rural Residential) property owner purchases an adjoining, non-R.R. tract prior to the required installation of the screening/buffering on the earlier-acquired tract, the Planning Director may allow for deviation from the normal standards, so that the screening/buffering meets the three objectives with regard to public thoroughfares and neighboring properties yet allows for unfettered access by the owner across the contiguous tracts. When the acquisition of additional non-R.R. property occurs after the screening/buffering requirement has been met, the Planning Director may allow for partial removal or changes to the existing screening/buffering to allow access between the two contiguous tracts.

#### **ALTERNATIVE NATIVE SCREENING/BUFFERING**

When screening/buffering is required, the requirements of the design standards for screening/buffering will be considered to have been met by any conceptual development plan for a Rural Residential District so long as the

conceptual development plan satisfies all three screening/buffering objectives listed above, and the following special conditions:

Condition 1. All species planted must be native to Kentucky and need not be only trees. (Eastern Red-cedar, black locust, and blackberry briars have been proven effective on a wide variety of soils.) No one species shall be utilized for more than 25% of the proposed landscaping.

Condition 2. The alternative screening/buffering must exist, and continue to exist, on a platted screening/buffering area, minimum width 50 feet, though not necessarily on each individual lot. The only required maintenance is whatever maintenance may be necessary to allow the planted species to survive and mature and achieve the objectives listed above.

A one hundred fifty (150) foot building setback on the R.R. (Rural Residential) lot shall be required in any case where any proposed lot adjoins a property owner other than the applicant and that adjoining property owner's land is zoned either A-1, A-2, CO-1 or Rural Residential/Residual Farmland; or in any case where any portion of a proposed lot is within one hundred fifty (150) feet of a property owner other than the applicant and that adjoining property owners land is zoned either A-1, A-2, CO-1 or R.R./Residual Farmland. Otherwise, the minimum yard requirements for lots in the R.R. (Rural Residential) District shall be the same as set forth in Section 703.7. The required fifty (50) foot landscape buffer area can be within any required building setback area. These screening and setback requirements may be waived or modified by the Commission, upon good cause shown by the applicant or subsequent property owner. In evaluating good cause, the Commission shall consider such factors as pre-existing, vegetative buffering; natural topography; the history of past plantings; and poor soil conditions in general locations where buffers would otherwise be required to be placed. Any waiver or modification granted may thereafter be rescinded by the Commission upon a showing by the Planning Director that the pre-existing conditions have changed, and the requisite natural buffering no longer exists or is no longer adequate. In the event of such a finding by the Commission, the screening and setback requirements of this provision shall be deemed to control. No principal or accessory structures may be constructed within any designated landscape buffer area.

Property Perimeter Screens refer to plantings placed in the required landscape buffer areas and are used to minimize the impact between conflicting land uses. Acceptable plants shall meet opacity requirements and height requirements as defined herein. Potential plants shall be either large or medium evergreen shrubs; large evergreen trees; and may be combined with native grasses and seedlings or medium or large deciduous trees. The plants shall have a minimum opacity of 70% during the summer and 50% during other times of the year.

1. Plant Size and Spacing: All plants shall equal or exceed the minimum acceptable size as required. Plant height shall be measured before pruning with branches in normal position. All measurements will be taken at the time of planting. All deciduous trees shall have a minimum height of five (5) feet or a minimum caliper of 1". Evergreen trees shall be a minimum of 5 feet in height with a minimum 1" caliper. Species which are native to Kentucky and designated as such on the

Commission's species list (see item #6 below), may be planted as seedlings. No trees shall be planted within 30 feet of an adjoining property owner, other than the applicant. No one species shall be utilized for more than 25% of the proposed landscaping. Deciduous trees shall be spaced a maximum of 40 feet on center plus a continuous 6-foot-high planting, hedge, fence, or wall, or evergreen trees shall be spaced a maximum of 15 feet on center or fraction thereof and shall be deemed to meet the requirements for the above referenced trees and continuous planting.

2. Quality: All plant material shall be living plants and shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
3. Maintenance and Installation: All landscaping materials required under this section shall be installed in a sound, workmanship like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this Section at the time of installation shall be removed and replaced with acceptable materials. Landscape materials must be installed within six (6) months of occupancy. This time frame will allow the owner to choose the most appropriate time to plant trees and other landscaping to ensure the survival of the plants. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees. Violation of these installation and maintenance provisions shall be grounds for the Planning Director to require replacement of landscape material or institute legal proceedings to enforce the provisions of this Ordinance as set forth in Article III, Section 304.
4. Plan Submission and Approval: Whenever any property is affected by these landscape requirements, the property owner or developer shall submit a landscape plan to the Planning Commission at the time the Zone Change Application is filed. For any property, the landscape plan shall be prepared and sealed by a landscape architect licensed to practice in the State of Kentucky. The landscape architect shall certify the following statement by notation on the sealed plat: "The selected species are appropriate for the site as pertaining to the soil depth, soil fertility, and other relevant site evaluation factors." The requirements of this Ordinance shall be followed in approving or disapproving any landscape plan required by this Ordinance.

Plan Content - The contents of the plan shall include the following: (a) plot plan, drawn to an easily readable scale, showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings, and other structures, water outlets and landscape material (including botanical name and common name, installation size, on center planting dimensions where applicable, and quantities for all plants used) including at least one alternate species for each species selected; (b) title block with the pertinent names and addresses (property owner, person drawing plan, and person installing landscape material), scale, date north arrow (generally orient plan so that north is to top of plan), and zone.

5. Temporary Certificate of Occupancy and Certificate of Occupancy: A Temporary Certificate of Occupancy may be issued allowing the person responsible to install the required plant material during the next optimum planting period after initial occupancy. The period is to be determined by the Planning Director and shall not exceed six (6) months from the date of issuance of the Temporary Certificate of Occupancy. Where landscaping is required, no Certificate of Occupancy shall be issued until the required landscaping is completed as certified by an on-site inspection by the landscape contractor in the presences of the Planning Director.
  6. Plant Material List: A list of acceptable species of plants to be utilized in the landscape and buffer area shall be located in the Planning and Zoning office for public inspection. Consideration should be given to the adjoining property use since some species can be toxic to livestock. Other species than those listed may be selected, but prior approval must be obtained from the Planning Director.
- F. The submitted plan shall designate the location of those features identified in Section 703.10(A). The provisions of Article V, Section 503.4(F) shall apply to approved rural residential subdivisions.
- G. For proposals containing four (4) or more dwelling units, a fire hydrant shall be provided for the subject property which shall comply with the design standards for fire hydrants established under the Subdivision Regulations adopted by the Versailles-Midway-Woodford County Planning and Zoning Commission, which hydrants shall be for the purpose of refilling tank trucks only, unless the Woodford County Fire Protection District and the appropriate water district states in writing that such fire hydrant is not needed nor would same be a benefit to the residence dwelling units proposed.

#### **703.11 Permitted Development**

A farm shown as Planned A-2 and/or rural residential on an approved Comprehensive Plan Land Use Map shall be considered as one unit based on their acreage size as of July 16, 1990, and may be subdivided, upon being rezoned Rural Residential, in accordance with the following schedule or sliding scale;

A.	<u>Acres in Farm</u>	<u>Lot to be Sold*</u>
	15-30	2
	31-65	4
	66-99	7
	100- & above	10 (if any lot is on an existing public road) 15 (if the nearest property line of a new lot is at least 400' from the centerline of the existing public road)

1. \*Any division of land from a farm in an A-1 or CO-1 zone after July 16, 1990, which has been deeded and recorded or platted and recorded, shall be charged as a lot to be sold against the balance of the farm owned by the person making such divisions.
2. When a farm shown as Planned A-2 and/or Rural Residential on an approved Comprehensive Plan Land Use map is, at any time, divided in such a manner that further development rights as permitted under this ordinance exist, it shall be presumed absent a provision in the deed conveying such land that the remaining development rights are to be divided in proportion to the tract size deeded or retained; such proportional division shall always be rounded to the lowest whole number for purposes of applying the sliding scale. Further, nothing herein shall be construed to allow more Rural Residential lots to be developed from a farm than permitted by the sliding scale.
3. At the time a zoning map amendment is requested, for every proposed Rural Residential lot, Rural Residential/Residual farmland shall be reserved in accordance with a ratio of eighty percent (80% residual farmland) to twenty percent (20%) (residential lot) and the residual farmland so designated shall also be rezoned to Rural Residential; for example, for every one (1) acre contemplated to be developed as a residential lot, four (4) acres must also be rezoned to Rural Residential (Residual Farmland) and designated on the plat to be recorded as Rural Residential/residual farmland which cannot be further designated on the plat to be recorded as Rural Residential/residual farmland and which cannot be further developed for rural residential purposes and shall be utilized only in such manner as is permitted within the A-2 zoning classification as principal uses other than single family detached dwellings and their accessory structures. However, one existing farm dwelling or one proposed farm dwelling may be located on the residual farmland. If an existing farm dwelling, as of April 1, 1999 is to remain, which includes remodeling or rebuilding, or if a farm dwelling is to be constructed on the residual farmland that has not previously existed then one Lot to be Sold must be reduced from the sliding scale designated in 703.11 (A). In either case, it must be so noted and designated on the development plan, preliminary plan and final plat. If a farm residence (existing or proposed) is to be utilized on the residual farmland all residual farmland acreage up to and including thirty acres of the residual farmland must remain as one undivided parcel. Only one farm residence on the residual farmland will be permitted per application. The Rural Residential/residual farmland may be sold or transferred provided that the use restrictions for residual farmland continues to apply; except that, in those instances



where an existing farm dwelling or proposed farm dwelling has been selected in lieu of a lot to be sold, such would also become a permitted use. Rural Residential/residual farmland shall be clustered whenever possible to maximize its agricultural use.

4. Property zoned to A-2 but not zoned to Rural Residential or designated as Rural Residential/residual farmland may be utilized in any manner consistent with the uses allowed for A-1 property, including residential uses; provided however, that the proper density required under the ordinance is maintained.
  5. In the event any division is sought for a tract of land which contains thirty (30) acres or less for the purpose of creating a Rural Residential lot, the entire tract of land must be rezoned to Rural Residential to avoid creation of a non-conforming lot in the A-1 or A-2 districts. Further, no Rural Residential zone change shall result in a tract of land remaining in the A-2 zone which is less than thirty (30) acres.
  6. Rural Residential development as set forth in this section shall not be permitted for any farm on which a Small Community (A-4) District has been previously approved.
- B. No more than two new lots to be sold per farm may front on an existing public road; provided, however, that an existing residence which fronts on an existing road shall be allowed as a separate lot in addition to such new lots. These two lots to be sold must be a minimum of five (5) acres each. If the nearest property line of any new lots is within 400 feet of the centerline of an existing public road it shall be considered as "fronting on an existing public road" and must be a minimum of five acres.
- C. All Rural Residential lots developed under this schedule shall share a common entrance onto the prior existing public road and shall contain no more than one single family dwelling unit per lot.
- D. Where the acreage in the farm to be divided is one hundred (100) acres or more, then no more than eight (8) lots may receive a building permit in any one calendar year calculated from the date the plat of the lots is recorded in the Office of the Woodford County Clerk.
- E. The owner of the balance of any farm divided under this schedule shall be precluded from utilizing the in-family exception in Article II, Section 203, Agricultural Uses, or utilizing this schedule for the division of any of the remaining property in the farm.

#### **703.12 Procedure**

- A. The owner or owners of a tract of land which meets the required minimum lot size and location standards of this section shall submit to the Planning and Zoning Commission a zone change application with a preliminary development plan prepared in accordance with established subdivision regulation requirements and with this section of the Zoning Ordinance. The Preliminary Development plan shall indicate but not be limited to the following:

1. The size in acres of the farm tract as of July 16, 1990, for which the zone change request is made.
  2. A listing of every division to this farm tract made since July 16, 1990, identified by grantee and acreage. Copies of all deeds reflecting such division shall be submitted.
  3. The existing size in acres of the farm tract at the time the current zone change request is made.
  4. The number of acres to be a part of the current zone change request.
  5. A statement of the number of acres of the farm tract as of July 16, 1990, which remain eligible for a rural residential district zone change request.
  6. A Statement of Intent regarding which tract (s) retain the future development rights permitted by this ordinance.
- B. Following submission of the zone change request and conceptual development plan a public hearing shall be held and the request considered in accord with customary procedures.
- C. For proposals containing two or fewer lots, not including the parent farm, a prima facie application may be submitted by the applicant which shall show:
1. Water availability with written proof from either the appropriate water district or the Woodford County Board of Health as may be applicable. If utilizing public water, the water district must certify that water is available to provide sufficient water service and pressure to ensure an adequate supply for private use.
  2. An encroachment permit from the appropriate agency where the drive will be placed on either a County or State Road.
  3. Onsite sewage treatment system approval from the Woodford County Board of Health. Furthermore, no proposed lot in the Rural Residential District containing less than five (5) acres shall be approved for a zone change under this section without first providing a sub-surface septic system approved by the Woodford County Health Department. Surface, Wetland, or other experimental on ground sewage treatment systems shall not meet this requirement on lots containing less than five (5) acres.
  4. Evidence that the proposed development meets the dimensional requirements of the Rural Residential District.
- D. Proof of the above four items shall be prima facie proof that the proposed development is suitable for a zone change to Rural Residential and shall be so approved and recommended by the Planning and Zoning Commission without delay, and inaction by the Planning and Zoning Commission for a period of more than sixty (60) days from the first Planning and Zoning Commission meeting following submission of the completed application including Items 1

thru 4 of this section, Paragraph C, shall be deemed approval for recommendation to the Fiscal Court and shall be forwarded forthwith to the Fiscal Court for action.

- E. If, at a later date, additional tracts are subdivided from the original tract from which lots are approved pursuant to this section, then such additional tracts may not be approved pursuant to this section.
- F. For any prima facie application, the applicant shall submit a conceptual development plan that will indicate the applicant's intentions regarding further Rural Residential development including location of such Rural Residential lots and R.R./Residual Farmland. In the event that such a conceptual development plan is not submitted for a proposal containing two or less lots and the request is approved, the applicant shall be precluded from submitting another application for Rural Residential development for twelve (12) months from the date such prima facie application was approved by the Fiscal Court.

## **704 SMALL COMMUNITY DISTRICT (A-4)**

### **704.1 Preamble**

The purpose of the Small Community District (A-4) is to provide for limited low density residential expansion in rural settlements recognized by the Comprehensive Plan. The communities of Millville, Mortonsville, and Nonesuch, have through their residents, stated their desire to have the benefit of the Small Community Regulations to provide houses in those communities and in order to maintain a continued vitality, property values, and community spirit in those places.

### **704.2 Small Community Districts**

The Small Community District at Millville shall consist of all property located within a circle having its center at the intersection of McCracken Pike (KY 1659) and Watts Ferry Road (KY 1964), Coordinate Point: N 1474572.00000, E 226107.92200, with a radius of one and one half (1.5) miles; the Small Community at Mortonsville shall consist of all property located within a circle having its center at the intersection of Carpenter Pike (Clear Creek Road) and Delaneys Ferry Road (KY 1965), Coordinate Point: N 1494064.37525, E 1494064.37525, with a radius of one (1) mile; the Small Community at Nonesuch shall consist of all property located within a circle having its center at the intersection of Cummins Ferry Road and Fords Mill Road (KY 1965), Coordinate Point: N 1494635.50011, E 148307.30610 with a radius of one (1) mile. The Versailles-Midway-Woodford County Planning and Zoning Map shall reflect the above descriptions of the Small Communities of Millville, Mortonsville and Nonesuch.

No division of land in a Small Community District, into a tract smaller than thirty (30) acres, shall be made without prior zone change approval of the Planning and Zoning Commission and finding that the division is in compliance with all applicable requirements in an A-4 District, provided that in-family conveyances pursuant to Article II, definitions, Section 202, Agricultural Uses, are not subject to the requirements for this section.

Land designated for Agricultural Preservation as recognized in the Rural Policy Plan adopted June 13, 1991, shall not be permitted to be rezoned to A-4.

Small community (A-4) development as set forth in this section shall not be permitted for any farm, as defined in Section 703.2 of this ordinance, on which a Rural Residential (Rural Residential) development has been previously approved.

### **704.3 Principal Uses**

- A. Single family detached dwellings.
- B. General horticultural and non-commercial uses.

### **704.4 Accessory Uses**

Any use on the same lot and of a nature customarily incidental and subordinate to the principal use, shall be permitted as an accessory use in the Small Community District (A-4).

#### **704.4 Conditional Uses**

- A. Churches.
- B. Parks.
- C. Home Occupations.
- D. Bed and Breakfast Home, Bed and Breakfast Inn, and Bed and Breakfast Farmstay Establishments.
- E. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.

#### **704.6 Lot, Yard and Height Requirements**

Minimum Lot Area	1 Acre
Minimum ROW Frontage	150 feet
Minimum Lot Width at Building Line	150 feet
Minimum Front Yard	50 feet
Minimum Rear Yard	50 feet
Minimum Side Yard	15 feet
Maximum Building Height	35 feet

#### **704.7 Special Provisions**

- A. Approval of the A-4 Small Community Zoning District shall be contingent upon, but not limited to the following:
  - 1. If utilizing a public water source, certification by the Water District of its ability to provide sufficient water service and pressure to ensure an adequate supply for private use and fill-up for fire trucks; or  
  
If utilizing a private water source, certification approving the water supply by the Woodford County Health Department in accordance with Woodford County Board of Health regulations;
  - 2. Certification that a site evaluation for each of the lots has been completed by the Woodford County Health Department in accordance with Woodford County Board of Health regulations to ensure that individual on-site sewage treatment systems can be installed and used safely and efficiently for wastewater treatment. Furthermore, no proposed lot in the A-4 District containing less than five (5) acres shall be approved for a zone change under this section without first providing a sub-surface septic system approved by the Woodford County Health Department. Surface, Wetland, or other experimental on ground sewage treatment systems shall not meet this requirement on lots containing less than five (5) acres.
- B. Each lot occurring within the Small Community (A-4) zone shall be required to have frontage on county or state roads which exist as of the effective date of this amendment.

- C. Approved encroachment permit(s) for each lot proposed within the A-4 zone shall be required prior to the approval of the zoning district to ensure that entrances can be installed and used safely and efficiently for vehicular ingress and egress.
- D. In cases where portions of the property fall outside the radius, eighty percent (80%) of the property must lie within the radius.
- E. It shall be provided that in-family conveyances shall be permitted at a density that shall not exceed one (1) dwelling for each five (5) acres. In-family conveyance shall be defined as a tract to be continuously occupied by an immediate family member. It shall be comprised of a lot no smaller than one (1) acre in size, with access to an existing public road through an existing private driveway to be shared with the original residence, through a platted and recorded access easement of fifteen (15) feet, or, the in-family lot can be comprised of a lot no smaller than five (5) acres in size with frontage on an existing public road or if the nearest property line of any new lot is within four hundred (400') feet of the centerline of an existing public road; with a limit of no more than two (2) in-family lots fronting on an existing public road and sharing a common entrance; and which meets all health and sanitation regulations in effect contained herein, and provided further that the number of lots be limited to one lot in Woodford County per each immediate family member's lifetime and that such family member shall hold title to the tract so conveyed for at least five (5) years, if said conveyance is made to a minor, the five (5) year restriction for holding title begins when the minor turns eighteen (18), and should the family member, within five (5) years, re-convey the tract to anyone other than to the person or persons from whom it was received, then such deed of re-conveyance shall be void, and provided further, that all such deeds from a farm owner to a family member shall contain a restrictive covenant stating clearly the five (5) year restriction for holding title and stating that any conveyance prior to said five (5) years shall be void, and any deed from a farm owner be provided further that in the case of a judicial sale the restriction on re-conveyance shall not apply. On farms where in-family conveyances are permitted, all lots shall be counted against the sliding scale of "Lots to be Sold" as defined in Section 703.11 (A). In no case shall any farm of 100 acres or more be permitted to have more than fifteen (15) in-family conveyance lots.

## **705 LOW DENSITY-SINGLE FAMILY RESIDENTIAL (R-1A)**

### **705.1 Intent**

These zones are established to provide for single family detached residences and supporting uses. The zones should be located in areas of the community where services and facilities will be adequate to serve the anticipated population.

