

**Versailles - Midway - Woodford County**

# **ZONING ORDINANCE**

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

**AS AMENDED**

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# ARTICLE I

## IN GENERAL

### **100 Enactment**

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

### **101 Short Title**

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

### **102 Effective Date**

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

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

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

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

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

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

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

### **105 Separability Clause**

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

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

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

### **107 Continuity**

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

## ARTICLE II

### DEFINITIONS

#### 200 USE OF TERMS

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

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

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

#### 201 DEFINED TERMS

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

**ACCESSORY BUILDING:** A subordinate building, the use of which is clearly incidental to that of a principal building on the same lot, and which is permanently affixed to the ground. Accessory building shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle, or freight container.

**ACCESSORY STRUCTURE:** A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure, and which is permanently affixed to the ground. Accessory structure shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle, or freight container.

**ACCESSORY USE:** A use that:

- a. is clearly incidental to and customarily found in connection with a principal use;
- b. is subordinate to and serves a principal building or a principal use;
- c. is subordinate in intent, or purpose to the principal building or principal use served;  
and
- d. is located on the same lot as the principal building or use served.

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

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

**AGRICULTURAL MARKETING CENTER:** A regulated regional development designed exclusively for the purpose of buying, selling and showing agricultural products, livestock and related farm supplies and equipment. Agricultural Marketing Centers provide a common commercial area for promoting the products produced through the sciences of aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all

other forms of farm products cultivated, grown or produced by the agrarian community. Centers may include banks, restaurants, gift shops, livestock pavilions and show rings, veterinarian clinics and farm equipment sales. Other established components include commonly recognized commercial vendors whose commodities are traded through facilities known as farmer's markets; feed, seed and fertilizer sales; and livestock sales facilities, all of which are conducted, operated or managed for profit or non-profit as public markets for agricultural producers, market agencies and buyers.

**AGRICULTURAL USE (KRS 100.111):** Shall mean the use of:

- a. A tract of at least five contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agriculture use on the tract, but not including residential building development for sale or lease to the public. For purposes of this subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- b. Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155.
- c. A tract of at least five (5) contiguous acres used for the following activities involving horses: Riding lessons; Rides; Training; Projects for educational purposes; Boarding and related care; or Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or
- d. A tract of land used for the following activities involving horses: Riding lessons; Rides; Training; Projects for educational purposes; Boarding and related care; or Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations. This paragraph (d) shall only apply to acreage that was being used for these activities before July 13, 2004.

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

or not a participant pays to view or to participate in the activity. Agritourism building" means any building or structure or any portion thereof that is used for one or more agritourism activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

**BOARD (KRS 100.111):** The Board of Adjustments unless the context indicated otherwise.

**BREEZEWAY:** Any open, unenclosed structure consisting of a roof and its support and used as a connecting roofline between a main residence or building and an accessory building, not a primary building.

**BUFFER:** An area of land, including landscaping, berm, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on the adjacent parcel or right-of-way.

**BUILDING:** A structure, but not a mobile home or trailer, built or constructed for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind and having a fixed base on, or fixed connection to the ground.

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

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

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

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

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

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

- a. Minimum Campground Area of Five (5) acres;
- b. Camp and Campgrounds shall only be located in a Conservation (CO-1) zoning district;
- c. Maximum Campsites and/ or cabins: Twenty-Five (25);
- d. All Camp and Campground uses shall conform to appropriate Woodford County Health Department Rules and Regulations; and
- e. All campsites, buildings and structures shall be at least 100 feet from any property line.

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

**CHURCH: (SEE RELIGIOUS INSTITUTION)**

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

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

**COMMERCIAL GREENHOUSES:** Establishments primarily engaged in propagating and growing plants in containers, in soil or in other growing medium for the purpose of being sold and transplanted. This definition shall include sale of the following items: Plants grown on the premises or tended in a controlled environment of the greenhouse or plant nursery; sale of fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizer, all to be used in the soil or upon the live plant to preserve the life and health of the plants sold; landscape counseling, site planning contracting services when not the primary activity and when using plants grown or tended on the premises of the greenhouse or plant nursery.

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

**COMMISSION (KRS 100.111):** Versailles-Midway-Woodford County Planning Commission established pursuant to Chapter 100 of the Kentucky Revised Statutes.

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

**COMPOST (KRS 224.1-010):** Solid waste which has undergone biological decomposition of organic matter, been disinfected using composting or similar technologies, been stabilized to a degree which is potentially beneficial to plant growth and which is approved for use or sale as a soil amendment, artificial topsoil, growing medium amendment, or other similar uses.

**COMPOSTING (KRS 224.1-010):** The process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner: (a) "Composting" may include a process which creates an anaerobic zone within the composting material; (b) "Composting" does not include simple exposure of solid waste under uncontrolled conditions resulting in natural decay.

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

**CONDITIONAL USE (KRS 100.111):** A use which is essential or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance area imposed in addition to those imposed in the zoning regulation.

