

# 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.
- G. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.

### **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.
- F. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.

### **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
Maximum Height of Building	2 stories 30 feet + 5 feet for each story over 3 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.