### **705.2 Principal Uses**

- A. Single family detached dwellings.
- B. Customary general horticulture uses and buildings including non-commercial greenhouses.

### **705.3 Accessory Uses**

- A. Accessory uses and structures customarily incidental to any permitted principal uses located on the same lot therewith.
- B. Private garages and parking areas.
- C. Living quarters without cooking facilities and not rented, for employees of the premises.
- D. Private swimming pools not to exceed eight and one half (8) feet in height and located no closer than eight (8) feet from the side and/or rear lot lines, when they meet yard requirements for principal buildings and when adequately fenced to prevent the free access of small children.
- E. Agricultural structures.
- F. Home Office.

### **705.4 Conditional Uses**

- A. Home Occupation.
- B. Churches and Sunday school buildings.
- C. Parks, playgrounds, and golf courses.
- D. Schools for Academic Instruction.
- E. Cemeteries.
- F. Family Child Care

### **705.5 Prohibited Uses**

All uses, other than those listed as principal, accessory, or conditional uses or substantially similar to principal accessory, or conditional uses shall be prohibited.

#### **705.6 Lot, Yard, and Height Requirements**

Minimum Lot Size	15,000 square feet
Minimum ROW Frontage	50 feet
Minimum Width at Building Line	100 feet
Minimum Front Yard	35 feet
Minimum Side Yard	8 feet
Minimum Sum of Side Yard	20 feet
Minimum Rear Yard	50 feet
Maximum Height of Building	35 feet
Maximum Density	Not to exceed four (4) units per gross acre

#### **705.7 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.



## **706 SINGLE FAMILY RESIDENTIAL (R-1B)**

### **706.1 Intent**

Same as for R-1A (See 705.1)

### **706.2 Principal Uses**

Same as for R-1A (See 705.2)

### **706.3 Accessory Uses**

Same as for R-1A (See 705.2)

### **706.4 Conditional Uses**

Same as for R-1A (See 705.4)

### **706.5 Prohibited Uses**

All uses, other than those listed as principal, accessory, or conditional uses or substantially similar to principal accessory, or conditional uses shall be prohibited.

### **706.6 Lot, Yard, and Height Requirements**

Minimum Lot Size	10,000 square feet
Minimum ROW Frontage	50 feet
Minimum Width at Building Line	80 feet
Minimum Front Yard	30 feet
Minimum Side Yard	8 feet
Minimum Sum of Side Yards	20 feet
Minimum Rear Yard	35 feet
Maximum Height of Building	35 feet
Maximum Density	Not to exceed four (4) units per gross acre.

### **706.7 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.

## **707 SINGLE -FAMILY RESIDENTIAL (R-1C)**

### **707.1 Intent**

Same as for R-1A (See 705.1)

### **707.2 Principal Uses**

Same as for R-1A (See 705.2)

### **707.3 Accessory Uses**

Same as for R-1A (See 705.2)

### **707.4 Conditional Uses**

Same as for R-1A (See 705.4)

### **707.5 Prohibited Uses**

All uses, other than those listed as principal, accessory, or conditional uses or substantially similar to principal accessory, or conditional uses shall be prohibited.

### **707.6 Lot, Yard and Height Requirements**

Minimum Lot Size	7,500 square feet
Minimum ROW Frontage	50 feet
Minimum Width at Building Line	60 feet
Minimum Front Yard	25 feet
Minimum Side Yard	8 feet
Minimum Sum of Side Yards	18 feet
Minimum Rear Yard	35 feet
Maximum Height of Building	35 feet
Maximum Density	Not to exceed four (4) units per gross acre.

### **707.7 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.

## **708 TWO FAMILY RESIDENTIAL (R-2)**

### **708.1 Intent**

This zone is primarily for low density multiple family dwellings. This zone should be in locations where necessary services and facilities will be adequate to serve the anticipated population.

### **708.2 Principal Uses**

- A. Single family dwellings.
- B. Two family dwellings having a common wall and no more than two dwelling units shall be attached. Only one two-family dwelling shall be permitted on each lot.

### **708.3 Accessory Uses**

- A. Accessory uses and structures customarily incidental to any permitted principal uses located on the same lot therewith.
- B. Private garages and parking areas.
- C. Private swimming pools not to exceed eight and one half (8) feet in height and located no closer than eight (8) feet from the side and/or rear lot lines, when they meet yard requirements for principal buildings and when adequately fenced to prevent the free access of small children.

### **708.4 Conditional Uses**

- A. The permitted conditional uses in the R-1A zone. (See 705.4)
- B. Private clubs, lodges, social, charitable, and recreational buildings.
- C. Family Child Care.
- D. Commercial Sewing Business.
- E. Funeral Homes when adjoining a business zone.
- F. Bed and Breakfast Home and Bed and Breakfast Inn (Versailles Only).
- G. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments (Versailles Only).

### **708.5 Prohibited Uses**

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

#### **708.6 Lot, Yard and Height Requirements**

Minimum Lot Size	8,000 square feet (Single family dwelling) 12,000 square feet (Two family dwelling)
Minimum ROW Frontage	50 feet
Minimum Width at Building Line	70 feet
Minimum Front Yard	25 feet
Minimum Each Side Yard	8 feet
Minimum Sum of Sides	18 feet
Minimum Rear Yard	35 feet
Maximum Height of Building	Two (2) stories or 35 feet
Maximum Density	Not to exceed eight (8) units per gross acre

#### **708.7 Other Requirements**

Parking - See Article VI

Signs - See Article V, Section 508.

## **709 MEDIUM DENSITY RESIDENTIAL (R-3)**

### **709.1 Intent**

This zone is primarily for multi-family dwellings and other residential uses. This zone should be in locations where necessary services and facilities will be adequate to serve the anticipated population.

### **709.2 Principal Uses**

- A. Single Family Dwellings
- B. Townhouses. (See Special Provisions, 709.7)
- C. Dormitories adjoining schools for academic instruction owned thereby and operated in connection therewith.
- D. Child Care Centers
- E. Multiple Family Dwellings
- F. Duplex, Twinhome

### **709.3 Accessory Uses**

- A. Accessory uses and structures customarily incidental to any permitted principal uses located on the same lot therewith.
- B. Private garages and parking areas.
- C. Private swimming pools not to exceed eight and one half (8) feet in height and located no closer than eight (8) feet from the side and/or rear lot lines, when they meet yard requirements for principal buildings and when adequately fenced to prevent the free access of small children.

### **709.4 Conditional Uses**

- A. The permitted conditional uses in the R-2 zone. (See 708.4)
- B. Offices of civic committees or charitable organizations.
- C. Fraternity and sorority houses.
- D. Assisted Living Facilities. (See 509 & 709.7)
- E. Bed and Breakfast Home and Bed and Breakfast Inn (Versailles & Midway Only).
- F. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments (Versailles & Midway Only).

### **709.5 Prohibited Uses**

All uses other than those listed as principal, accessory, or conditional uses or

substantially similar to principal, accessory, or conditional uses shall be prohibited.

#### **709.6 Lot, Yard, and Height Requirements**

Minimum Lot Size	6,000 square feet
Minimum ROW Frontage	50 feet
Minimum Width at Building Line	60 feet
Minimum Front Yard	25 feet
Minimum Each Side Yard	1-1.5 stories = 5 feet 2-2.5 stories = 6 feet 3 stories = 8 feet
Minimum Sum of Sides	1-1.5 stories = 12 feet 2-2.5 stories = 14 feet 3 stories = 18 feet
Minimum Rear Yard	1.5 stories = 30 feet 2-2.5 stories = 35 feet 3 stories = 40 feet
Maximum Height of Building	3 stories or 40 feet
Minimum Usable Open Space	20%
Maximum Lot Coverage	25% and a floor area ratio of 0.5
Maximum Density	Not to exceed eight (8) units per gross acre.

#### **709.7 Special Provisions**

- A. Lot, yard, and height requirements for Townhouses shall be as required in Article V, Section 502, Townhouse Requirements.
- B. Lot, yard, and height requirements for Two Family Dwellings shall be as required by R-2. (See 708.6)
- C. Lot, yard, and height requirements for Assisted Living Facilities shall be as required in Article V, Section 509.

#### **709.8 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.

## **710 HIGH DENSITY RESIDENTIAL (R-4)**

### **710.1 Intent**

This zone is primarily for multi-family dwellings but at a higher density than the R-3 zone. The R-4 zone should be at locations in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

### **710.2 Principal Uses**

The principal permitted uses in the R-3 zone. (See 709.2)

### **710.3 Accessory Uses**

The permitted accessory uses in the R-3 zone. (See 709.3)

### **710.4 Conditional Uses**

The permitted conditional uses in the R-3 zone (See 709.4)

### **710.5 Prohibited Uses**

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

### **710.6 Lot, Yard, and Height Requirements**

Minimum Lot Size	6,000 sq. ft.
Minimum ROW Frontage	50 feet
Minimum Width at Building Line	50 feet
Minimum Front Yard	20 feet
Minimum Side Yard	Building height 30 feet = 5 feet Building height 35 feet = 10 feet Building height 40 feet = 15 feet Building height 45 feet = 20 feet Building height 50 feet = 25 feet
Minimum Sum of Sides	Building Height 30 feet = 10 feet Building Height 35 feet = 22 feet Building Height 40 feet = 34 feet Building Height 45 feet = 44 feet Building Height 50 feet = 50 feet
Minimum Rear Yard	Equal to the height of the building built not less than 30 feet or more than 80 feet. Add 5 feet to side yard requirements for each additional story.
Maximum Height of Building	Equal to the distance from the center line of the street.
Minimum Usable Open Space	20%
Maximum Lot Coverage	30% and a floor area ratio of 0.7.
Maximum Density	Not to exceed sixteen (16) units per gross acre.

#### **710.7 Special Provisions**

- A. Lot, yard, and height requirements for Townhouses shall be as required in Article V, Section 502, Townhouse Requirements.
- B. Lot, yard, and height requirements for two-family dwellings shall be as required by R-2. (Section 708.6)
- C. Lot, yard and height requirements for assisted living facilities shall be as required in Article V, Section 509.

#### **710.8 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.



## **711 MOBILE HOME DISTRICT (M-1)**

### **711.1 Intent**

The Intent of the Mobile Home District is to permit the establishment of mobile home parks in areas providing a residential setting and convenient to major traffic arterials. In attempting to preserve the residential quality of this district, recognition is given to the change in character of the mobile home in terms of size, design, and function and to the present trend in mobile home living as a semi-permanent place of residence. Residents in these districts need the same amenities, services and protection generally associated with and provided for residential dwelling districts, including proximity to elementary schools, churches, and shopping centers in an area relatively free from the noise and congestion of commercial and industrial use. Because of their unusual characteristics, Mobile Home Parks pose special problems in the application of land use control techniques and require special consideration as to their proper location and character in relation to adjacent uses and to the development of the area and as to the circumstances and conditions under which each such use may be permitted. The standards contained in this provision represent an attempt to provide adequate protection for, and consideration of, both the community and the mobile home dweller.

### **711.2 Scope**

No mobile home or trailer shall be parked or maintained and used as a dwelling unit on any lot or tract of land other than one located in an "M-1" district and approved as a mobile home park by the Planning Commission except that in any "I" district not more than one (1) mobile home or trailer for each establishment may be occupied as sleeping quarters for a caretaker or watchman, and in any A-1 district any number of mobile homes or trailers may be occupied as a residence provided that they meet the following requirements.

- A. That one or more of the occupants thereof are employed in agricultural activity on the farm on which such mobile home or trailer is located; or that the occupants thereof are the immediate family members of the farm owner.
- B. That any such mobile home shall meet the same yard requirements as required for a dwelling.
- C. That water supply and sewage disposal system has been approved by the County Health Officer.
- D. That it is placed on a solid foundation and is underpinned.
- E. That all density requirements are met in all aspects of the definitions of "Agricultural Uses" and "Mobile Homes in Agricultural Districts" as stated in Article II, Section 203.
- F. That such mobile home shall be owned by the farm owner or, in the event the mobile home is occupied by an immediate family member(s), that such mobile home be owned by one or more of the immediate family members(s) occupying same. In the event that the immediate family member(s) who owns the mobile home ceases to occupy the mobile home, then that mobile home must, within thirty (30) days from the date it is vacated, either be removed from the farm property or ownership of the mobile home must be placed in the farm owner's name.

- G. That the farm owner shall receive nothing of value for rent, other than labor services which are provided by the occupant (s) of said mobile home or trailer.
- H. That the farm owner shall sign and file with the Planning Commission Office an affidavit upon application of a Building Permit and each year thereafter that said owner is in compliance with (A) through (G) above as well as all aspects of Article II, Section 203 Definitions "Agricultural Uses" and "Mobile Homes in Agricultural Districts".

### **711.3 Principal Uses**

- A. Mobile home parks, provided that they conform to the requirements of this section.
- B. Two-family dwellings, provided that they conform to the height, area and yard requirements of the "R-2" Residence District. (See 708.6)

### **711.4 Accessory Uses**

Those accessory uses and structures customarily accessory and incidental to any permitted principal use.

### **711.5 Conditional Uses**

- A. Incidental accessory retail uses such as barber and beauty shops, news and novelty stands, snack bars and commissaries conducted solely for the convenience of the residents of any mobile home park containing one hundred fifty (150) or more mobile homes when located wholly within a main building with access only to an interior arcade or open court and having no exterior display space or identification sign visible from any adjacent public right-of-way, and provided that such uses do not exceed a total of twenty five hundred (2500) square feet in area as may be permitted by the Board of Adjustment.
- B. Day Nurseries, Nursery Schools and Child Care Centers, when located within a main building and conducted solely for the convenience of the resident of the mobile home park and provided that there is established and maintained in connection therewith, a suitable fenced and screened play lot meeting the requirements of the ordinance.
- C. Swimming pools, when accessory to a mobile home park and intended solely for the use of the residents thereof.
- D. Meetings Rooms and Community Centers when located within the main building and intended solely for the use of the residents for the mobile home park in which located.

### **711.6 Procedure**

Before any mobile home park is established and before any buildings for mobile home park use are erected, the applicant for such use shall submit a site or development plan to the Planning Commission which shows thereon the area and dimensions of the proposed mobile home park, the location of all points of ingress and egress, the width and location of all driveways, the location of all mobile home spaces, drying areas, recreational areas, required setbacks, and other building lines, the location and type of landscaping proposed, and such mobile home park shall be required to conform to

the following standards.

A. Development Standards

1. A mobile home park shall have a minimum of two hundred (200) feet of frontage on a street designated on the official Major Thoroughfare Plan as an arterial or collector street and shall have its principal access to and from said street.
2. The principal access to and from a mobile home park shall be at a location where traffic congestion does not exist at the present on the street or streets to be utilized for access to the proposed mobile home park, and the possibility of such congestion in the future shall be minimized by provision in the required site or development plan for proper entrances and exits and by internal provisions for traffic circulation and parking.
3. Each proposed mobile home park site shall be free from objectionable smoke, odors and noise, shall be well drained and properly graded to ensure rapid drainage, shall have available an adjacent public water supply and public sanitary sewer service, and shall be located so as to provide for the availability of community facilities and services such as schools, parks, shopping facilities, and police and fire protection.

B. Design Standards

1. All new mobile home parks shall have a minimum site area of ten (10) acres. There shall be no area limitation on additions to existing parks containing fifty (50) or more mobile home spaces.
2. There shall be a minimum of five thousand (5000) square feet for each mobile home space and a maximum overall density of eight (8) units per gross acre.
3. Each mobile home space shall have a minimum of twenty (20) feet of frontage on an improved access road or driveway and the average width of all spaces shall not be less than forty (40) feet.
4. Each mobile home shall be located at least ten (10) feet from any access road or driveway and at least twenty (20) feet from any other mobile home, except that the end-to-end clearance between mobile homes may be twenty (20) but not less than fifteen (15) feet. This end-to-end clearance shall not be required for units which are staggered or off set and which meet the minimum side yard requirements.
5. Each mobile home shall be located at least twenty (20) feet from any service building or area within the mobile home park, at least ten (10) feet from any property line, and at least twenty (20) feet from any street or dedicated right-of-way.
6. All access roads and driveways within a mobile home park shall be paved to a width of not less than twenty-six (26) feet and shall be improved in accordance with the requirements of the Administrative Official and the City or County Engineer.

7. There shall be provided along one (1) side of each access road or driveway a sidewalk not less than three (3) feet in width to provide for pedestrian circulation throughout the mobile home park.
8. A greenbelt planting strip at least ten (10) feet in width shall be provided along all boundaries of the mobile home park. Such greenbelt shall be landscaped with deciduous and/or evergreen trees and shrubs in a manner approved by the Planning Commission.
9. No mobile home shall be located closer to any other district than the rear yard required for such district, and in no case less than twenty-five (25) feet from such district.
10. All areas not used for mobile home spaces, access, parking circulation or service buildings and recreation areas shall be completely and permanently landscaped, and the entire site shall be maintained in good condition.
11. There shall be provided on the same space with the mobile home, or on a lot contiguous thereto, at least two (2) parking spaces.
12. No accessory building shall be constructed as a permanent part of a mobile home or trailer nor shall any other device be attached to a trailer other than a cloth or metal awning or similar temporary device.
13. Cabanas, ramadas and other similar permanent structures may be erected in conjunction with a trailer parking space and will not be closer to any other such structure or any mobile home, other than the one it is intended to serve, than the minimum distance required between mobile homes.
14. There shall be a minimum of fifty (50) spaces completed and ready for occupancy before a Certificate of Occupancy is issued by the Administrative Official to ensure completion of all improvements required for aforesaid fifty (50) spaces.
15. Each mobile home space shall have sanitary sewer service available before a Certificate of Occupancy is issued by the Building Inspector.
16. All provisions for water supply, laundry, sewage and fire protection to be provided on any mobile home park shall have been approved by the appropriate City, County or State officer or agency.
17. No vehicular entrance to or exit from any mobile home park shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children, except where such building or property is in another block or fronts on a street on which such park will have no entrance or exit.
18. Maximum height permitted in this district is twenty-five (25) feet.

### **711.7 Non-conforming Mobile Homes and Mobile Home Parks**

It is further provided that existing mobile home parks legally operating at the time of passage of this ordinance may continue to operate but shall be required to maintain a lot size of at least two thousand four hundred (2,400) square feet for all additions per existing mobile home and five thousand (5,000) square feet for all additions and comply with other provisions of this ordinance. Existing occupants will be allowed to remain, but as the occupants move out, no new residents will be permitted until a new resident can be located on a lot comprising of at least five thousand (5,000) square feet.

### **711.8 Other Requirements**

Parking -See Article VI.

Sign -See Article V, Section 508.

### **711.9 Temporary Uses of Mobile Homes**

- A. Permitting mobile homes for the purpose of construction trailers on premises.
  - 1. A temporary permit may be granted by the Board of Adjustment for one (1) or more mobile homes to be located on the tract of land subject to construction, to be used as a construction office for a period of one (1) year with extensions of six (6) months if the builder maintains active, continuous construction within the tract where such mobile structure is located; however, in no case shall more than two (2) such extensions be granted absent of showing an extreme hardship or need.
  - 2. Issuance of a permit under this provision prohibits the use of a mobile home for living quarters.
  - 3. The structures must be removed from the tract within thirty (30) days after completion of the project, voluntary suspension of work, revocation or expiration of building permit, or by order of the Building Inspector upon finding the structure hazardous to the public health, safety, and welfare.
  - 4. Structures may not be located closer than twenty-five (25) feet to a property line of any adjacent property.
  - 5. Mobile homes for the purpose of use as construction trailers may be allowed in all zones so long as a temporary permit is obtained.
- B. Permitting mobile homes in residential districts during construction of a permanent single-family dwelling.
  - 1. A temporary permit may be granted by the Board of Adjustment for one (1) mobile home for the use as a temporary residence by the owner of the tract of land on which it is placed if the mobile home is to be occupied by the owner of the tract of land during the active construction of a permanent single-family residence on said tract of land.