**CONDITIONAL USE PERMIT (KRS 100.111):** Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Adjustment, consisting of two (2) parts: A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit and A statement of the specific conditions which must be met in order for the use to be permitted.

**CONDOMINIUM:** A form of ownership with the following characteristics:

- a. The unit (the interior and associated exterior areas designated for private use in the development plan) is owned or rented by the occupant; and
- b. All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Kentucky Revised Statutes Chapter 381.805 and 381.9101 and in accordance with the provisions for open space, roads, or other development features as specified in this Ordinance and the Subdivision Regulations.

**CONTROL MONUMENTS:** Survey markers set in accordance with 201 KAR 18.150 used to locate boundaries and installed Improvements.

**DAY CARE CENTER, ADULT:** An adult care facility which provides part-time care, day or night, but less than 24 hours, to at least 4 adults not related to the operator or the facility by blood, marriage, or adoption.

**DAY CARE CENTER, CHILD:** Any childcare facility which provides full or part-time care, day or night, to at least seven children who are not the children, grandchildren, children in legal custody, nieces, or nephews of the operator.

**DAY CARE CENTER, HOME:** Any childcare facility which provides full or part-time care by a resident of the dwelling, day or night, to at least two, but not more six children who are not the children, grandchildren, children in legal custody, nieces, or nephews of the operator.

**DEMOLITION:** Any act that destroys in whole or in part an existing building or structure, physical feature, or other site improvement.

**DENSITY:** A measure of the intensity of the use of a piece of land expressed in dwelling units, families or housing structures per acre.

**DEVELOPER:** An individual, partnership, corporation, or other legal entity or agent thereof, which undertakes the activities covered by these regulations. In as much as, the subdivision plan drawings are merely a necessary means to the end of assuring development, the term Developer includes subdivider, owner, builder, etc. although the persons and their precise interests may vary at different project stages.

**DEVELOPMENT:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any use or change in use of any buildings or land; any extension, landfill, or land disturbance, clearing, or other man induced movements of land.

**DEVELOPMENT CONDITIONS:** Specific items agreed to by the Planning Commission or Board of Adjustments and the developer or owner of real property which are imposed upon a property, development plan, zone change request, conditional use permit or variance application and which control the development and use of the property in question. The conditions may be in writing or by graphic representation.

**DEVELOPMENT PLAN (KRS 100.111):** Written and/or graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing man-made and natural conditions, and all other conditions agreed to by the applicant.

**DRAINAGE PLAN:** A detailed study and design of the storm water flow and control within a designated area that minimizes erosion, sedimentation, and flooding.

**DRIVE-IN or DRIVE-THROUGH EATING AND DRINKING ESTABLISHMENT:** A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where a significant portion of the consumption takes place or is designed to take place outside the confines of the building. Such use often includes an intercom or speaker system, a menu board, and an outside service window. The terms “drive-in” and “drive-through” shall be considered interchangeable.

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

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

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

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

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

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

**FAMILY MEMBER (IMMEDIATE):** One or more persons related to each other by birth, adoption or marriage. For purposes of in-family conveyances this would be parent-to-child and grandparent to grandchild.

**FENCE:** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

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

**FINAL ACTION:** Any final adjudication of the application for any zoning map amendment, variance, conditional use permit, development plan, or appeal from any administrative official before the Board or Commission, or appeal from the decision of the Board or Commission to any legislative body, or the highest state or Federal court to which any appeals shall be taken.

**FINISHED FLOOR ELEVATION (FFE):** The minimum elevation that can be used for construction of an occupied level of a structure.

**FLAG:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other official designated symbol of any institution or business.

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

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

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

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

**FRONTAGE:** The length of the front lot line measured at the street right-of-way line.

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

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

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

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

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

**GROUP LIVING:** The residential occupancy of a structure by a group of people who do not meet the definition of Household or Family, but which share a common eating and living area. The residents may receive care, training or treatment, as long as the care givers also reside at the site.

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

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

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

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

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

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

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

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

- (1) The use is clearly incidental and secondary to use for dwelling purposes and occupies no more than twenty-five percent (25%) or three hundred (300) square feet of the total floor area of the dwelling, whichever is less.
- (2) The use is carried on only by residents of the dwelling.
- (3) No mechanical equipment is installed or used except as is normally used for domestic or professional purposes.
- (4) No stock and trade are kept or commodities sold except such as are produced by the residents on the premises.
- (5) The use does not require external alteration of the dwelling.

- (6) The use does not adversely affect the uses permitted in the immediate neighborhood by excessive traffic generation or noise.
- (7) No outside signage of any kind shall be displayed on the property which identifies the home occupation.
- (8) No additional blacktop, concrete or gravel parking shall be permitted beyond that normally provided in comparable neighborhood homes.

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

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

**HORIZONTAL PROPERTY (KRS 381.805/ 381.9101):** Property developed under the rules and regulations as defined by Kentucky Revised Statutes in Chapter 381.805 or KRS 381.9101 (Also referred to as Condominiums).