2. A temporary permit may be granted by the Administrative Official for one (1) mobile home to be used temporarily for emergency housing after fire, flood, or other natural disaster in which the existing single-family dwelling is inhabitable and only where such dwelling is to be rebuilt or repaired.
3. A temporary permit may be issued for a period not to exceed six (6) months. Extensions of six (6) months may be granted so as no more than two (2) such extensions are granted and so long as progress of construction activity can be shown.
4. Such use shall be allowed only on a lot where a single family detached dwelling is permitted by provision of this ordinance.
5. Occupancy shall be allowed only if the applicant submits an adequate site plan, proposed water supply, proposed method of sewage treatment approved by the Health Department and meets requirements of any other agency having jurisdiction over the project.
6. Occupancy shall terminate immediately upon completion or occupancy of the dwelling on the same lot. The mobile home shall be removed within thirty (30) days of occupancy of the dwelling.

## **712 PROFESSIONAL OFFICE (P-1)**

### **712.1 Intent**

This zone is primarily for offices and related uses. Retail sales are prohibited except where directly related to office functions.

### **712.2 Principal Uses**

- A. Administrative, Executive, and editorial offices.
- B. Medical and dental offices and clinics.
- C. Hospitals.
- D. General business and professional offices provided that there be no merchandise sold or offered for sale on the premises.
- E. Real estate and insurance offices.
- F. Governmental office buildings, post offices, telephone exchanges, general research and medical laboratories not involving a manufacturer of fabrication or sales or products; providing that also that such research is not obnoxious or offensive to nearby areas.
- G. Radio and television stations.
- H. Business College, Technical, or Trade Schools.
- I. Theatrical, studio, art galleries, museums, libraries.
- J. Funeral homes.
- K. Schools for Academic Instruction.
- L. Religious institutions, assembly halls, gymnasiums, and community centers.

### **712.3 Accessory Uses**

- A. Those accessory uses and structures customarily accessory and incidental to any permitted principal use, including a helicopter medical ambulance service where operated as an accessory use to and on the same premises as a hospital provided that such service is limited to no more than one helicopter on the premises, that there are no on-site fueling nor other support facilities and that all necessary State and Federal approvals have been obtained.
- B. Residential (2<sup>nd</sup> story and above) - See 712.7 below.

### **712.4 Conditional Uses**

- A. Incidental accessory retail uses such as prescription filling, barber and beauty shops, gift shops, flower shops and snack bars conducted for the convenience of the employees, patrons, patients, visitors, on the premises provided that

such establishments are clearly accessory and incidental to the primary use of the property and do not attract business from other than the site on which it is located.

- B. Fraternities, sorority houses, dormitories, when adjoining public schools for academic instruction.
- C. Veterinarian and animal hospitals when all structures and/or areas intended for such use are located at least one hundred (100) feet from any residential district.
- D. Drive-thru banks and building and loan associations.
- E. Day nurseries, nursery schools, and childcare centers.
- F. Private clubs and lodges.
- G. Parking lot or garage.
- H. Bed and Breakfast Home and Bed and Breakfast Inn.
- I. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.

#### **712.5 Prohibited Uses**

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

#### **712.6 Lot, Yard, and Height Requirements**

Minimum Lot Size	5,000 square feet
Minimum ROW Frontage	50 feet
Minimum Width at Building Line	50 feet
Minimum Front Yard	30 feet
Minimum Side Yard	10 feet
Minimum Sum of Sides	22 feet
Minimum Rear Yard	20 feet or twenty percent (20%) of lot depth, whichever is greater.
Maximum Lot Coverage	Thirty five percent (35%) with a floor area ratio of 1.25.
Maximum Height of Building	3 stories or 40 feet

#### **712.7 Special Provisions**

- A. Lot, yard and height requirements for residential shall be as required by R-4 (See 710.6).

#### **712.8 Other Requirements**

Parking - See Article VI.  
Signs - See Article V, Section 508.



## **713 NEIGHBORHOOD BUSINESS (B-1)**

### **713.1 Intent**

This zone is intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. Generally, they should be planned facilities and should be oriented to the residential neighborhood and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic.

### **713.2 Principal Uses**

- A. Retail business and service establishments including grocery stores, self-laundries, laundry and dry-cleaning pick-up stations where no laundry or dry cleaning is done on the premises.
- B. Meat, fruit, and vegetable markets.
- C. Drug and hardware stores.
- D. Personal Service Establishments.
- E. Athletic Club Facility.
- F. Professional offices.
- G. Banks, building and loan associations.
- H. Indoor theaters.
- I. Micro-Brewery ONLY.
- J. Bed and Breakfast Home and Bed and Breakfast Inn.
- K. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.

### **713.3 Accessory Uses**

Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.

### **713.4 Conditional Uses**

- A. Automobile filling stations, restaurants, cafes, and soda fountains.
- B. Medium Density Residential. (See Special Provision 713.7)
- C. When abutting and accessible from State and Federal highways the following may be permitted: drive-in eating and drinking establishments, a restaurant or café, bowling alleys, billiards & pool halls, motels or hotels, and public garages for minor repairs only.

### **713.5 Prohibited Uses**

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal accessory, or conditional uses shall be prohibited.

### **713.6 Lot, Yard, and Height Requirements**

Minimum Lot Size	No limitation
Minimum ROW Frontage	50 feet
Minimum Width at Building Line	No limitation
Minimum Front Yard	25 feet
Minimum Each Side Yard	No limitation except on lots adjacent to residential districts. In such a case, the B-1 parcel shall conform on the adjacent side yard to the requirements of the residential district.
Minimum Rear Yard	20 feet
Maximum Height of Building	2 2 stories or 25 feet
Minimum Useable Open Space	No limitation
Maximum Lot Coverage	No limitation

### **713.7 Special Provisions**

- A. Lot, Yard, and Height Requirements for Medium Density Residential shall be as required by R-3. (See 709.6)

### **713.8 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.

## **714 CENTRAL BUSINESS DISTRICT (B-2)**

### **714.1 Intent**

This zone is intended to accommodate existing and future development in the Central Business District.

### **714.2 Principal Uses**

- A. Any use permitted in the B-1 zone, except as follows: filling stations, public garages, any business that consists primarily of a wholesale storage, warehousing, or manufacturing nature and any similar use which in the opinion of the Board of Adjustment would be detrimental to the orderly development of the Central Business District.
- B. High density residential in 2<sup>nd</sup> story and above
- C. Micro-Brewery/Class B Distiller
- D. Bed and Breakfast Home and Bed and Breakfast Inn.
- E. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.

### **714.3 Accessory Uses**

Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.

#### **A.4 Conditional Uses**

- A. Parking garages and filling stations.
- B. 1<sup>st</sup> Floor residential.
- C. Hotels and Motels (See 714.7B Special Provisions)

### **714.5 Prohibited Uses**

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

### **714.6 Lot, Yard and Height Requirements**

Minimum Lot Size	Not applicable
Minimum ROW Frontage	Not applicable
Minimum Width at Building Line	Not applicable
Minimum Front Yard	Not applicable
Minimum Each Side Yard	Not applicable
Minimum Rear Yard	Not applicable
Maximum Height of Building	60 feet

#### **714.7 Special Provisions**

- A. Lot, Yard, and Height Requirements for High Density Residential shall be as required by R-4. (See 710.6)
- B. Off-Street parking is required for Hotels and Motels at a ratio of one (1) space per suite, plus one (1) for each employee on maximum shift, with a minimum of five (5) spaces.

#### **714.8 Other Requirements**

Parking -See Article VI.

Signs - See Article V, Section 508.

## **716 HIGHWAY BUSINESS DISTRICT (B-4)**

### **716.1 Intent**

This zone is intended to provide for retail and other uses which are necessary to the economic vitality of the community but may be inappropriate in other zones. Special consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs.

### **716.2 Principal Uses**

- A. Those uses permitted in the B-1 District, including motels, filling stations, restaurants, building supplies, lumber yards, produce stands, new and used automobile sales, and public garages.
- B. Animal hospitals, veterinarian clinics and kennels.
- C. Commercial greenhouses, and plant nurseries, garden centers including offices and sales yards.
- D. Drive-thru eating and drinking establishments.
- E. Outdoor and indoor display and sales of farm implements, contractors' equipment, and mobile homes.
- F. Car-washing establishments provided that surface water from such use shall not drain onto adjacent property or over a public sidewalk, and that adequate on site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
- G. Any other uses which are determined by the Board of Adjustment to be of the same general character as the permitted principal uses which will not be detrimental to the district in which they are located or to neighboring districts.
- H. Micro-Brewery/Class B Distiller
- I. Bed and Breakfast Home, Bed and Breakfast Inn, and Bed and Breakfast Farmstay Establishments.
- J. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.

### **716.3 Accessory Uses**

Uses and structures which are customarily accessory to the principal uses permitted.

### **716.4 Conditional Uses**

- A. Recreational activities such as:
  - 1. Billiards or pool halls
  - 2. Athletic club facilities

3. Skating rinks
4. Theaters
5. bowling alleys

B. Climate controlled personal indoor storage facilities, if in compliance with the following:

1. Located in an existing structure consisting of greater than 80,000 square feet of space;
2. Individual unit doors are not visible from any street or road; and
3. Used for individual personal storage (not industrialized commercial storage.)

#### **716.5 Prohibited Uses**

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

#### **716.6 Lot, Yard, and Height Requirements**

Minimum Lot Size	Not applicable
Minimum ROW Frontage	50 feet
Minimum Width at Building Line	40 feet
Minimum Front Yard	30 feet
Minimum Side Yard	Not applicable
Minimum Rear Yard	30 feet
Maximum Height of Building	50 feet
Minimum Usable Open Space	No limitation
Maximum Lot Coverage	No limitation

#### **716.7 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.

## **717 HIGHWAY INTERCHANGE SERVICE BUSINESS (B-5)**

### **717.1 Intent**

The intent of the Interchange Service Business (B-5) zone is to permit the establishment of limited commercial facilities at limited access highway interchange areas so that the traveling public is conveniently provided with transient type services without endangering the movement along, as well as access to and from, the limited access highway. The standards contained in this article are intended to provide adequate protection for, and consideration of the traveling public.

### **717.2 Principal Uses**

- A. Automobile service stations.
- B. Restaurants, cafes, and cafeterias.
- C. Hotels or Motels.
- D. Convenience type stores provided that the primary items sold or rented are gasoline, household items, or food products for human consumption provided that the stores gross square footage floor area does not exceed four thousand (4000) square feet.
- E. Candy store.
- F. As adopted by the City of Midway, drive through restaurants provided inside seating is also available.
- G. As adopted by the City of Midway, commercial facilities designed to attract consumers from outside the immediate service area such as an outlet mall, factory outlet store, single product, or single manufacture store, not primarily designed to offer services or retail products to the community, and further that any development in the B-5 zone shall require the proposal to be a planned development requiring a site plan with uses being reviewed and approved by the Planning Commission.
- H. Retail Business and Services Establishments.
- I. Business and Professional Offices. (See P-1)
- J. Government Offices.
- K. Artisanal Workshops, including retail sales, storage and gallery space on premises.
- L. Computer repair, manufacturing, training.
- M. Business College, Technical or Trade School, and Schools for Academic Instruction.
- N. Athletic Club Facility.

- O. Mail Order Business.
- P. Micro-Brewery/Class B Distiller.

**717.3 Accessory Uses**

Swimming pools and meeting rooms when accessory to motels or hotels and other uses which are customarily accessory and incidental to any permitted principal use.

**717.4 Conditional Uses**

None

**717.5 Prohibited Uses**

All uses, other than those specifically named as permitted uses, shall be prohibited in the B-5 zone.

**717.6 Lot, Yard and Height Requirements**

Minimum Lot Size	No applicable
Minimum ROW Frontage	50 feet
Minimum Width at Building Line	40 feet
Minimum Front Yard	30 feet
Least Side	Not applicable
Minimum Sum of Sides	Not applicable
Minimum Rear Yard	30 feet
Maximum Building Height	Not applicable

**717.7 Other Requirements**

Parking -See Article VI.

Signs - See Article V, Section 508.



## **718 LIGHT INDUSTRIAL (I-1)**

### **718.1 Intent**

This zone is intended for manufacturing, industrial, and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light, or industrial waste. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

### **718.2 Principal Uses**

- A. Wholesale Business.
- B. Warehouse.
- C. Laboratories.
- D. Assembly Plants.
- E. Machine Shops.
- F. Manufacturing Plants, including but not limited to plants or facilities principally utilized for the manufacture of compost, soil conditions and/or other products having economic value by the conversion of waste material to the same.
- G. Food Processing establishments.
- H. Other similar operations for making and preparing, canning, packing, and storing of items.
- I. Major automobile and truck repair.
- J. Professional offices, such as, Administrative, Executive and editorial offices, medical and dental offices and clinics, hospitals, general business and professional offices provided that there be no merchandise sold or offered for sale on the premises, real estate and insurance offices, governmental office buildings, post offices, telephone exchanges, utility companies, general research and medical laboratories not involving a manufacturer of fabrication or sales or products; providing also that such research is not obnoxious or offensive to nearby areas, radio and television stations, Business College, Technical, or Trade School, Schools for Academic Instruction, theatrical, studio, art galleries, museums, libraries, funeral homes, religious institutions, assembly halls, gymnasiums, and community centers.
- K. Computer Repair, manufacturing, training.
- L. Mail Order Business.
- M. Agricultural Marketing Center (See Article V, Section 510)
- N. Micro-Brewery/Class B Distiller

- O. Distilled Spirit Production, Storage and other Distillery Related Uses
- P. Merchant Electric Generating Facility (KRS 278.700)

### **718.3 Accessory Uses**

Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.

### **718.4 Conditional Uses**

- A. Recreational activities such as: billiards or pool halls; athletic club facility, fitness, exercise and sports centers.
- B. Truck terminals and freight yards.
- C. Contractor equipment rental.
- D. Wrecker Service and Vehicle Storage if in compliance with the following:
  - 1. That a fence be erected at least six (6) feet in height so that no vehicles stored on the premises shall be visible from the street or adjoining property.
  - 2. That individual vehicles shall not be present on the premises more than six months.
  - 3. There shall be no disassembly or salvaging of any of the vehicles.
  - 4. There shall be no sale of vehicles and/or automotive parts.
  - 5. Hazardous materials shall be contained in one area.
- E. Kennels and pet grooming.
- F. Restaurants with no drive through facilities.
- G. Child Care Centers.
- H. Helistop.
- I. Commercial Woodlot.
- J. Adult Entertainment Establishments.

### **718.5 Prohibited Uses**

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

### **718.6 Lot, Yard, and Height Requirements**

Minimum Lot Size	No limitation
Minimum ROW Frontage	50 feet
Minimum Width at Building Line	No limitation
Minimum Front Yard	25 feet (City) 40 feet (County)

Minimum Each Side Yard	No limitation
Minimum Rear Yard	1 story 20 feet
	2 stories 30 feet + 5 feet for each story over 3
Maximum Height of Building	50 feet except in cases where a variance has been approved by the Board of Adjustment
Minimum Useable Open Space	No limitation
Maximum Lot Coverage	No limitation

#### **718.7 Special Provisions**

- A. All uses shall be conducted in a complete privacy enclosed building, except for outdoor storage uses which shall be enclosed on all sides by a solid wall or fence not less than six (6) feet in height; except as provided for in Article V, Section 510.5 C for Agricultural Marketing Centers.
- B. All buildings and structures shall be at least 100' from any residential zone.

#### **718.8 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.

## **719 HEAVY INDUSTRIAL (1-2)**

### **719.1 Intent**

This zone is intended for manufacturing, industrial, and related uses, that involve potential nuisance factors. Consideration should be given to the relationship of this zone, to the surrounding land uses, and to the adequacy of the street system to serve the anticipated traffic needs.

### **719.2 Principal Uses**

- A. Those uses permitted in the I-1 District.
- B. Tourist Destination

### **719.3 Accessory Uses**

Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.

### **719.4 Conditional Uses**

- A. Any industrial use not in conflict with other ordinances, including central mixing plants, foundries, etc.
- B. Shops of special trade including the manufacturing, compounding, assembling, processing, packaging, or similar treatment of such products as: bakery goods, candy, ceramics, pottery, china, weaving, painting, cooperage, woodworking, and other similar trades. Retail sales of products made on the premises are permitted.
- C. Heliport
- D. Tourist Destination Expanded

A unique, regionally recognized existing landmark or historic structure that is primarily known for its existing architectural significance and/or uniqueness, that promotes tourism and the overall economy, which naturally draws the general public as a destination that meets the criteria of a Tourist Destination as defined herein with the following special allowances:

1. Overnight accommodations to guests may be permitted by the Board of Adjustment, with the number of guest rooms exceeding 10 but as stipulated and approved by the Board of Adjustment.
2. A restaurant serving registered overnight guests and/or the public, with the number of seats for patrons exceeding 75 but as stipulated and approved by the Board of Adjustment.
3. Special events, including charitable events, receptions, parties, corporate picnics, weddings, or any other events/activities which are determined by the Agricultural Advisory Review Committee to be of the same general character as those listed herein, are allowed but the number of such events may exceed 7 per week or with more than 2

held on any one day as stipulated and approved by the Board of Adjustment.

#### **719.5 Prohibited Uses**

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

#### **719.6 Lot, Yard, and Height Requirements**

Minimum Lot Size	No limitation
Minimum ROW Frontage	50 feet
Minimum width at Building Line	No limitation
Minimum Front Yard	25 feet (City) 40 feet (County)
Minimum Each Side Yard	No limitation
Minimum Rear Yard	1 story 30 feet 2 stories 35 feet 3 stories 40 feet + 5 feet for each story over 3
Maximum Height of Building	50 feet except in cases where a variance has been approved by the Board of Adjustment

#### **719.7 Special Provisions**

Same as I-1.

#### **719.8 Other Requirements**

Parking - See Article VI.

Sign - See Article V, Section 508.

## **720 ARCHITECTURAL REVIEW BOARD & HISTORIC OVERLAY DISTRICTS (HD)**

### **720.1 Intent**

Within zones now existing or hereafter created as shown on the zoning map atlas, it is intended to permit, by amendment to the zoning map atlas and establishment of suitable regulations, the creation of Historic Overlay Districts to give protection to certain areas or individual structures and premises designated as having substantial historic or architectural or cultural significance. Such districts and regulations are intended to protect against destruction, degradation, or encroachment upon the areas, structures and premises designated to be of substantial historic significance; to encourage the adaptation of existing buildings to current use; to encourage construction which will lead to their continuance, conservation, and improvement in a manner appropriate to the preservation of the historic heritage of Woodford County, and the Commonwealth of Kentucky. To promote the economy by maintaining tourist attractions; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and alterations to existing structures within Historic Overlay Districts will be in keeping with the character to be preserved and enhanced.

Historical preservation of old and historic districts superimposed over another zoning district wherein the restrictions of the zoning district are further enhanced by the regulations in keeping with the historical preservation of the district.

### **720.2 Purpose of Historic Overlay Districts**

The districts described herein are an overlay of land use regulations and are supplemental to existing zoning ordinances, subdivision regulations and site plan requirements. These overlay districts and regulations are intended to address land or structures that have substantial historic value and are located within a specific geographic area. The special characteristics of the geographic area require regulations that would be different from any other geographic area within Woodford County.

### **720.3 Legislative Authority**

The legislative authority for the creation and application of overlay districts is Kentucky Revised Statutes, Chapter 86. However, the method by which such districts may be created by ordinance shall be as specified in Kentucky Revised Statutes, Chapter 100.211.

### **720.4 Old and Historic Districts (HD)**

- A. A new overlay district is hereby created to be called "Business Old and Historic-1."
- B. A new overlay district is hereby created to be called "Residential Old and Historic - 1."
- C. A new overlay district is hereby created to be called "Residential Old and Historic - 2."

## **720.5 Use Regulations**

- A. A building or premises located in a Business Old and Historic-1 district may be used for any use permitted in the present B-2 District regulations.
- B. A building or premises located in the Residential Old and Historic-1 District shall be used only for uses permitted in the present Residential (R-1A) District regulations.
- C. A building or premises located in the Residential Old and Historic-2 District shall be used only for the following purposes:
  - 1. Any use permitted in the present Residential (R-1A) District regulations.
  - 2. For offices such as that of a physician, dentist, musician, engineer, or other professional person, government offices, banks, building and loan association, insurance offices, studios, tearooms, gifts, antique, book, and handicraft shops and other similar purposes, provided that no alterations other than those necessary to assure the safety of the structure shall be made to any buildings for the purpose of maintaining such accessory uses unless approved by the Board of Architectural Review hereinafter created. Where a non-residential use is permitted, the yard regulations in the P-1 District shall apply. (See Section 712.6)

## **720.6 Definitions**

As used in Section 720, the following terms shall mean:

**Addition** - New construction attached to an existing structure.

**Alteration** - Any construction, replacement or change to the exterior of a building or structure. An alteration shall include a proposed sign or change to an existing sign.

**Appropriate** - Meaning especially suitable, compatible, or fitting. Changes to historic properties are evaluated for appropriateness during the design review process.

**Architectural Feature** - A prominent or significant part of a building, structure or site.

**Board** - The Versailles-Midway-Woodford County Board of Architectural Review (BOAR).

**Building** - Any structure designed or constructed for residential, commercial, industrial, agricultural or other use.

**Certificate of Appropriateness** - The permit, issued by the Board of Architectural Review, which gives its approval for work or demolition to be done in a historic district or on a landmark. The Certificate shall also delineate any conditions imposed by the Board in approving the request. In order to grant a Certificate, the Board shall consider all circumstances related to the proposal, and may grant the Certificate if it finds that the proposed changes are consistent with the guidelines adopted by the Board.

**Character** - The qualities and attributions of any structure, site, or district which separate and distinguish the individual from its context.

**Characteristic** - A quality or aspect of an element, component, structure, site, street, or district which distinguishes individual elements, structures, sites, streets, and districts from their context.

**Commission** - The Versailles-Midway-Woodford County Planning Commission.

**Conservation** - The protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

**Construction** - The act of placing an addition on an existing structure or the erection of a new principal or accessory structure on a lot or property.

**Demolition** - Any act that destroys in whole or in part a landmark or building in a historic district.

**Design Guideline** - A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

**Historic District** - An area of architectural, historical, or cultural significance.

**Infill** - A type of construction which fills in vacancies found in sites, streets, and districts created by earlier demolition of historic buildings. Infill describes the insertion of new components and structures into vacancies.

**Landmark** - A building or structure of architectural, historical, or cultural significance.

**Landscape** - Site features including topography, transportation patterns, vegetation, etc. A landscape may be an important historic property for communication contexts.

**New Construction** - An addition to an existing building or structure or the construction of a new building or structure.

**Ordinary Maintenance and Repairs** - Any work, the purpose of which is to correct deterioration or to prevent deterioration of a designated historic property. The work shall restore the property to its appearance prior to deterioration or shall result in the protection of its present appearance. The work shall involve the use of the same building materials or available materials of that era as close as possible to the original. Work that changes the external appearance of a property shall be considered an alteration.

**Preservation** - Retaining, the historic integrity of a building, site or structure through reconstruction, restoration, rehabilitation, adaptive use or compatible design.

**Reconstruction** - Reproducing by new construction the exact form and detail of a vanished structure, or part thereof as it appeared at a specific period of time.

**Rehabilitation** - To restore a building or structure to a good condition for a new purpose. The activity involves the retention and repair of historic elements.

**Restoration** - To return a building, structure, or site to its original condition.

**Removal** - A relocation of a structure to another position on the same site or to another site.



**Re-Use** - Use again.

**Setting** - The time, period and physical environment reflected by historic elements, sites, structures, streets and districts.

**Street** - Any public or private right-of-way, twenty five (25) feet or more in width, dedicated to vehicular and pedestrian movement, and which may also provide space for the location of under or above ground utilities, the word street shall include the words road, highway, and thoroughfare. (Not to include Alleys).

#### **720.7 Certificate of Appropriateness**

- A. In order to promote the general welfare through the preservation of historical places and areas of historical interest, no building in a Historic Overlay District shall be constructed, reconstructed, altered, restored, or razed, and no building lot in said districts shall be altered or improved unless a Certificate of Appropriateness (in addition to the building permit required by other provisions) shall first have been issued by the Board of Architectural Review hereinafter created.
- B. Evidence of such required approval shall be a Certificate of Appropriateness issued by the Board of Architectural Review as created herein. Such certificate shall be a statement signed by the Chairman of the Board of Architectural Review stating that:
  - 1. The exterior architectural features of the proposed construction, reconstruction, alteration, restoration or use for which application has been made are approved by the Board of Architectural Review, or,
  - 2. That the building proposed to be razed is structurally unsound beyond economic repair or of insufficient historical or architectural significance.

#### **720.8 Board of Architectural Review**

- A. A Board of Architectural Review is hereby established. Such Board shall consist of five members. Preferred experience for members is in the areas of historic preservation or a preservation related profession (architecture, history, archaeology, landscape architecture, architectural history, planning or related field). The Mayor of Versailles shall appoint two members, the Mayor of Midway shall appoint one member, and the Woodford County Judge-Executive shall appoint two members. All appointments shall be with the approval of the respective legislative bodies. The term of office of the members shall be for two (2) years, except the terms of two of the original appointments, one each from the City of Versailles and Woodford County, shall expire within one (1) year of the original appointment. Any appointment to fill a casual vacancy shall be only for the unexpired portion of the term.
- B. The Board of Architectural Review shall elect a Chairman and Secretary from its membership and shall keep minutes and records of all meetings and actions by the Board and shall establish and maintain bylaws and fees.
- C. Applications for a Certificate of Appropriateness should be turned into the Planning Director no later than 10 days prior to the scheduled meeting of the

Board of Architectural Review, for their consideration.

- D. The Board of Architectural Review may from time to time utilize the services of experts in the fields of architecture, history, engineering, and similar fields to advise and direct the Board in its actions and serve as ex-officio members of the Board.
- E. All members shall be reimbursed for any necessary authorized expenses.
- F. It shall be the function and duty of the Board of Architectural Review to pass upon the appropriateness of exterior architectural features of buildings and structures and signs and other exterior fixtures hereafter constructed, reconstructed, altered, restored, or razed in the Historic Overlay District, wherever such exterior features are subject to public view from a public street right of way.
- G. Any person or entity claiming to be injured or aggrieved by any final action of the Board of Architectural Review shall appeal from the action to the circuit court of the county in which the property, which is the subject of the action of the Board of Architectural Review lies. Such appeal shall be taken within thirty (30) days after the final action of the Board of Architectural Review. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The Board of Architectural Review shall be a party in any such appeal filed in the circuit court.
- H. For failure to comply with any of the requirements set forth herein, the Penalties for Violation, Article III, Section 304, shall apply.

#### **720.9 Review of Plans**

- A. All plans (scaled drawings), elevations, site plans, photographs, materials list, and other information necessary to determine the appropriateness of the architectural or other features of proposed plans, to be passed upon, together with a copy of the application for a building permit, shall be made available to the Board of Architectural Review through the office of the Planning Commission.
- B. The Board of Architectural Review in passing upon cases shall consider, among other things, the general design, arrangement, texture, and material of the building or structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. The Board of Architectural Review shall not consider detailed design; relative size of buildings in plan, interior arrangement; or building features not subject to public view; nor shall it make requirements except for the purpose of preventing development incongruous to the old historic aspects of the surroundings.
- C. In order to satisfy the intent of the Historic Overlay Districts, the Board of Architectural Review shall utilize the Secretary of the Interior's Standards for Rehabilitation, attached hereto as Appendix A, and the Design Guidelines attached hereto as Appendix B.
- D. In case of disapproval, the Board of Architectural Review shall state the reasons therefore in a written statement to the applicant and may advise the

applicant and make recommendations thereto in regard to appropriateness of design, arrangement, texture, materials, and the like of the property involved.

#### **720.10 Approval**

Upon the approval of the plans, the Board of Architectural Review shall forthwith transmit a report to the Planning Director stating the basis upon which such approval was made and if applicable, cause a Certificate of Appropriateness to be issued to the applicant. If the Board of Architectural Review shall fail to take final action upon any case within forty-five (45) days from the date of application for permit, except where mutual agreement has been made for an extension of the time limit, the application for permit shall be considered approved. The property owner shall obtain permits, when required, and commence work on all work authorized by the Certificate of Appropriateness within one (1) year from the issuance of the Certificate.

#### **APPENDIX A1 Secretary of the Interior's Standards**

#### **APPENDIX A2 Design Guidelines**

**(SEE APPENDIX SECTION OF ZONING ORDINANCE)**

## **721 CONSERVATION DISTRICT (CO-1)**

### **721.1 Preamble**

The Conservation District (CO-1) is intended to promote and protect significant natural features, wooded areas, water courses, existing and potential lake sites, other recreation and conservation resources, wildlife habitat, present and future water supplies, and to minimize erosion of soil, siltation and pollution of streams and lakes.

### **721.2 Permitted Uses**

Within any CO-1 Conservation District, no building or premises shall be used or arranged, or designed to be used except for one or more of the following uses which shall be subject to all regulations and requirements for permit of this ordinance.

- A. Lakes (artificial).
- B. Public or private picnic grounds, beaches, bridle and bicycle paths.
- C. Public parks and forest preserves.
- D. Agriculture and agricultural buildings.
- E. Single family dwellings.

### **721.3 Accessory Uses**

Accessory uses and structures customarily incidental to any principal use located on the same lot therewith such as agricultural structures, tenant homes, private garages, private stables or parking areas, not including any business, trade or industry.

### **721.4 Conditional Uses**

The following uses may be permitted as conditional uses in the CO-1 District by the Board of Adjustment after public hearing. Such conditional uses shall be subject to any requirements the Board of Adjustment feels necessary to further the purpose of the Conservation District as stated in the preamble.

- A. Public utility substations, booster stations, radio and television relay towers, repeater stations, etc., but not including power generation or gas manufacturing plants.
- B. Private Camps/ Campgrounds
- C. Mobile Homes of a temporary, seasonal nature.
- D. Bed and Breakfast Home, Bed and Breakfast Inn, and Bed and Breakfast Farmstay Establishments.
- E. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.
- F. Marinas.

### **721.5 Prohibited Uses**

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal accessory or conditional uses shall be prohibited.

### **721.6 Lot, Yard, and Height Requirements**

Minimum Lot Size	30 Acres*
Minimum ROW Frontage	150 feet
Minimum Width at Building Line	200feet
Minimum Front Yard	80 feet
Minimum Each Side Yard	25 feet
Minimum Rear Yard	50 feet
Maximum Height of Building	1 - 2 stories or 35 feet
Maximum Density	1 dwelling per 5 acres

\*A tract of land that is at least a minimum of 30 acres in size, and that is partially zoned A-1 (Agricultural) and partially zoned CO-1 (Conservation), is also considered to meet the minimum lot size requirements of this zone.

### **721.7 Special Provisions**

- A. No building shall be erected within fifty (50) feet of the right-of-way of any public street, road or highway, nor within fifteen (15) feet, or one foot for each foot of building height, whichever is the greater, of any lot line.
- B. Any building to be located in possible flood lands shall be so placed as to offer the minimum obstruction to flow of waters and shall be firmly anchored to prevent the building from being moved or destroyed by the flow of water (See Article X).
- C. A Rural Residential shall only be allowed in a CO-1 zone provided rezoning application has been made to, and approved by, the Versailles-Midway-Woodford County Planning and Zoning Commission. (See Section 703).
- D. It shall be provided that in-family conveyances shall be permitted at a density that shall not exceed one (1) dwelling for each five (5) acres. In-family conveyance shall be defined as a tract to be continuously occupied by an immediate family member. It shall be comprised of a lot no smaller than one (1) acre in size, with access to an existing public road through an existing private driveway to be shared with the original residence, through a platted and recorded access easement of fifteen (15) feet, or, the in-family lot can be comprised of a lot no smaller than five (5) acres in size with frontage on an existing public road or if the nearest property line of any new lot is within four hundred (400') feet of the centerline of an existing public road; with a limit of no more than two (2) in-family lots fronting on an existing public road and sharing a common entrance; and which meets all health and sanitation regulations in effect contained herein, and provided further that the number of lots be limited to one lot in Woodford County per each immediate family member's lifetime and that such family member shall hold title to the tract so conveyed for at least five (5) years, if said conveyance is made to a minor, the five (5) year restriction for holding title begins when the minor turns eighteen (18), and should the family member, within five (5) years, re-convey the tract

to anyone other than to the person or persons from whom it was received, then such deed of re-conveyance shall be void, and provided further, that all such deeds from a farm owner to a family member shall contain a restrictive covenant stating clearly the five (5) year restriction for holding title and stating that any conveyance prior to said five (5) years shall be void, and any deed from a farm owner be provided further that in the case of a judicial sale the restriction on re-conveyance shall not apply. On farms where in-family conveyances are permitted, all lots shall be counted against the sliding scale of "Lots to be Sold" as defined in Section 703.11 (A). In no case shall any farm of 100 acres or more be permitted to have more than fifteen (15) in-family conveyance lots.

## ARTICLE VIII

### **NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USE**

#### **800 Intent**

Within the districts established by this ordinance or amendments that may later be adopted there exist:

- A. Lots;
- B. Structures;
- C. Uses of land and structures; and,
- D. Characteristics of use,

Which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises, of additional signs intended to be seen from off the premises, or by the addition or other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual construction has been carried on diligently.

Actual construction hereby is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

#### **801 Non-Conforming Lots of Record**

Lots of record at the time of adoption or amendment of this zoning ordinance which do not meet the minimum lot square footage and/or frontage requirements prescribed for the zone in which the lot is located by this zoning ordinance.

In any residential zoning district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment.

In any residential zoning district, if two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division or any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

#### **802 Non-Conforming Use of Land (or Land with Minor Structures Only).**

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
- C. If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located;
- D. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

#### **803 Non-Conforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.



- B. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**804 Non-Conforming Uses of Structures or of Structures and Premises in Combination.**

If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- D. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- E. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- F. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50%) percent of the replacement cost at time of destruction.

#### **805 Repairs and Maintenance**

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10%) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### **806 Uses Under Special Exception Provisions Not Non-Conforming Uses**

Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Board of Adjustment action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

# **ARTICLE IX**

## **AMENDMENTS**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time need to be amended, supplemented, changed or repealed. To make any amendments to the Zoning Ordinance, either to the text or to the map, the following procedure shall be followed. If any use or density is not permitted in a zoning district by the provisions of the Zoning Ordinance, it may not be permitted by any agency unless the Zoning Ordinance is amended according to the amendment procedure.

### **900 Application for Amendment**

A proposal for amendment to the Official Zoning Map may originate with the Planning Commission, the City Council, Fiscal Court, or the owner of the subject property. Regardless of the origin of the proposed amendment an application must be filed with the Planning Commission requesting the proposed amendment in such form and accompanied by such information as required by this ordinance and the Planning Commission. The Planning Commission shall require the prior submission of a development plan prepared in accordance with Article V, 503.3 of this Ordinance, which when approved by the Commission, shall be followed. At the time of filing an application, a non-returnable filing fee shall be paid according to the schedule of fees; however, there shall be no filing fee for an amendment requested by the Planning Commission, Fiscal Court, or City.

The Planning Commission may refuse the reconsideration of a denied map amendment or the consideration of a map amendment identical to a denied map amendment within the past year.

### **901 Planning Commission Procedure**

Upon the filing of an application for an amendment to the Official Zoning Map or the text of this ordinance, the Planning Commission shall study and review the application as provided in this ordinance and the bylaws of the Planning Commission.

The Planning Commission shall then hold at least one (1) public hearing after notice as required by KRS 424 and KRS 100 and shall make findings of fact and a recommendation for approval or disapproval of proposed amendment to the respective legislative body. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the appropriate legislative body without a recommendation for approval or disapproval.

### **902 Notice of Public Hearing**

Notice of the time, place and reason for the required public hearing shall be given by one publication in the newspaper of general circulation in the County, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing in accordance with KRS 424 and KRS 100.

Any published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of property which intersect the street on which the property is located; and when the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name two (2) streets on either side of the property.

When a hearing is scheduled on a proposal to amend any zoning map, the following notice shall be given in addition to any other notice required by statute, local regulation or ordinance, per KRS 100.

- A. Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing). Posting shall be as follows:
1. The sign shall state "zoning change" and the proposed classification in letters three (3) inches in height. The time, place, and date of hearing shall be in letters at least one (1) inch in height; and
  2. The sign shall be constructed of durable material and shall state the telephone number of the Planning Commission Office; and
  3. It shall be the responsibility of the applicant to post the sign conspicuously on the property. The Zoning Administrator shall verify to the Planning Commission at the hearing that placement occurred pursuant to the provisions of this ordinance.
- B. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail with certification by the commission secretary or other officer of the planning commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of the owner. If the property is in condominium or cooperative forms of ownership, the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

In addition to the public notice requirement of this section, when the Planning Commission, Fiscal Court, or City Council of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner.

### **903 Public Hearing on Application**

After notice of the public hearing as provided for above, the Planning Commission shall hold a public hearing on the proposed amendment. The Planning Commission shall submit its recommendations to the respective governing body within ninety days after the public hearing.

### **904 Findings Necessary for a Recommendation of Commission for Zoning Map Amendment**

Before recommending to the legislative body that an application for amendment to the Zoning Map be granted, the Planning Commission must find that the map amendment is in agreement with the community's Comprehensive Plan, or in the absence of such a finding, that one (1) or more of the following apply:

1. The original zoning classification given to the property is inappropriate or improper, and that the proposed zoning classification is appropriate; and
2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of such area.

The Planning Commission shall also have the power to hear and finally decide applications for variances or conditional use permits in conjunction with a requested zoning map amendment if the proposed development requires both a map amendment and one or more variances or conditional use permits (per KRS 100.203 (5)). Recommendations regarding these permits shall be a part of the record forwarded to the legislative body.

After voting to recommend that an application for amendment to the Official Zoning Map be granted or denied, the Planning Commission shall forward its finding of fact and recommendation in writing to the appropriate legislative body. The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment.

#### **905            Action by Legislative Bodies on Zoning Map Amendments**

The legislative bodies shall not act upon a proposed amendment to the Official Zoning Map until it has received the written findings of fact and recommendation thereon from the Planning Commission.

It shall take a majority of the entire legislative body to override the recommendation of the Planning Commission and it shall take a majority of the entire legislative body to adopt a zoning map amendment whenever the Planning Commission forwards the application to the legislative body without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

If the legislative body chooses to decide the map amendment, the legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal. The legislative body shall also notify the Zoning Administrator and the Chairman of the Planning Commission as to when the proposed map amendment will be heard by the legislative body prior to the legislative body's final action. The legislative body shall complete and file for recording with the County Clerk a Certificate of Land Use Restriction for any map amendment approved by the legislative body.

#### **906            Recommendation of Commission for Text Amendment**

After voting to recommend that an application for amendment to the text of this ordinance be granted or denied, the Planning Commission shall forward its recommendation in writing to the appropriate legislative body. In the case of a proposed amendment originating with a legislative body, the Planning Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment.

#### **907            Action by Legislative Body on Text Amendments**

The legislative body shall not act upon a proposed amendment to the text of this ordinance until it has received the written recommendation thereon from the Planning Commission. If the proposed amendment originated with the Planning Commission, it shall take a majority of the entire legislative body to override the recommendation of the Planning Commission. If the proposed amendment originated with a legislative body, it shall take an affirmative vote of the majority of the legislative body to adopt the proposed amendment. The legislative body shall take final action within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal.

#### **908            Special Conditions to the Granting of Zoning Changes**

As a condition to the granting of any zoning change, the Planning Commission shall require the submission of a development plan as per Article V which, where agreed upon, shall be followed. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within two (2) years; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.

## **ARTICLE X**

### **FLOOD DAMAGE PREVENTION ORDINANCE**

#### **ARTICLE 1 - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

##### **Section A      STATUTORY AUTHORIZATION**

The Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes 100 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Planning Commission, the Councils of the City of Versailles and the City of Midway, and the Fiscal Court of Woodford County, Kentucky, hereby adopt the following floodplain management ordinance, as follows:

##### **Section B      FINDINGS OF FACT**

- A) The flood hazard areas of Versailles, Midway, and Woodford County are subject to periodic inundation which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare.
- B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

##### **Section C      STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

- A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;
- B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;
- D) Control filling, grading, dredging, and other development which may increase erosion or flood damage, and;
- E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

##### **Section D      OBJECTIVES**

The objectives of this ordinance are to:

- A) Protect human life and health;
- B) Minimize expenditure of public money for costly flood control projects;
- C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D) Minimize prolonged business interruptions;
- E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;
- F) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding; and,
- G) Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area.
- H) Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

## ARTICLE 2 - DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**A Zone** - Portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.

**Accessory structure (Appurtenant structure)** - A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Accessory use** - A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

**Addition (to an existing structure)** - Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**A1-30 and AE zones** - Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood. Base flood elevations (BFEs) are determined.

**AH zone** - An area of 100-year shallow flooding where depths are between 1 and 3 feet (usually shallow ponding). Base flood elevations are shown.

**AO zone** - An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain) Flood depths are shown.

**Appeal** - A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or from the floodplain administrator's ruling on a request for a variance.

**AR/A1 – A30, AR/AE, AR/AH, AR/AO, and AR/A zones** - Special Flood Hazard Areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

**A99 zone** - That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a Federal flood protection system under construction. No base flood elevations are determined.

**Area of shallow flooding** - A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**B and X zones (shaded)** - Areas of the 0.2% annual chance (500-year) flood, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than 1 square mile, and areas protected by levees from the base flood.

**Base flood** - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

**Base Flood Elevation (BFE)** - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**Basement** - That portion of a structure having its floor subgrade (below ground level) on all four sides.

**Building** - A walled and roofed structure that is principally aboveground; including a manufactured home, gas or liquid storage tank, or other man-made facility or infrastructure. See definition for structure.

**C and X (unshaded) zones** - Areas determined to be outside the 500-year floodplain.

**Community** - A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

**Community Rating System (CRS)** - A program developed by the Federal Insurance Administration to provide incentives to those communities in the Regular Program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

**Community Flood Hazard Area (CFHA)** - An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be



subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

**Critical facility** - Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. Critical facilities include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

**D zone** - An area in which the flood hazard is undetermined.

**Development** - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

**Elevated structure** - A non-basement structure built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, piling, columns (post and piers), shear walls, or breakaway walls. (See freeboard requirements for residential and non-residential structures.)

**Elevation Certificate** - A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure's elevation and other related information to verify compliance with this ordinance.

**Emergency Program** - The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

**Enclosure** - That portion of a structure below the Base Flood Elevation (BFE) used solely for parking of vehicles, limited storage, or access to the structure.

**Encroachment** - The physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing construction** - Any structure for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "Existing structures".

**Existing Manufactured Home Park or Subdivision** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by the Versailles-Midway-Woodford County Planning Commission based on specific technical base flood elevation data which established the area of special flood hazards.

**Expansion to an existing Manufactured Home Park or Subdivision** - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Five-Hundred Year Flood** - The flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.

**Flood, Flooding, or Flood Water:**

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows). See Mudslides.
- 2) The condition resulting from flood-related erosion. See flood-related erosion.

**Flood Boundary and Floodway Map (FBFM)** -A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.

**Flood Hazard Boundary Map (FHBM)** -A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

**Flood Insurance Rate Map (FIRM)** - A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.

**Flood Insurance Study** - The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

**Floodplain or flood-prone area** - Any land area susceptible to being inundated by flood waters from any source.

**Floodplain Administrator** - The individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.

**Floodplain Management** - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

**Floodplain Management Regulations** - This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**Floodproofing Certificate** - A certification by a registered professional engineer or architect, on a FEMA-approved form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with

walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

**Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the “regulatory floodway”.

**Floodway fringe** - That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

**Freeboard** - A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, etc.

**Fraud and victimization** - As related in Article 6, Appeals and Variance Procedures, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty to one hundred years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

**Functionally dependent use facility** - A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Governing body** - The local governing unit, i.e. county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.

**Hazard potential** - The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or mis-operation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).

**Highest adjacent grade** - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**Historic Structure** - Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a) By an approved state program as determined by the Secretary of the Interior, or
  - b) Directly by the Secretary of the Interior in states without approved programs.

**Increased Cost of Compliance (ICC)** – Increased cost of compliance coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a Standard Flood Insurance Policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, ICC will help pay up to \$30,000 for the cost to elevate, floodproof, demolish, or remove the building. ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

**Kentucky Revised Statute 151.250** – Plans for dams, levees, etc to be approved and permit issued by cabinet – (Environmental and Public Protection Cabinet)

- (1) Notwithstanding any other provision of law, no person and no city, county or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the Department of Highways) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet by regulation may exempt those dams, embankments or other obstructions, which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply.
- (2) No person, city, county, or other political subdivision of the state shall commence the filing of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising, or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in subsection (1) above.
- (3) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction, reconstruction, improvement, enlargement, maintenance or operation of any drainage district, ditch or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Department for Natural Resources through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

**Letter of Map Change (LOMC)** – Is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's include the following categories:

- 1) Letter of Map Amendment (LOMA) – A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.
- 2) Letter of Map Revision (LOMR) - A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.
- 3) Letter of Map Revision – Fill (LOMR-F) – A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.

**Levee** - A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Levee System** - A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

For a levee system to be recognized, the following criteria must be met:

- 1) All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised).
- 2) All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP.

**Limited storage** - An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

**Lowest adjacent grade** - The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure's foundation system.

**Lowest Floor** - The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Manufactured Home** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term "manufactured home" does not include a "recreational vehicle" (see Recreational Vehicle).

**Manufactured home park or subdivision** - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map** - The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

**Map Panel Number** - The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

**Market value** - The structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of structure (Actual Cash Value) or adjusted assessed values.

**Mean Sea Level (MSL)** - The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on a community's FIRM. For purposes of this ordinance, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

**Mitigation** - Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

**Mudslide (i.e. mudflow)** - Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

**Mudslide (i.e. mudflow) area management** - The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

**Mudslide (i.e. mudflow) prone area** - An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

**National Flood Insurance Program (NFIP)** - The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

**National Geodetic Vertical Datum (NGVD)** - As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRM's. Refer to FIRM legend panel for correct datum.)

**New Construction** - Structures for which the start of construction commenced on or after the effective date of Versailles-Midway-Woodford County floodplain management regulations and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Versailles-Midway-Woodford County adopted floodplain management ordinances.

**Non-Residential** – Structures that are not designed for human habitation, including but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.

**North American Vertical Datum (NAVD)** – As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRM's and Digitally Referenced FIRM's (DFIRM's). (Refer to FIRM or DFIRM legend panel for correct datum.)

**Obstruction** - Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One-Hundred Year Flood (100-Year Flood)** (see Base Flood) - The flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood with the SFHA.

**Participating Community** - A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**Pre-FIRM Construction** - Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

**Post-FIRM Construction** - Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

**Probation** - A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy is subject to a \$50 surcharge.

**Program Deficiency** - A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.

**Public Safety and Nuisance** - Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational Vehicle** - A vehicle that is:

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable to a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regular Program** - The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

**Regulatory floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See Base Flood.

**Remedy a violation** - The process by which a community brings a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

**Repair** - The reconstruction or renewal of any part of an existing structure.

**Repetitive Loss** - Flood-related damages sustained by a structure on two or more separate occasions during a 10-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more flood losses of \$1000.00 or more over the life of the structure, or, three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

**Riverine** - Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Section 1316** - That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**Sheet flow area** - see "Area of shallow flooding".

**Special flood hazard area (SFHA)** - That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 – A30, AH, AO, or AR.

**Start of Construction** (includes substantial improvement and other proposed new development) - The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of



temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

**Structure** - A walled and roofed building that is principally above ground; including manufactured homes, gas or liquid storage tanks, or other man-made facilities or infrastructures. See Building.

**Subdivision** - Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.

**Subrogation** - An action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

**Substantial Damage** – Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

For the purposes of this definition, “repair” is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**Substantial Improvement** - Means any combination of reconstruction, alteration, or improvement to a building, taking place during a 1-year period in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not apply to:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” Or
- c.) Any building that has been damaged from any source or is categorized as repetitive loss.

**Substantially improved existing manufactured home parks or subdivisions** - Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

**Suspension** - Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

**Utilities** - Includes electrical, heating, ventilation, plumbing, and air conditioning equipment.

**Variance** - Relief from some or all of the requirements of this ordinance.

**Violation** - Failure of a structure or other development to fully comply with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** - A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

**Water surface elevation** - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Watershed** - All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

**X zone** - The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2-percent probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded X zones (C zones on older FIRMS) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

**Zone** - A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

## **ARTICLE 3 - GENERAL PROVISIONS**

### **Section A      LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the Councils of the City of Versailles and the City of Midway, and the Fiscal Court of Woodford County, from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City of Versailles, City of Midway, and Woodford County, Kentucky, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Versailles, Midway and Woodford County.

### **Section B      BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS**

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Woodford County, dated August 2, 2011, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these

regulations by the Planning Commission, Councils of the City of Versailles and the City of Midway, and the Fiscal Court of Woodford County, and for those land areas acquired by them through annexation. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Councils and Fiscal Court by the Floodplain Administrator and are enacted by City Councils and Fiscal Court pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of City Councils and Fiscal Court and are on file and available for review by the public during regular business hours at the Woodford County Courthouse at 103 South Main Street, Versailles, KY.

#### **Section C ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in the special flood hazard areas (SFHA). See Article 4, Section B for instructions and explanation.

Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

#### **Section D COMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Planning Commission, City Councils and Fiscal Court from taking such lawful action as is necessary to prevent or remedy any violation.

#### **Section E ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **Section F INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

- A) Considered minimum requirements;
- B) Liberally construed in favor of the governing body; and,
- C) Deemed neither to limit nor repeal any other powers granted under state statutes.

#### **Section G WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the Planning Commission, Councils of the City of Versailles and the City of Midway, and the Fiscal Court of Woodford County, Kentucky, any officer or employee, the Commonwealth of

Kentucky, the Federal Insurance Administration, or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

#### **Section H      ENFORCEMENT, VIOLATION NOTICE AND PENALTIES**

- 1) Civil Offense: If, at any time, development occurs which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications, such development shall constitute a civil offense, remedy for which may be sought in Woodford Circuit Court, including payment of all costs and expenses involved in the case.
- 2) Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this ordinance and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.
- 3) Notice of Citation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven (7) days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.
- 4) Penalties: Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, in addition to serving as the basis for civil relief shall also constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than \$100.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

## **ARTICLE 4 - ADMINISTRATION**

### **Section A      DESIGNATION OF LOCAL ADMINISTRATOR**

The Councils of the City of Versailles and the City of Midway, and the Fiscal Court of Woodford County, hereby appoint the Planning Director to administer, implement, and enforce the provisions of this ordinance by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

### **Section B      ESTABLISHMENT OF DEVELOPMENT PERMIT**

A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in Article 3, Section B. Application for a Development Permit shall be made on forms furnished by Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of local administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

#### **1) Application Stage**

- a) Proposed elevation in relation to Mean Sea Level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or
- b) Proposed elevation in relation to Mean Sea Level to which any non-residential structure will be flood-proofed;
- c) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Article 5, Section B (2) and Section D (2);
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### **2) Construction Stage**

Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. In AE, A1-30, AH, and A zones where the Community has adopted a regulatory Base Flood Elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to

proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

### **Section C      DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR**

The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this ordinance. The Floodplain Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- 1) Permit Review: Review all development permits to ensure that:
  - a) Permit requirements of this ordinance have been satisfied;
  - b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendment for 1972, 33 U.S.C. 1334.
  - c) Flood damages will be reduced in the best possible manner;
  - d) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
- 2) Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Article 5. Any such information shall be submitted to the City Council for adoption.
- 3) Notification of Other Agencies:
  - a) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse, and
  - b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA); and
  - c) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- 4) Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
  - a) Certification required by Article 5, Section B (1) (lowest floor elevations) as shown on a completed and certified Elevation Certificate. Verify and record the actual elevation

(in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B (2);

- b) Certification required by Article 5, Section B (2) (elevation or floodproofing of nonresidential structures) as shown on a completed and certified floodproofing certificate. Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section B (2);
  - c) Certification required by Article 5, Section B (3) (elevated structures),
  - d) Certification of elevation required by Article 5, Section E (1) (subdivision standards),
  - e) Certification required by Article 5, Section B (5) (floodway encroachments),
  - f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
  - g) Review certified plans and specifications for compliance;
  - h) Remedial Action. Take action to remedy violations of this ordinance as specified in Article 3, Section H.
- 5) Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.
- a) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 6, Section (3) b;
  - b) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the Floodplain Administrator shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Article 5;
  - c) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Article 5, Section B (2) a floodproofing certificate;
  - d) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.
- 6) Right of Entry
- a) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous,

the administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the administrator by this ordinance.

- b) If such structure or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.
- c) If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.
- d) When the administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the administrator for the purpose of inspection and examination pursuant to this ordinance.

#### 7) Stop Work Orders

- a) Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

#### 8) Revocation of Permits

- a) The administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- b) The administrator may revoke a permit upon determination by the administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

#### 9) Liability

- a) Any officer, employee, or member of the floodplain administrator's staff, charged with the enforcement of this ordinance, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, employee, or member because of such act performed by him or her in the enforcement of any provision of this ordinance shall be defended by the department of law until the final termination of the proceedings.



## 10) Expiration of Floodplain Construction Permit

- a) A floodplain construction permit, and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within one hundred and eighty (180) calendar days from the date of its issuance by the Floodplain Administrator.

## **ARTICLE 5 - PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **Section A      GENERAL CONSTRUCTION STANDARDS**

In all Special Flood Hazard Areas the following provisions are required:

- 1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- 2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- 3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- 4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- 5) Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
- 6) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- 7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- 9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- 10) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;
- 11) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

## **Section B      SPECIFIC STANDARDS**

In all special flood hazard areas where base flood elevation data have been provided, as set forth in Article 3, Section B, the following provisions are required:

- 1) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than 1 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article 5, Section B (3).
  - a) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
  - b) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated 1 foot above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, states as a part of the technical requirements for a State Floodplain Permit: The applicant shall provide cross sections for determining floodway boundaries (and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.
  - c) In all other Zones, elevated 1 foot above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

- 2) **Non-residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with Article 5, Section B (1) or together with attendant utility and sanitary facilities:
  - a) Be flood proofed below an elevation 1 foot above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;

- b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - c) Have the lowest floor, including basement, mechanical equipment, and ductwork, elevated no lower than 1 foot above the level of the base flood elevation, or;
  - d) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B (1) c.
  - e) Manufactured homes shall meet the standards in Article 5, Section B (4).
  - f) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials below an elevation 1 foot above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:
    - (i) Be certified by a registered professional engineer or architect; or
    - (ii) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- 3) Elevated Structures. New construction or substantial improvements of elevated structures on columns, posts, or pilings (e.g.) that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a) Opening sizes for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - (i) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - (ii) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and,
    - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in

connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,

- c) The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms.

4) Standards for Manufactured Homes and Recreational Vehicles.

- a) All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:

- On individual lots or parcels,
- In expansions to existing manufactured home parks or subdivisions,
- In new manufactured home parks or subdivisions or
- In substantially improved manufactured home parks or subdivisions, or
- Outside of a manufactured home park or subdivision,
- In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

All Manufactured homes must be:

- (i) Elevated on a permanent foundation, and
  - (ii) Have its lowest floor elevated no lower than 1 foot above the level of the base flood elevation, and
  - (iii) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- b) Except manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
    - (i) The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:
      - The lowest floor of the manufactured home is elevated no lower than 1 foot above the level of the base flood elevation, or
      - The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.
  - c) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must:
    - (i) Be on the site for fewer than 180 consecutive days, and
    - (ii) Be fully licensed and ready for highway use.

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- 5) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:
  - (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge;
  - (b) If Article 5, Section B (5) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of Article 5.

#### **Section C     STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS**

Located within the special flood hazard areas established in Article 3, Section B, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- 1) No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- 2) New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with Article 3, Section B.

#### **Section D     STANDARDS FOR SHALLOW FLOODING ZONES**

Located within the special flood hazard areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1 – 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- 1) All new construction and substantial improvements of residential structures shall:
  - a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the

lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.

- 2) All new construction and substantial improvements of non-residential structures shall:
  - a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
  - b) Together with attendant utility and sanitary facilities be completely flood proofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article 5, Section B (2).

#### **Section E      STANDARDS FOR SUBDIVISION PROPOSALS**

- 1) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;
- 2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
- 4) In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall be provided.
- 5) All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

#### **Section F      STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A'**

For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

- 1) Structure must be non-habitable;
- 2) Must be anchored to resist floatation forces;

- 3) Will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;
- 4) Built of flood resistant materials below a level 1 foot above the base flood elevation;
- 5) Must elevate utilities above the base flood elevation;
- 6) Can only be used for storage or parking;
- 7) Cannot be modified for a different use after permitting.

## **Section G      CRITICAL FACILITIES**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

## **ARTICLE 6 - APPEALS AND VARIANCE PROCEDURES**

### **1) Nature Of Variances**

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

### **2) Designation of variance and appeal board**

- a) The Councils of the City of Versailles, the City of Midway, and the Fiscal Court of Woodford County shall establish an Appeal Board consisting of the Board of Adjustment.

### **3) Duties of variance and appeals board**

- a) The Appeal Board shall hear and decide requests for variances from the requirements of this ordinance and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- b) Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the local Circuit Court, as provided in Kentucky Revised Statutes.

### **4) Appeals/Variance Procedures**

In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:

- a) Danger that materials may be swept onto other lands to the injury of others;
- b) Danger to life and property due to flooding or erosion damage;
- c) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- d) Importance to the community of the services provided by the proposed facility;
- e) Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;
- f) Availability of alternative locations which are not subject to flooding or erosion damage;
- g) Compatibility of the proposed use with existing and anticipated development;
- h) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- j) Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- k) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

### **5) Conditions for Variances**

Upon consideration of the factors listed above and the purposes of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.



- a) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- b) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.
  - (i) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. In the instance of an historical structure, a determination shall be made that the variance is the minimum necessary to afford relief and not destroy the historic character and design of the structure.
- c) Variances shall only be issued upon:
  - (i) A showing of good and sufficient cause;
  - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this ordinance); and
  - (iii) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under "Public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.
- d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- e) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) upon request
- f) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Article 6, 4(a – k) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

## **6) Variance Notification**

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- a) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and;
- b) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Woodford County Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- c) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

## **7) Historic Structures**

Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

## **8) No Impact Certification within the Floodway**

Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result.

## **ARTICLE 7 - SEVERABILITY**

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

# ARTICLE XI

## LANDSCAPE AND LAND USE BUFFERS ORDINANCE

### 1100 INTENT

The intent of this article is to improve the appearance of vehicular use areas (VUAs) and property abutting public rights-of-way; to require buffering between incompatible land uses; to protect, preserve and promote the aesthetic appeal, character and value of the community, and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

### 1101 SITES AFFECTED

**1101.1 New Development** - No new site development, building, or structure shall hereafter be constructed, or vehicular use area created or used unless landscaping is provided as required by the provisions of this Article, excluding agricultural and residential uses in agricultural zoning districts. (See Article VII, Section 703.10E for Rural Residential Landscape requirements)

**1101.2 Change to Existing Development** - No building, structure, or vehicular use area (VUA) shall be expanded, moved, or reconstructed and no use shall be changed to another use or increased in intensity unless the minimum landscaping required by the provision of this Article is provided for the property, excluding agricultural and residential uses in agricultural zoning districts. Landscaping shall be provided only for any additional structures, parking or VUA over and above that of the existing development, except as follows. If the additional parking or VUA requirement is equal to or greater than the number of parking spaces or VUA area provided by the previous use, then perimeter landscaping shall be provided for the entire vehicular use area serving the property. (See Section 1105.3 concerning interior landscaping requirements when VUA is altered or expanded.) The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses.

**1101.3 Change of Zone** - No use of an existing building, structure, or vehicular use area shall be commenced subsequent to a change in zoning unless property perimeter landscaping as required herein has been provided.

**1101.4 Change of Use** - No use shall be changed to another use for which the Zoning Ordinance requires additional parking over and above that required for the previous use, unless vehicular use area perimeter landscaping as required by this Article is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses. Where new construction will not be necessary to meet the parking requirements, such additional required parking shall be deemed to be on the perimeter for as much as possible of the existing vehicular use area. Where the previous use had no required parking, perimeter landscaping shall be provided for the entire vehicular use area serving the new use. Interior landscaping shall not be required where only the use of the property is changed, and no new construction or reconstruction is proposed.

## 1102 AUTHORITY

The authority to administer these landscape regulations is granted to the Planning Commission under KRS Chapter 100, Sections 201, 203, and 281.

## 1103 JURISDICTION

The area for which these regulations apply shall coincide with the jurisdiction of the zoning ordinance of which they are made a part.

## 1104 CONFLICTING REGULATIONS

Should the requirements set forth in this section be found in conflict with other provisions of these regulations, the more stringent regulations shall apply. Any regulations adopted as part of a special landscape or urban design plan for particular areas (e.g., road corridor, downtown) shall supersede this ordinance.

## 1105 WHERE LANDSCAPE MATERIALS REQUIRED

This section describes the minimum requirements that shall be met in regard to interior and perimeter landscaping for vehicular use areas, perimeter landscaping for incompatible land uses, and landscaping for service areas.

**1105.1 Perimeter Landscaping Requirements** - Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty (50) percent winter opacity and a seventy (70) percent summer opacity, between one (1) foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four (4) years after installation. The required landscaping shall be provided along the property perimeter in designated landscape buffer areas (LBAs) as shown in the chart Section 1105.2 or adjacent to the vehicular use area as shown in the chart Section 1105.3. A Planting Manual and a Plant Materials List (Appendix B) shall be maintained by the Planning Office and available in the offices of the Building Inspection Office, to provide more detailed information on acceptable plant material.

### 1105.2 Property Perimeter Requirements

A. When the following . . .	B. Adjoins the following . . .	C. A minimum buffer area *1 of this width is required *3 *4 *11	D. Which will contain this material, to achieve opacity required *4 *5 *7 *10
1. Any mobile home park	Any other property	10' adjacent to all common boundaries, including street frontage	1 tree/40' of linear boundary, OFT *2, from Group A, B, C of Plant List plus continuous 6' high planting, hedge, fence, wall or earth mound
2. Any business or professional office zone	Any residential zone *9	15' adjacent to all common boundaries except street frontage *6	1 tree/40' of linear boundary OFT, from Group A or B only, plus 1) a double row of 6' high hedge, or 2) a 6' high fence, wall or earth mound
3. Any light industrial zone	Any residential, professional office or business zone *9	15' adjacent to all common boundaries except street frontage *6	Same as 2D

4. Any heavy industrial zone	Any residential, professional office or business zone *9	30' adjacent to all common boundaries except street frontage (may be reduced to 15' where VUA on subject property adjoins common boundary).	1 tree/30', OFT, Group A or B, plus continuous 6' high planting, hedge, wall, fence (not to exceed 8' in height at street grade) or earth mound. Such plantings are to be shown on a unified plan for the development
5. Any double frontage lot (as defined by the Subdivision Regulations) in any zone except A-1, unless the lot is used for a vehicle sales facility or a service station	Any freeway or arterial street not providing direct access to the property	20' for residential zones and 10' for all other zones adjacent to freeway or arterial	1 tree/30', OFT, Group A or B, plus continuous 6' high planting, hedge, wall, fence (not to exceed 8' in height at street grade) or earth mound. However, if the front of the building faces the arterial street or higher use street and the service area is not visible the continuous planting, hedge, wall fence or earth mound can be reduced to 3'. Such plantings are to be shown on a unified plan for the development.
6. Any zone except agricultural and industrial zones	Railroads (except spur tracks)	Same as 7C, adjacent to railroad boundaries *6	Same as 2D
7. Utility substation, landfills, sewage plants, sewage pump stations, or similar uses	Any property boundary, including street rights-of-way	15' adjacent to all boundaries, except only 5' for sewage pump stations measured adjacent to the enclosure	Same as 2D
8. Any R-2, R-3, R-4 zone except when developed as buildings for single family or two-family occupancy	Any single-family zone *9	10' adjacent to all common boundaries except street frontage	1 tree/40' of linear boundary, OFT *2, from Group A, B, or C of Plant List plus a continuous 6' high planting, hedge, fence wall, or earth mound
9. Any business, professional office or industrial zone	Any agricultural zone *8	15' adjacent to all common boundaries except street frontage *6	Same as 1D, except use only Group A or, 1) one evergreen tree/15' of linear boundary, OFT, planted 15' o.c.; or 2) one tree/20' of linear boundary, OFT, that is a combination of 50% deciduous trees from Group A and 50% small flowering trees or evergreen trees; or, 3) one small flowering tree/15' of linear boundary, OFT, planted 15' o.c.
10. Any residential, professional office, business, or industrial zone	Urban Service Boundary *12	50' buffer required *12	Same as 1D, except use only Group A

- \*1 Grass or ground cover shall be planted on all portions of the landscape buffer area not occupied by other landscape material.
- \*2 O.F.T. means "or fraction thereof." Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.
- \*3 To determine required area of landscape buffer area, multiply required width by length of common boundary. Through the plan review process, landscape buffer area width may be averaged as follows, if the Planning Commission determines such averaging to meet the intent of this ordinance: Using items 1C as an example, the 10' required width times an assumed 100' of common boundary equals 1,000 sq. ft. of required landscape area. Thus, if some sections of the landscape buffer area are only 5' in width, other sections will have to be greater than 10' in width in order to attain the required 1,000 sq. ft. of landscape area. Five (5) feet shall be the least dimension.
- \*4 A continuous planting of evergreen trees 15' o.c. shall be deemed to meet the requirements for trees and a continuous planting of shrubs provided the trees meet the requirements of Section 1105 and an opacity of seventy percent (70%) is achieved.
- \*5 No map amendment request, subdivision plat, or development plan shall be approved by the Planning Commission except in compliance with this section. However, the Planning Commission shall not require such landscaping adjoining the Urban Service Area boundary where any of the following conditions exist: major railroad lines, major water bodies (not including streams or farm ponds), public owned parks or open space, public property with a low intensity of use, or existing urban development along the Urban Service Area boundary.
- \*6 The 15' Landscape Buffer Area (LBA) may be reduced to 5' when used in conjunction with a 6' high opaque wall or fence if the Planning Commission determines such reduction to meet the intent of this ordinance.
- \*7 In situations where a slope occurs along a boundary, the required landscaping shall be placed (in relation to the slope) where it will most effectively screen the more intensive use from the adjoining property. The maximum allowed slope in a buffer area shall be 3 to 1.
- \*8 Screening may be waived with the written concurrence of the adjoining property owner.
- \*9 For the purposes of determining buffer easements, established single-family uses and public uses such as parks and schools may be considered by the Planning Commission to be equivalent to single-family residential zones.
- \*10 When a wall is used to buffer any zone or VUA from a residential zone, it is to be constructed of pre-cast concrete or constructed of/faced with natural stone or brick.
- \*11 Blue-line stream corridors and streamside buffers should be established along each side of each blue-line stream. These buffers should be at least fifty feet in width beginning at the top of bank along each side of the stream and existing riparian and upland vegetation retained and preserved within the buffer area. The determination of the status of a stream, either blue-line (continuous flow) or intermittent flow should be made at the time when a development proposal for the subject proposed is submitted and may be based on USGS designations or other competent information or evidence. Streamside buffers may also be required for intermittent streams and will be determined on a case-by-case basis.

- \*12 Where the Urban Service Boundary abuts any portion of the Rural Service Area (Rural or Equine-Preserve Use District as defined Chapter V of the Comprehensive Plan), a 50-foot-wide buffer shall be provided and maintained. The permanent buffer shall be extensively landscaped with any proposed development project as outlined in Section 1105 above. The landscaped buffer area shall not include any right-of-way or required setback yard unless the Urban Service Boundary is shifted or amended.

### 1105.3 Vehicular Use Area Perimeter Requirements

A. When the following . . .	B. Adjoins the following . . .	C. A minimum landscape buffer area of this width is required *1	D. Which will contain this material, *3 to achieve opacity required.
1. Any vehicular use area *2 (VUA) on any property	Any property in any zone except industrial or agriculture	5' to edge of paving where vehicles overhang, 4' minimum from edge of paving and 3' (that prohibits any vehicular overhang) for other areas, on boundary of portion of vehicular use area that faces adjacent property	1 tree/40' of boundary of vehicular use area OFT *4, from Group A, B, or C, plus a 3' average height continuous planting, hedge, fence, wall or earth mound or a 3' decrease in elevation from the adjoining property to the vehicular use area *5
2. Any vehicular use area in any zone except vehicular sales facilities or service stations *6	Any public or private street right-of-way, access road or service road (except expressways)	Same as 1C above, except applies to VUA portion facing public or private street right-of-way, access road, or service road	Same as 1D, except use only Group A or B
3. Any vehicular sales facility or service station	Any public or private street right-of-way, access road or service road, expressway or arterial street	Same as 2C above	1 tree/50' OFT from Group A or B, plus an 18" average height continuous planting, hedge, fence or wall
4. Financial institutions with drive-in facilities or night depositories	Same as 2B	Same as 1C	1 tree/40' of boundary OFT from Group A or B (deciduous only) with 5' of clear trunk, plus an 18" average height continuous planting, hedge, fence, or wall adjoining a public or private right-of-way and a 3' average height planting, hedge, fence or wall adjacent to all other property

- \*1 These provisions may be included within the property perimeter landscaping required by Section 1105.2 where landscaping buffer areas are also applicable.
- \*2 A vehicular use area (V.U.A.) is any open or unenclosed area containing more than 1,800 sq. ft. of area and/or used by five or more of any type of vehicle, whether moving or at rest, including but not limited to parking lots, loading and unloading areas, mobile home parks, and sales and service areas. Driveways are considered to be vehicular use areas.
- \*3 Grass or ground cover shall be planted on all portions of the landscape buffer areas not occupied by other landscape material.
- \*4 OFT means "or fraction thereof."
- \*5 When a wall is used to buffer any zone or VUA from a residential zone, it is to be constructed of pre-cast concrete or constructed of/faced with natural stone or brick.
- \*6 Service Station is defined as a facility providing fuel, service, and repair for vehicles. Fuel/food stores are not service stations.

**1105.4 Location of Landscape Buffer Area (LBA)** - The LBA described in Section 1105.2- 1, 2, 3, 4, 5, 7, 8, 9, & 10 shall apply to all common boundaries. The LBA described in 1105.2.6 shall apply to the property line adjacent to the railroad right-of-way. The LBA described in 1105.2.12 shall apply to the property line adjacent to the USB. The LBA described in 1105.3.1 shall apply to all common boundaries. The LBA described in 1105.3.2, 3, & 4 shall apply to the property line adjacent to the freeway or public right-of-way.

**1105.5 Relationship to Yard Requirements** - Where there are requirements for LBAs and minimum yards, the more stringent requirement shall be complied with.

**1105.6 Responsibility for Providing LBAs** - The LBA set forth in Sections 1105.2 and 1105.3 shall be provided as a condition of development by the person in charge of or in control of the property, whether as owner, lessee, tenant, occupant, or otherwise, which creates the incompatible situation, or shall be placed on the activity or parcel being processed when the adjoining property is already developed with the exception of freeways and railroads. An owner securing a change in zone which creates an incompatible situation shall be deemed the one who creates such situation and shall immediately provide the buffer area as a condition of the zone change. If the incompatible situation already exists or is created by a general zone change not sponsored by the property owner, the buffer area shall be provided as a condition of the approval of any future subdivision or development plan of the affected land.

- A. Inclusion of Subdivision Plat - Areas to be set aside for LBAs shall be shown on preliminary subdivision plats and development plans. Illustrations including trees, shrubs, ground covers, and barriers shall be shown on preliminary subdivision plats and development plans.
- B. Easement Conflicts - Where LBAs are required in the same location as utility easements, the two may be combined providing that the total width and screening requirements of sections 1105.2 and 1105.3 are met. However, where existing trees are to be preserved, the two may not be



combined. Trees planted in easements containing overhead lines shall be small (S) trees that will not conflict with the utilities.

- C. **Provision of Planting Materials and Barriers** - Such trees, shrubs, ground covers, and barriers as shall be required and/or shown on the final subdivision plat or development plan shall be provided by the owner or developer and considered as any other site improvement. (See Section 1105.16.C concerning bonding of landscaping.)
- D. **Trees on Right of Way** - Trees required as a part of the vehicular use area perimeter landscaping may be placed on the right-of-way adjoining such vehicular use area when approved by the Planning Commission and governing agency responsible for right-of-way maintenance with maintenance agreement.

**1105.7 Requirement Conflicts** - Whenever a parcel or activity falls under two or more of the landscape requirements listed in Sections 1105.2 and 1105.3, the most stringent requirements will be enforced.

**1105.8 Landscaping at Driveway and Street Intersections** - To assure that landscape materials do not constitute a driving hazard, a "sight triangle" will be observed at all street intersections or intersections of driveways with streets. At street intersections, the sight triangle shall be formed by measuring from the intersection of the curb lines at least 35' in each direction along the curb lines and connecting these points. At driveway intersections, the sight triangle shall be formed by measuring at least 15' back into the driveway and 20' in each direction along the curb line (forming two triangles). No landscape material shall be placed within the sight triangle that is greater than 18" in height. Trees having at least 5' of clear trunk (no limbs) or otherwise not presenting a traffic visibility hazard shall be permitted within the sight triangle.

**1105.9 Joint Driveways and Common Vehicular Use Areas** - Vehicular use area screening shall not be required between a vehicular use area and the adjoining property where a property line divides a driveway used for common access to two (2) or more properties nor when both of the following conditions exist: a) the vehicular use areas are for the required parking for the properties or the common use of the properties (as substantiated by a reciprocal parking and access agreement), b) a final development plan for the properties has been approved by the Planning Commission.

**1105.10 Existing Landscape Material** - Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Landscape Inspector such material meets the requirements and achieves the objectives of this article. Existing healthy trees from the Plant List may be substituted for trees required for property or vehicular use area perimeter landscaping, or for interior landscaping by using the following criteria: a 6" to 12" caliper tree surrounded by a minimum of 150 square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a 12" to 24" caliper tree surrounded by a minimum of 250 square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a 24" or greater caliper tree surrounded by a minimum of 300 square feet of

landscape area may be substituted for four (4) new trees of the required minimum size.

**1105.11**

**Interior Landscaping for Vehicular Use Areas** - Any open vehicular use area (excluding loading, unloading, and storage areas in an industrial zone) containing 6,000 or more sq. ft. of area, or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall be peninsular or island types. Where a vehicular use area is altered or expanded to increase the size to 6,000 or more square feet of area, or twenty or more vehicular parking spaces, interior landscaping for the entire vehicular use area shall be provided and not merely to the extent of its alteration or expansion.

- A. Landscape Area - For each 100 sq. ft., or fraction thereof, of vehicular use area, five (5) sq. ft. of landscaped area shall be provided.
- B. Minimum Area - The minimum landscape area permitted shall be sixty-four (64) sq. ft. with a 4' minimum dimension to all trees from edge of pavement where vehicles overhang.
- C. Maximum Contiguous Area - In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than 350 sq. ft. in vehicular use areas under 30,000 sq. ft. in size, and no required area shall be larger than 1,500 sq. ft. in vehicular use areas over 30,000 sq. ft. In both cases, the least dimension of any required area shall be 4' minimum dimension to all trees from edge of pavement where vehicles overhang. The maximum distance between landscape areas shall be 120' measured from the closest perimeter landscape area curb edge or the closest curb edge of each required interior area. Landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum.
- D. Minimum Trees - A minimum of one (1) tree shall be required for each 250 sq. ft. or fraction thereof of required landscape area. Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs or ground cover, not to exceed two (2) feet in height.
- E. Vehicle Overhang - Parked vehicles may hang over the interior landscaped area no more than two and a half feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area.

**1105.12**

**Landscaping for Service Structures** - All service structures shall be fully screened except when located in industrial zone or when located more than 35' above the established grade (roof-top structures). Service structures in an industrial zone shall be fully screened when located within 100' of any zone except industrial or when within 100' of a public right-of-way or private access easement. For the purpose of this Article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.

- A. Location of Screening - A continuous planting, hedge, fence, wall, or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count toward the fulfillment of required interior or perimeter landscaping if location is appropriate. No interior landscaping shall be required within an area screened for service structures.
- B. Protection of Screening Material - Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.
- C. Screening of Outdoor Storage Areas - All outdoor storage areas in industrial zones shall be screened by a solid wall or fence not less than six (6) feet in height.

#### **1105.13**

**Landscape Materials** - The landscaping materials shall consist of the following and are described in more detail in the Planting Manual and Plant Materials List (Appendix B).

- A. Walls and Fences - Walls shall be constructed of natural stone, brick or other weatherproof materials; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings (See also notes #10 and #5, Section 1105.2 and 1105.3). Fence posts shall be structurally stable based on the material used, and shall have a maximum spacing of 8' o.c. If wood is used, the posts shall be 4" x 4" minimum. Posts shall be set in or anchored to crowned concrete footers at least 6" larger in each direction than the post it supports. The base of the footer shall be at least 24" below finished grade. If wood is used for any member, it shall be softwood treated with water-borne preservative to the American Wood Preservers Institute standard LP-2 for above ground use or LP-22 for ground contact use, or all heart redwood, or all heart cedar. All cut surfaces of pressure treated lumber shall be waterproofed. If another material is used, it shall be weatherproof. Slats are to be minimum 1/2" in thickness and are to be placed on the outside of the fence unless the design is two-sided (shadowbox, etc.). All hardware is to be galvanized or otherwise rust proofed. Wood horizontal

members shall be installed bark-side up. Chain link fencing may not be used to meet the requirements of this Article. Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous planting, hedge, fence, wall or earth mound. In industrial zones, there shall be no height limitation on walls or fences; in all other zones, however, there shall be a six (6) foot height restriction for walls or fences in front yards and side street side yards, and an eight (8) foot height restriction inside and rear yards. All walls or fences shall have a minimum opacity of eighty (80) percent. Walls and fences allowed to meet the requirements of this Article shall not be used for the erection or display of any sign or other advertising device.

- B. Earth Mounds - Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an earth mound. Maximum slope shall be 3 in 1.
- C. Plants - All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements:
  - 1. Quality - Plant materials used in conformance with provision of this Ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Bare root plants, with the exception of shrubs and hedges, vines and ground covers shall be prohibited.
  - 2. Deciduous Trees - (Trees which normally shed their leaves in the Fall) Shall be species having an average mature crown spread of greater than fifteen (15) feet in Woodford County and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet, may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured six (6) inches above ground for trees up to 4 inches caliper) of at least 1-3/4 inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.
  - 3. Evergreen Trees - Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1-1/2) inches immediately after planting.
  - 4. Shrubs and Hedges - Shall be at least 12" with three (3) canes for Section 1105.3 lines 3 and 5, at least 2' with three (3) canes for all

other lines of Section 1105.3 and, and 3' with four (4) canes for Section 1105.2 in average height when installed. After approval by the Landscape Inspector and with the exception of the 12" plants, shrubs and hedges may be pruned to one-half the height in accordance with accepted horticultural practices. All plants shall conform to opacity, mature height, and other requirements of the final approval of each planting or replanting. Privet, Ligustrum species, cannot meet the opacity requirements and may not be used to satisfy the requirements of this Article. The height of the planting shall be measured from the level of the surface of the vehicular use area at the edge closest to the screening.

5. Vines - Shall be at least 15 inches high at planting and are generally used in conjunction with walls or fences.
6. Grass or Ground Cover - Grass of the fescus (Gramineae) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Woodford County, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic materials shall be planted not more than 15" on center and in such a manner as to present a finished appearance and have 75% of complete coverage after two complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar approved materials.

**1105.14 Vehicle Overhang** - Parked vehicles shall not be permitted to overhang a landscape buffer area or an interior landscaping area more than two and one-half feet. Curbs or wheel stops shall be provided to permit no greater overhang.

**1105.15 Maintenance and Installation** - All landscaping materials shall be installed in a sound, workmanship-like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this Article at the time of installation shall be removed and replaced with acceptable materials. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this Article. Violation of these installation and maintenance provisions shall be grounds for the Building Inspection Department to refuse a building occupancy permit, require replacement of landscape material or institute legal proceedings to enforce the provisions of this Article.

**1105.16**

**Plan Submission and Approval** - Whenever any property is affected by these landscape requirements, the property owner or developer shall submit a landscape plan to the Planning Office. For any property where a vehicular use area for twenty (20) or more vehicles or 6,000 or more square feet is provided, the landscape plan shall be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Kentucky. The requirements of this Article shall be followed in approving or disapproving any landscape plan required by this Article.

**A. Plan Content**

The contents of the plan shall include the following: (a) plot plan, drawn to an easily readable scale, showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, etc.) water outlets and landscape material (including botanical name and common name, installation size, on center planting dimensions where applicable, and quantities for all plants used); (b) existing and proposed contours at two (2) foot intervals; (c) typical elevations and/or cross sections as may be required; (d) title block with the pertinent names and addresses (property owner, person drawing plan), scale, date, north arrow (generally orient plan so that north is to top of plan); (e) zone of site and adjacent properties; (f) the location and drip line of any existing significant trees or tree stands, including those in fence rows and drainage areas, a general description of type and size of trees, and any proposed provisions for preserving trees, and (g) calculation of vehicle use area, required and provided interior landscape area.

**B. Building Permit and Certificate of Occupancy**

Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved, and no Certificate of Occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Landscape Inspector. In instances where the State will issue the Certificate of Occupancy, the development plan shall not be certified until the required landscaping is bonded as outlined below. If the required landscaping has not been completed and a Temporary Certificate of Occupancy is issued, a full cash certificate of deposit or irrevocable letter of credit from a banking institution with offices in Woodford County, Kentucky shall be posted at that time and submitted to the Planning Director in the name of the appropriate legislative body. The amount of the certificate of deposit or letter of credit shall be based upon the cost of the proper installation of the uninstalled landscape material shown in the submitted plan with the cost certified by a landscape contractor. The amount of the certificate of deposit or letter of credit shall also include an inflation factor and/or administrative contingency cost of 25% of the base cost to complete the work in the event of the foreclosure of the certificate of deposit or letter of credit. Where landscaping is required for a subdivision plat, certification or bonding is required prior to approval of Final Plat.

C. Posting of a Full Cash Certificate of Deposit or Irrevocable Letter of Credit

After a full cash certificate of deposit or irrevocable letter of credit has been posted with the appropriate legislative body, the landscaping material required in the approved landscaping plan shall be installed within three (3) months after the date of posting the full cash certificate of deposit or irrevocable letter of credit for Final Development Plans, or 12 months after the same date for Final Plats. Extensions of the planting period may be granted by the Planning Director upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three (3) such one (1) month extensions may be granted. The full cash certificate of deposit or irrevocable letter of credit shall be called if the required landscaping has not been installed by the end of the approved planting period and the appropriate legislative body shall apply the proceeds of the certificate of deposit or letter of credit to have the work completed.

**1105.17 Planting Manual and Plant Materials List** - Developers shall refer to the Planting Manual and Plant Materials List (Appendix B) which are available at the Planning Office for minimal requirements to use in meeting the provisions of this Article. Any materials which are not on the Plant Materials List shall be considered on an individual basis to determine the suitability of the specific plant in the proposed location. A plant not on the Plant Materials List shall be permitted only upon the expressed approval of the Landscape Inspector.

**1106 ADMINISTRATION**

The enforcement of this ordinance shall be carried out as set forth on the following section.

**1106.1 Enforcement** - The requirements of this ordinance will be administered by the Planning Commission and their staff with the assistance of a Consulting Landscape Examiner and enforced by the appointed zoning enforcement officer. It shall be unlawful to occupy any premises unless the required landscaping has been installed or bonded in accordance with the final subdivision plat or development plan.

- A. Violations - In cases where the property owner or developer fails to install required landscaping, or where the property owner/tenant fails to properly maintain required landscaping, the officer of the Planning Commission shall notify the responsible party of such violation and order correction of same. If necessary, the City or County Attorney or any other appropriate authority shall institute appropriate action in court to eliminate the violation.
- B. Penalties - Fines and other penalties may be imposed upon violators according to Article III of the Zoning Ordinance. After notification of the responsible party, each day of continued violation shall constitute a separate violation.

## **APPENDIX A & B OTHER EXHIBITS**

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Exhibit A1	Historic Overlay Standards
Exhibit A2	Historic Overlay Standards
Exhibit B	Woodford County Landscape Master Plant List



## **APPENDIX A1**

### **Secretary of the Interior's Standards**

The Versailles-Midway-Woodford County Board of Architectural Review, hereby and through action at a properly called and conducted meeting, adopted, the Secretary of the Interior's Standards for Rehabilitation & *Illustrated Guidelines for Rehabilitating Historic Buildings* (excluding those regulations that deal with the interior of structures) as part of its guidelines. The ten standards here are a summary of the complete text. The complete text may be obtained from:

U.S. Department of the Interior  
National Park Services  
Heritage Preservation Services  
Washington, D.C.

Or you may look at a reference copy any business day at the Planning Commission Office or at the Woodford County Library.

The Standards for Rehabilitation are as follows:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical,

architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

10. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

## **APPENDIX A2 Design Guidelines (Amended July 2017)**

These Design Guidelines are not intended in any way to contradict or supersede the provisions of the Kentucky Building Code, unless more restrictive.

The Design Guidelines set forth in this Appendix may from time to time be amended, supplemented, changed, or repealed as needed by the Board of Architectural Review.

### **A. Construction of New Building, Additions or In-fill**

1. New construction should try to enhance the surrounding old buildings but should look new while reflecting the basic design components of the surrounding existing buildings.
2. New buildings or additions should be constructed to a height within 10% of the average height of the existing adjacent buildings.
3. Facade setback lines should be maintained.
4. Floor heights should match those of the surrounding buildings.
5. Windows and doors should be compatible with historical structures in the district.
6. Additions should be planned so as to not upset the original building style, visibility and neighbors.
7. Additions should be planned for areas not within the public view.
8. Roof shapes should be compatible to others found in the area.
9. Conceptual/Schematic Design Phase Plans required with an outline of specifications listing all exterior materials is required.
10. Design Development Phase with outline specifications including proposed materials (95% designed).
11. Site Plan and Building Elevation Plans, both to a legible scale, are required for what is visible from the street. Scaled floor Plans are encouraged and may be required.

### **B. Demolition**

1. Demolition is allowed if:
  - a. Building Code Enforcement has ordered demolition.

- b. Demolition request is for an inappropriate addition or non-contributing building and will not affect significant parts of the building or character of the district.
  - c. Reconstruction must take place within six months of completion of demolition or penalties as set forth in Article III, Section 304 will be imposed.
- 2. Demolition, other than an inappropriate addition, non-contributing building or condemned structure, may be approved after the following criteria, prepared and presented in a report by an Architect or Architectural historian, has been met:
  - a. Importance of the structure to the history of the area.
  - b. Physical condition and structural integrity.
  - c. The cost of demolition.
  - d. The cost of reasonable rehabilitation, renovation or restoration to allow the structure to continue in a useful function.
  - e. Existing or potential usefulness of the structure including economic return. This item is to be prepared by a Real Estate professional.
  - f. Applicant shall submit amount paid in sales for last five years and all appraisals.
  - g. If income producing, submit all gross income for past two years, operating expenses and annual cash flow.
- 3. If a demolition permit is granted then the applicant should complete the following items:
  - a. Documentation of the structure by photograph, measured drawings and material listings shall be provided.
  - b. All valued architectural details should be salvaged where practical.
  - c. Schematic Design Phase (A-9 above) must be submitted to the Board of Architectural Review prior to demolition permit being issued.

**C. Awnings/Shading Devices**

- 1. Standard street level awning should be about 7'-0" above the sidewalk.
- 2. A maximum 12" valence flap is usually attached to the awning bar and can serve as a sign panel.
- 3. Awning materials may be canvas, vinyl coated canvas or acrilan, or equivalent.
- 4. Awning/Shading devices shape should be a standard shed form.
- 5. Awnings should complement the building proportion, style and scale.
- 6. Awnings should not be aluminum or fiberglass.

7. Awnings should not be back lit.
8. Textured materials are encouraged and glossy materials are discouraged.
9. The installation of canvas canopies and awnings is encouraged on both commercial and residential buildings. However, they should not obscure significant architectural features or require their removal.

**D. Cornices**

1. Original materials should be retained.
2. Stamped metal cornices should be painted. Cleaning should be by chemical paint remover, not dry grit blasting.
3. Replacement should replicate, match or complement existing details.
4. Lintels or cornices that separate the storefront from the upper floors should not be removed or covered.
5. No alterations to original design should be made to improve the design.
6. Additions of inappropriate or out of character features should not be used.

**E. Decks and Porches**

1. If a porch is beyond reasonable repair or is missing then the replacement should be designed to match the existing as closely as possible in size, scale, detail and material. If a porch is missing then documented evidence that supports the existence of a porch is required.
2. Porches or decks reflecting a later architectural style are often important to the buildings historical integrity and should be retained.
3. Total removal of a porch, which is important to the historical integrity of the structure should not be allowed.
4. Enclosure of an existing porch on a primary facade should not be allowed.
5. Vinyl or aluminum siding should not be used to cover original details.

**F. Doors**

1. Doors should be maintained and repaired with similar materials to maintain the historical content of the building. Maintenance includes cleaning, limited paint removal and the re-application of protective coatings. Original frames should be repaired versus replacement.
2. Doors that need to be replaced because they are beyond repair should match the historical content of the building in size, style, material; have the same number of panes and similar muntins, jamb, sill, rails and head.
3. Closing up, enlarging, or reducing the existing door openings is discouraged.

4. Door windows should have clear glazing.
5. If door glazing is to be broken into panes, then it should have true or simulated divided lights with mullions. Grill between glass or snap-on mullions should not be used.
6. Commercial door to window vertical height should be between 2/3rds and 3/4ths the height of the door.
7. Residential style doors should not be used on commercial buildings.

**G. Fences/Gates/Walls & Retaining Walls**

1. New fences in yards visible from the public right of way must have board approval.
2. New fences should be of wood, iron, or comparable material.
3. New fences should not obscure significant views.
4. Chain-link, concrete block, un-faced concrete, fiberglass, or plywood fences and walls are inappropriate and should not be used.
5. Solid, privacy fences, including stockade fences should not be used, except where they are necessary for screening or utility areas.
6. No approval required for rear-yard fencing not visible from any street within the district.

**H. Fire Escapes**

1. No approval required for repair of existing structure.
2. The addition of a fire escape structure to a historical building may be necessary to meet safety codes.
3. All newly constructed fire escapes visible from the street must have board approval.

**I. Gutters/Downspouts**

1. No approval is required for the repair of existing gutters.
2. Any new materials or design must have board approval.
3. Addition of gutters must have board approval.

**J. Landscaping**

1. Removal of existing trees, 10" in diameter and four feet off the ground requires Board approval and a professional recommendation from an arborist or county horticulture extension agent.

**K. Lighting**

1. Exterior lighting should be compatible with the overall design of the building.

2. Lighting fixtures that are compatible with the existing style, scale and design of the original building and character of the surrounding area, should be selected.
3. Harsh and colored light sources should be avoided.
4. Lighting fixtures and levels of light should not detract from the building and its surroundings.

**L. Masonry Cleaning**

1. Low-pressure water and detergents should be used to clean masonry.
2. Sandblasting and high-pressure water blasting and chemical cleaning should not be allowed.
3. Removal of damaged or deteriorated paint by hand scraping and/or use of a bristle brush is recommended.

**M. Masonry Tuck-pointing**

1. The repair of mortar or the tuck pointing of a building must have board approval.
2. Change of joint style, composition or mortar colors must have board approval.

**N. Painting**

1. Type of paint that is used should be compatible with the material and paint it will cover.
2. No approval is necessary for the colors of paint to be used on a historical structure.
3. The painting of any unpainted original materials must have board approval.

**O. Parking Lots, Paved Areas and Walkways**

1. New parking areas should be placed so as not to be in the public right of way view, preferred would be rear or screened sides of buildings.
2. Size and layout should be as minimal and un-obtrusive as possible.
3. Parking should be designed to minimize view of cars.
4. Green landscaped areas are encouraged.
5. Existing areas should be repaired or replaced with like material.

**P. Structural Elements & Building Ornamentation**

1. No permanent new ornamentation should be added.
2. Original ornamentation & structural elements including but not limited to shutters, brackets, cornice moldings, posts, and gable trim, should be left in place.

3. If one of these elements has deteriorated to the point that it must be replaced, care should be taken to replace it with a duplication of the same shape, style, and material.

**Q. Roofs, Dormers, Cupolas, and Chimneys. Etc.**

1. Retaining and preserving roofs and their functional and decorative features, as original, is most important not only to their definition of the overall architectural preservation of the building but is a necessity in protecting the entire integrity of the structure.
2. The roofs shape and roofing materials should be repaired or replaced with original type and style.
3. No original elements of the roof should be removed.

**R. Siding**

1. Siding should be made of solid wood or similar looking, solid material and have design and dimensions that is consistent with the existing.
2. Masonry brick should not be covered with wood siding.
3. When replacing existing siding, every effort should be made to retain the original design and dimensions.

**S. Signage**

1. Signs in order of preference of location:
  - a. Flush mounted signs.
  - b. Painted directly on glass windows.
  - c. Signs on awnings.
  - d. Projecting over sidewalk.
2. Flush mounted signs should never cover existing clerestory transom panels. (The space between the transom panels and upper windows was provided by early designers for signage).
3. Signs painted directly on the glass show windows draw attention to merchandise and is an effective way of merchandising.
4. Signs on awnings are colorful and relate well to turn of the century signage. Their disadvantage is in lighting them.
5. Indirect light sources that are shielded and shine on the sign are preferred. Their balance of light intensity between sign and display windows is better for pedestrian selling. Indirectly lit signs also give a more professional business image.
6. Illuminated signs are discouraged because of their unusual overwhelming light levels and typical bad design.

**T. Storm Windows/Doors**

1. Exterior storm windows should not damage or obscure the existing windows/doors and/or the existing window frames. Storm windows/doors should match the existing sash design or the window/door and be installed to the inside of the wood brick molding.
2. Exterior insulating storm windows/doors are a good idea to conserve heat and energy. However, they often look inappropriate on an older facade especially on the front of the building. Interior storm windows/doors are preferable.

**U. Windows**

1. Windows should be maintained and repaired with similar materials to maintain the historical content of the building. Maintenance includes cleaning, limited paint removal and the re-application of protective coatings. Original sashes and frames should be repaired versus replacement.
2. Windows that need to be replaced because they are beyond repair should match the historical content of the Building, original in size, style, material; have the same number of panes and similar muntins, jamb, sill, rails and head.
3. Closing up, enlarging, or reducing the existing window openings is discouraged.
4. Windows should have clear glazing.
5. If window unit is to be broken into panes, then should have true or simulated divided lights with mullions. Grill between glass or snap-on mullions should not be used.





# WOODFORD COUNTY LANDSCAPE MASTER PLANT LIST

VERSAILLES-MIDWAY-WOODFORD COUNTY ZONING ORDINANCE APPENDIX B  
JANUARY 2023



# WOODFORD COUNTY LANDSCAPE MASTER PLANT LIST

VERSAILLES-MIDWAY-WOODFORD COUNTY ZONING ORDINANCE APPENDIX B  
JANUARY 2023

## ***Acknowledgements***

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- Jesse Dahl - Senior Horticulturist at The Arboretum State Botanical Garden of Kentucky

### ***Versailles-Midway-Woodford County Planning Commission***

- |   |  |                                   |
|---|--|-----------------------------------|
| ▪ Patty Perry (Chair) - Woodford County | Chad Wells (Vice-Chair) - City of Versailles | Jeri Hartley - City of Versailles |
| ▪ Rich Schein - City of Midway          | Randal Bohannon - Woodford County            | Tim Parrott - City of Versailles  |
| ▪ Whitney Stepp - Woodford County       | Floyd Greene - Woodford County               | Lonnie Estes - City of Versailles |

### ***Planning Commission Staff***

- Stephen Hunter, Director

# WOODFORD COUNTY LANDSCAPE MASTER PLANT LIST

VERSAILLES-MIDWAY-WOODFORD COUNTY ZONING ORDINANCE APPENDIX B  
JANUARY 2023

## MASTER PLANT LIST FOR THE LANDSCAPE REQUIREMENTS

(As specified in Article XI of the Zoning Ordinance)

The following list of plant material is to be used as a guide for the selection of plants for use on Landscape Plans submitted with Development Plans and Building Permit applications. This Master Plant List is not intended to be an all-inclusive list and other substitute plants may be used with the approval of the Versailles-Midway-Woodford County Planning Commission.

# WOODFORD COUNTY LANDSCAPE MASTER PLANT LIST

VERSAILLES-MIDWAY-WOODFORD COUNTY ZONING ORDINANCE APPENDIX B  
JANUARY 2023

*SHADE/DECIDUOUS TREES (Group A)*

*SMALL OR ORNAMENTAL TREES (Group B)*

*EVERGREEN TREES*

*SHRUBS*

*GROUNDCOVER*

**SHADE/DECIDUOUS TREES (Group A)**

<u>KEY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>MINIMUM SIZE</u>	<u>NATIVE SPECIES</u>
APL	Acer platanoides	Norway Maple	1- 3/4" Caliper	
ARU	Acer rubrum	Red Maple	1- 3/4" Caliper	
ARA	Acer rubrum 'Armstrong'	Columnar Red Maple	1- 3/4" Caliper	
ARF	Acer rubrum 'Autumn Flame'	Autumn Flame Maple	1- 3/4" Caliper	
ARB	Acer rubrum 'Bowhall'	Bowhall Columnar Red Maple	1- 3/4" Caliper	
ARA	Acer rubrum 'October Glory'	October Glory Maple	1- 3/4" Caliper	
ARU	Acer rubrum 'Red Sunset'	Red Sunset Maple	1- 3/4" Caliper	
ASA	Acer saccharum	Sugar Maple	1- 3/4" Caliper	✓
ASG	Acer saccharum 'Green Mountain'	Green Mountain Sugar Maple	1- 3/4" Caliper	
AXF	Acer x freemanii	Freeman Maple	1- 3/4" Caliper	✓
AGB	Aesculus glabra	Ohio Buckeye	1- 3/4" Caliper	✓
BLB	Betula lenta	Sweet Birch	1- 3/4" Caliper	✓
BNH	Betula nigra 'Heritage'	River Birch	1- 3/4" Caliper	✓
CCH	Carya cordiformis	Bitternut Hickory	1- 3/4" Caliper	✓
CIP	Carya illinoensis	Hardy Pecan	1- 3/4" Caliper	✓
COH	Carya ovata	Shagbark Hickory	1- 3/4" Caliper	✓
CSC	Catalpa speciosa	Catalpa	1- 3/4" Caliper	✓
CLS	Celtis laevigata	Sugarberry	1- 3/4" Caliper	✓
COH	Celtis occidentalis	Hackberry	1- 3/4" Caliper	✓
CJA	Cercidiphyllum japonicum	Katsuratree	6' - 8' Height	
CLD	Cladrastis lutea	American Yellowwood	1- 3/4" Caliper	✓
CCH	Corylus colurna	Turkish Hazel	1- 3/4" Caliper	✓
DVI	Diospyros virginiana	Common Persimmon	6' - 8' Height	✓
EUL	Eucommia ulmoides	Hardy Rubber tree	1- 3/4" Caliper	
FGR	Fagus grandifolia	American Beech	1- 3/4" Caliper	✓
FSY	Fagus sylvatica	European Beech	1- 3/4" Caliper	
GBI	Ginkgo biloba (Male Only)	Maidenhair Tree	1- 3/4" Caliper	
GTH	Gleditsia triacanthos 'Halka'	Halka Locust	1- 3/4" Caliper	

GTS	Gleditsia triacanthos 'Shade Master'	Thornless Honeylocust	1- 3/4" Caliper	
GTK	Gleditsia triacanthos 'Skyline'	Skyline Locust	1- 3/4" Caliper	
GTI	Gleditsia triacanthos var. inermis	Thornless Honeylocust	1- 3/4" Caliper	✓
GDI	Gymnocladus dioicus	Espresso	1- 3/4" Caliper	✓
LST	Liquidambar styraciflua	Happidaze	1- 3/4" Caliper	✓
LST	Liquidambar styraciflua	Rotundiloba	1- 3/4" Caliper	✓
LST	Liriodendron tulipifera	Tulip Poplar	1- 3/4" Caliper	✓
MAC	Magnolia acuminata	Cucumber Tree	1- 3/4" Caliper	✓
MGR	Magnolia grandiflora	Southern Magnolia	6' - 8' Height	
MGR	Metasequoia glyptostroboides	Dawn Redwood	1- 3/4" Caliper	
NSY	Nyssa sylvatica	Black Gum	1- 3/4" Caliper	
POC	Platanus occidentalis	Sycamore	1- 3/4" Caliper	✓
PAB	Platanus x acerifolia 'Bloodgood'	London Planetree	1- 3/4" Caliper	
QAL	Quercus alba	White Oak	1- 3/4" Caliper	✓
QBO	Quercus bicolor	Swamp White Oak	1- 3/4" Caliper	✓
QCO	Quercus coccinea	Scarlet Oak	1- 3/4" Caliper	✓
QMA	Quercus macrocarpa	Bur Oak	1- 3/4" Caliper	✓
QMO	Quercus michauxii	Swamp Chestnut Oak	1- 3/4" Caliper	✓
QMU	Quercus muehlenbergii	Chinkapin Oak	1- 3/4" Caliper	✓
QPH	Quercus phellos	Willow Oak	1- 3/4" Caliper	✓
QRU	Quercus rubra	Red Oak	1- 3/4" Caliper	✓
SBA	Salix babylonica	Weeping Willow	1- 3/4" Caliper	
SAL	Sassafras albidum	Common Sassafras	1- 3/4" Caliper	✓
SJA	Styphnolobium japonicum	Japanese Pagodatree	1- 3/4" Caliper	
SJR	Sophora japonica 'Regent'	Regent Scholar Tree	1- 3/4" Caliper	
TDI	Taxodium distichum	Bald Cypress	10'-12' Height	✓
TAR	Tilia americana 'Redmond'	Redmond Linden	1- 3/4" Caliper	✓
TCO	Tilia cordata	Littleleaf Linden	1- 3/4" Caliper	
TCG	Tilia cordata 'Greenspire'	Greenspire Linden	1- 3/4" Caliper	
TTO	Tilia tomentosa	Silver Linden	1- 3/4" Caliper	
UAE	Ulmus americana	American Elm	1- 3/4" Caliper	✓
UPA	Ulmus parvifolia	Chinese Elm	1- 3/4" Caliper	
ZSG	Zelkova serrata 'Green Vase'	Green Vase Zelkova	1- 3/4" Caliper	
ZSG	Zelkova serrata 'Village Green'	Village Green Zelkova	1- 3/4" Caliper	

**SMALL OR ORNAMENTAL TREES (Group B)**

<u>KEY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>MINIMUM SIZE</u>	<u>NATIVE SPECIES</u>
ACA	Acer campestre	Hedge Maple	12' - 14' Height	
AGI	Acer ginnala	Amur Maple	12' - 14' Height	
AGF	Acer ginnala 'Flame'	Amur Maple	12' - 14' Height	
APB	Acer palmatum 'Bloodgood'	Bloodgood Japanese Maple	7' - 8' Height	
APD	Acer palmatum 'Dissectum'	Japanese Maple	6' - 8' Height	
ACC	Aesculus x carnea	Red Horse Chestnut	6' - 8' Height	
AAS	Amelanchier arborea	Downy Serviceberry	10' - 12' Height	✓
ACA	Amelanchier canadensis	Serviceberry	10' - 12' Height	✓
ALS	Amelanchier laevis	Allegheny Serviceberry	10' - 12' Height	✓
ATP	Asimina triloba	Pawpaw	6' - 8' Height	✓
CBF	Carpinus betulus 'Fastigiata'	Upright European Hornbeam	12' - 14' Height	
CCA	Carpinus caroliniana	American Hornbeam	12' - 14' Height	✓
CCA	Cercis canadensis	Eastern Redbud	6' - 8' Height	✓
CVI	Chionanthus virginicus	Fringetree	5' - 6' Height	✓
CAD	Cornus alternifolia	Pagoda Dogwood	6' - 8' Height	✓
CFL	Cornus florida	Flowering Dogwood	6' - 8' Height	✓
CKO	Cornus kousa	Kousa Dogwood	8' - 10' Height	
CMD	Cornus mas	Cornelian Cherry Dogwood	8' - 10' Height	
COG	Cotinus coggygria	Common Smoketree	8' - 10' Height	
CPH	Crataegus phaenopyrum	Washington Hawthorn	10' - 12' Height	
CVW	Crataegus viridis 'Winter King'	Winter King Hawthorn	6' - 8' Height	
CLA	Crataegus x lavalleyi	Lavalle Hawthorn	8' - 10' Height	
HCA	Halesia carolina	Carolina Silver Bell	6' - 8' Height	✓
MSM	Magnolia soulangiana	Saucer Magnolia	6' - 8' Height	
MST	Magnolia stellata	Star Magnolia	5' - 6' Height	
MVI	Magnolia virginiana	Sweetbay	3' - 4' Height	
MVC	Malus (varieties) Crabapple	Donald Wyman Crabapple	6' - 10' Height	
MVC	Malus (varieties) Crabapple	Louisa Crabapple	6' - 10' Height	
MVC	Malus (varieties) Crabapple	Prairiefire Crabapple	6' - 10' Height	
MVC	Malus (varieties) Crabapple	Sargentii Crabapple	6' - 10' Height	
MVC	Malus (varieties) Crabapple	Sugar Thyme Crabapple	6' - 10' Height	
MVC	Malus (varieties) Crabapple	Royal Raindrops Crabapple	6' - 10' Height	

OVH	Ostrya virginiana	American Hop Hornbeam	6' - 8' Height	✓
PPI	Parrotia persica	Persian Ironwood	6' - 8' Height	
PCA	Prunus cerasifera	Cherry Plum	10' - 12' Height	
PSK	Prunus serrulata 'Kwanzan'	Kwanzan Cherry	8' - 10' Height	
PSU	Prunus subhirtella 'autumnalis'	Higan Cherry	8' - 10' Height	
PYE	Prunus yedoensis	Yoshino Cherry	10' - 12' Height	
RTY	Rhus typhina	Staghorn Sumac	6' - 8' Height	✓
SOV	Stewartia ovata	Mountain Stewartia	8' - 10' Height	✓
SPS	Stewartia pseudocamellia	Japanese Stewartia	8' - 10' Height	
SRE	Syringa reticulata	Japanese Tree Lilac	8' - 10' Height	



**EVERGREENS**

<u>KEY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>MINIMUM SIZE</u>	<u>NATIVE SPECIES</u>
ANF	Abies nordmanniana	Nordmann Fir	5' - 6' Height	
ACF	Abies concolor	White Fir	5' - 6' Height	
COC	Chamaecyparis obtusa	Hinoki Cypress	5' - 6' Height	
CPC	Chamaecyparis pisifera	Sawara Cypress	5' - 6' Height	
IOP	Ilex opaca	American Holly	5' - 6' Height	
IAF	Ilex X attenuata 'Fosteri'	Foster Holly	5' - 6' Height	
JVI	Juniperus virginiana	Eastern Red Cedar	5' - 6' Height	✓
JVC	Juniperus virginiana 'Canaertii'	Eastern Red Cedar	5' - 6' Height	
JVI	Juniperus virginiana 'Nova'	Nova Eastern Red Cedar	5' - 6' Height	
POM	Picea abies	Norway Spruce	5' - 6' Height	
PBU	Pinus bungeana	Lacebark Pine	5' - 6' Height	
PEP	Pinus echinata	Short-Leaf Pine	5' - 6' Height	✓
PNI	Pinus nigra	Austrian Pine	5' - 6' Height	
PPP	Pinus parviflora	Japanese White Pine	5' - 6' Height	✓
PST	Pinus strobus	White Pine	5' - 6' Height	
PST	Pinus sylvestris	Scotch Pine	5' - 6' Height	
PST	Pinus taeda	Loblolly Pine	5' - 6' Height	
PTH	Pinus thunbergii	Black Pine	5' - 6' Height	
PVP	Pinus virginiana	Virgina Pine	5' - 6' Height	✓
TON	Thuja occidentalis	Arborvitae	5' - 6' Height	✓
TPC	Thuja plicata	Western Red Cedar	5' - 6' Height	
TCA	Tsuga canadensis	Canadian Hemlock	5' - 6' Height	✓

**SHRUBS**

<u>KEY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>MINIMUM SIZE</u>	<u>NATIVE SPECIES</u>
ADF	Abeliophyllum distichum	White Forsythia	18"-24" Height	
AAR	Aronia arbutifolia	Red Chokeberry	18"-24" Height	✓
AMC	Aronia melanocarpa	Black Chokeberry	18"-24" Height	✓
AARB	Amelanchier arborea	Downy Serviceberry	18"-24" Height	✓
AGR	Abelia x grandiflora	Glossy Abelia	18"-24" Height	
APA	Aesculus parviflora	Bottlebrush Buckeye	18"-24" Height	✓
BDA	Buddleia davidii	Butterfly Bush	24" - 30"	
			Spacing	
BDA	Buddleia davidii	White Bouquet Butterfly Bush	24" - 30"	
			Spacing	
BSS	Buxus sempervirens	American Boxwood	18"-24" Height	
BSS	Buxus sempervirens 'Suffruticosa'	English Boxwood	18"-24" Height	
BMK	Buxus microphylla 'Koreana'	Korean Little Leaf Boxwood	18"-24" Height	
CAN	Ceanothus americanus	New Jersey Tea	18"-24" Height	✓
CFL	Calycanthus floridus	Common Sweetshrub	18"-24" Height	✓
COC	Cephalanthus occidentalis	Common Buttonbush	18"-24" Height	✓
CSE	Chanomeles speciosa	Flowering Quince	18"-24" Height	
CAL	Clethra alnifolia	Sweet Pepper Bush	18"-24" Height	✓
CAM	Cornus amomum	Silky Dogwood	18"-24" Height	✓
CSE	Cornus sericea	Redtwig Dogwood	18"-24" Height	✓
CDS	Cotoneaster dammeri 'Skogholm'	Bearberry Cotoneaster	15" - 18"	
			Spacing	
CDI	Cotoneaster divaricata	Spreading Cotoneaster	18"-24" Height	
DGD	Deutzia gracilis	Slender Deutzia	18"-24" Height	
FIL	Forsythia x intermedia 'Lynwood Gold'	Lynwood Gold Forsythia	18"-24" Height	
FSS	Forsythia suspensa Var. sieboldii	Weeping Forsythia	18"-24" Height	
FMA	Fothergilla major	Large Fothergilla	3' - 4' Height	✓
HIA	Hamamelis X intermedia 'Arnold Promise'	Common Witchhazel	4' - 5' Height	
HVH	Hamamelis vernalis	Ozark Witch Hazel	4' - 5' Height	✓
HVI	Hamamelis virginiana	Common Witchhazel	4' - 5' Height	✓
HAH	Hydrangea arborescens	Smooth Hydrangea	18"-24" Height	
HQU	Hydrangea macrophylla	Big Leaved Hydrangea	18"-24" Height	
HPH	Hydrangea paniculata	Panicle Hydrangea	18"-24" Height	
HQU	Hydrangea quercifolia	Oak-leaved Hydrangea	18"-24" Height	✓

HFR	Hypericum frondosum	Golden St. Johnswort	18"-24" Height	
IAF	Ilex x attenuata 'Fosteri'	Foster's Holly	18"-24" Height	
ICB	Ilex cornuta 'Bufordii Nana'	Dwarf Burford Holly	18"-24" Height	
ICC	Ilex crenata 'Compacta'	Compact Japanese Holly	24" - 30" Spacing	
IDP	Ilex decidua	Possumhaw	24" - 30" Spacing	
IGL	Ilex glabra	Inkberry	18"-24" Height	
ICN	Ilex cassine 'Nellie R. Stevens'	Nellie R. Stevens Holly	18"-24" Height	
IMB	Ilex meserveae 'Blue Princess'	Blue Angel Holly	18"-24" Height	
IPE	Ilex pendulacosa	Longstalk Holly	18"-24" Height	
IVE	Ilex verticillata	Winterberry	18"-24" Height	
JCP	Juniperus chinensis 'Pfitzeriana'	Pfitzer Juniper	24" - 30" Spacing	
JPC	Juniperus chinensis 'Pfitzeriana'	Compact Chinese Juniper	24" - 30" Spacing	
JCS	Juniperus chinensis 'Sargentii'	Sargent Juniper	24" - 30" Spacing	
JCS	Juniperus chinensis 'Sea Spray'	Sea Spray Juniper	24" - 30" Spacing	
JCS	Juniperus conferta 'Blue Pacific'	Blue Pacific Juniper	18" - 24" Spacing	
JHB	Juniperus horizontalis 'Bar Harbor'	Bar Harbor Juniper	18" - 24" Spacing	
JSB	Juniperus sabina 'Broadmoor'	Broadmoor Juniper	24" - 30" Spacing	
JST	Juniperus sabina var. tamariscifolia	Tam Juniper	18" - 24" Spacing	
LBS	Lindera benzoin	Spicebush	18"-24" Height	✓
MLG	Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	18"-24" Height	
MPE	Myrica pensylvanica	Northern Bayberry	18"-24" Height	
NDO	Nandina domestica 'Firepower'	Heavenly Bamboo	18"-24" Height	
NDN	Nandina domestica 'nana'	Dwarf Heavenly Bamboo	18"-24" Height	
PLE	Philadelphus x lemoinei	'Avalanche' Mock-orange	18"-24" Height	
PMU	Pinus Mugo	Mugo Pine	18"-24" Height	
PFA	Potentilla fruticosa 'Abbottswood'	Abbottswood White Potentilla	18"-24" Height	
PLA	Prunus laurocerasus	Cherry Laurel	18"-24" Height	
PLO	Prunus laurocerasus 'Otto Luyken'	Cherry Laurel	18"-24" Height	
RCA	Rhododendron catawbiense 'album'	Album White Rhododendron	18"-24" Height	✓
RMK	Rhododendron mucronulatum	Korean Rhododendron	18"-24" Height	
RPR	Rhododendron x 'P.J.M.'	Rhododendron PJM Group	18"-24" Height	
REK	Rosa 'Earth-Kind'	Rose Earth-Kind Cultivars	18"-24" Height	
RKR	Rosa 'Radrazz'	Knockout Rose	18"-24" Height	
RCB	Rhamnus caroliniana	Carolina Buckthorn	18"-24" Height	✓

RAS	Rhus aromatica	Fragrant Sumac	18"-24" Height	✓
RAC	Ribes alpinum	Alpine Currant	18"-24" Height	
SBA	Spirea x bumalda 'Anthony Waterer'	Bumald Spirea	18"-24" Height	✓
SLP	Spirea x 'Little Princess'	Little Princess Spirea	18"-24" Height	
SVA	Spirea x vanhouttei	Vanhouttei Spirea	18"-24" Height	
SIC	Stephanandra incisa 'Crispa'	Cutleaf Stephanandra	18"-24" Height	
SVL	Syringa vulgaris 'Lucie Baltet'	Lucie Baltet Common Lilac	18"-24" Height	
SVS	Syringa vulgaris 'Ludwig Spaeth'	Ludwig Spaeth Common Lilac	18"-24" Height	
SVE	Syringa vulgaris 'Ellen Willmott'	Ellen Willmot Common Lilac	18"-24" Height	
SVL	Syringa vulgaris 'Victor Lemoine'	Victor Lemoine Lilac	18"-24" Height	
TBA	Taxus baccata 'Rependens'	Dwarf Spreading English Yew	18"-24" Height	
TCD	Taxus cuspidata 'Densa'	Densa Yew	18"-24" Height	
TCN	Taxus cuspidata nana erecta 'Hilli'	Hilli Yew	18"-24" Height	
TMD	Taxus media 'Densiformis'	Spreading Yew	18"-24" Height	
TMH	Taxus media 'Hicksii'	Hicks Yew	18"-24" Height	
TMH	Taxus media 'Hatfieldii'	Hatfield Yew	18"-24" Height	
TMW	Taxus media 'Wardi'	Wardi Yew	24" - 30" Spd.	
VCA	Viburnum carlessii	Koreanspice Viburnum	18"-24" Height	✓
VBU	Viburnum x burkwoodii	Burkwood Viburnum	18"-24" Height	
VDE	Viburnum dentatum	Arrowwood Viburnum	18"-24" Height	
VJU	Viburnum judii	Judii Viburnum	18"-24" Height	
VON	Viburnum opulus nanum	Dwarf cranberry Viburnum	18"-24" Height	✓
VPT	Viburnum plicatum tomentosum 'Mariesii'	Doublefile Viburnum	18"-24" Height	
VPE	Viburnum x pragense	Pragense Viburnum	18"-24" Height	
VPR	Viburnum prunifolium	Blackhaw Viburnum	18"-24" Height	
VSI	Viburnum sieboldii	Siebold Viburnum	18"-24" Height	

**GROUNDCOVER**

<u>KEY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>MINIMUM SIZE</u>	<u>NATIVE SPECIES</u>
ARE	Ajuga reptans	Bugleweed		
AML	Alchemilla mollis	Lady's Mantle	N/A	
ACG	Asarum canadense	Wild Ginger	N/A	
AEG	Asarum europaeum	European Wild Ginger	N/A	
BMB	Brunnera macrophylla	Siberian Bugloss	N/A	
CCS	Carex cherokeensis	Cherokee Sedge	N/A	
CPS	Carex pensylvanica	Pensylvanica Sedge	N/A	
CID	Carex 'Ice Dancer'	Ice Dance Sedge	N/A	
CGS	Carex grayii	Gray Sedge	N/A	
CPL	Ceratostigma plumbaginoides	Leadwort	N/A	
CVG	Chrysogonum virginianum	Golden Star	N/A	
CFA	Cyrtomium falcatum	Holly Fern	N/A	
	Dryopteris erythrosora 'Brilliance'	Autumn Fern	N/A	
EVB	Epimedium versicolor	Bicolor Barrenwort	N/A	
ERB	Epimedium x rubrum	Red Barrenwort	N/A	
EYN	Epimedium x youngianum 'Niveum'	Snowy Epimedium	N/A	
GOD	Galium odoratum	Sweet Woodruff	N/A	
GSG	Geranium spp	Geranium	N/A	
HSD	Heimerocallis spp	Daylily	N/A	
HSH	Hosta spp	Hosta	N/A	
HSC	Heuchera spp	Coral Bells	N/A	
HAP	Hydrangea anomala petiolaris	Climbing Hydrangea	N/A	
HCA	Hypericum calycinum	Aaron's-Beard Hypericum	N/A	
HFS	Hypericum frondosum 'Sunburst'	Sunburst St. John's-wort	N/A	
ISE	Iberis sempervirens	Evergreen Candytuft	N/A	
LMB	Liriope muscari 'Big Blue'	Liriope	N/A	
LMB	Liriope spicata	Creeping Lilyturf	N/A	
	Origanum	Marjoram	N/A	
PTE	Pachysandra terminalis	Japanese Pachysandra	N/A	
PPS	Pachysandra procumbens	Allengheny Spurge	N/A	
PSP	Phlox subulta	Creeping Phlox	N/A	
PAF	Polystichum acrostichoides	Christmas Fern	N/A	

PLW	Pulmonaria	Lungwort	N/A
SSS	Sedum spp	Stonecrop	N/A
TSG	Teucrium spp	Germander	N/A
TST	Thymus spp	Creeping Thyme	N/A





## NEED ADDITIONAL INFORMATION?

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