**HOTEL (KRS 219.011):** A building or structure kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are furnished to the public, and includes motels, tourist homes, and similar establishments, but excludes boarding houses and rooming houses.

**HOUSEHOLD:** A single housekeeping unit with common access to and use of all living and eating areas within the dwelling unit.

**HOUSEHOLD LIVING:** Is the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be a form of overnight accommodation or lodging.

**HOUSING, BUILDING REGULATION (KRS 100.111):** Means the Kentucky Building Code, the Kentucky Plumbing Code, and any other building or structural code promulgated by the Commonwealth or by its political subdivisions.

**HUD CODE:** The Federal Manufactured Home Construction and Safety Standards for construction, design, and performance of manufactured housing as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, and as administered by the United States Department of Housing and Urban Development.

**IMPERVIOUS SURFACE:** Surfaces through which rain or other water cannot permeate to the underlying soil strata (roofs, asphalt, concrete, etc.).

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

**KENNEL, COMMERCIAL:** A commercial establishment where dogs or other domesticated animals are groomed, bred, boarded, trained or sold.

**KENNEL, NON-COMMERCIAL:** A non-commercial kennel at, in or adjoining a private residence where dogs or other domesticated animals are kept for the hobby of the householder (i.e. hunting, tracking or exhibiting) is permitted in agricultural and residential zoning districts. The occasional breeding of dogs or other domesticated animals (limited to one litter on the property at a time) by the keeper of a non-commercial kennel shall not change the character of the property and shall not constitute a nuisance to the neighborhood.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MANUFACTURED HOME (KRS 219.320 MOBILE HOME PARK):** A single-family residential dwelling constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, manufactured after June 15, 1976, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and including plumbing, heating, air conditioning, and electrical systems. A manufactured home may also be used as a place of business, profession, or trade by the owner, the lessee, or the assigns of the owner or lessee and may comprise an integral unit or

condominium structure. Buildings, the construction of which are not preempted by the National Manufactured Housing Construction in Safety Standards Act, are subject to the building code requirements of KRS Chapter 198B.

**MANUFACTURED HOME (KRS 100.348):** A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**MANUFACTURED HOME, QUALIFIED (KRS 100.348):** A Manufactured Home defined under KRS 100.348 that meets all of the following criteria of an off-site constructed HUD home:

- a. Is manufactured on a date not to exceed five (5) years prior to the date of installation and has all parts that operate only during transport removed;
- b. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- c. Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
- d. Has a minimum total living area of nine hundred (900) square feet; and
- e. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;

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

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

**MERCHANT ELECTRIC GENERATING FACILITY (KRS 278.700):** A merchant electric generating facility is one that is capable of operating at an aggregate capacity of at least 10 megawatts, and which sells the electricity it produces in the wholesale market at rates not regulated by the Public Service Commission (PSC). This term shall include wind and solar electricity-generating facilities.

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

**MOBILE HOME (KRS 219.320 MOBILE PARK):** A structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, that is transportable in one (1) or more sections, that, in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, four hundred (400) or more square feet, and that is

built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connected with the permanent required utilities, including plumbing, heating, air conditioning, and electrical systems and does not meet the definition of Manufactured Home. As used herein, mobile home shall not include camping trailer, travel trailer, recreational vehicle, pickup coach, bus, auto camper, or any unit with a seal which has been determined to be salvage only.

**MOBILE OR MANUFACTURED HOME COMMUNITY (KRS 219.320 MOBILE HOME PARK):** A parcel of land, under single or multiple ownership and developed specifically for the purpose of leasing two (2) or more residential spaces for the location of manufactured or mobile home dwellings and which contain common facilities and utilities located on the premises as licensed by the cabinet.

**MOBILE OR MANUFACTURED HOME LOT (KRS 219.320 MOBILE HOME PARK):** A parcel of land in a manufactured or mobile home community for the placement of a single manufactured or mobile home.

**MODULAR HOME:** A dwelling unit constructed on-site in accordance with the state code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**MONUMENTS:** Survey markers set to 201 KAR 18.150 used to locate boundaries and installed Improvements. Intended to be located in an undisturbed area and used to establish reliable control for the area during construction and for future use.

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

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

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

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

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

**OWNER:** Any person, corporation, partnership or other entity, or any combination thereof, in whom is vested the ownership, dominion or title of property necessary to convey title to such property.

**PARKING AREA:** Any public or private unobstructed land area that has access to a street and which is designed and used for parking motor vehicles. The term includes parking lots, structures, garages, travelways, and private driveways.

**PARKING LOT:** An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. This term does not include areas for demolished, wrecked, junked or for sale motor vehicles or where motor vehicle parts are located.

**PARKING SPACE:** The area for the parking of a motor vehicle within a public or private parking area. As used in this Ordinance it is a numerical designation used to determine the size of parking area.

**PARKING, OFF-STREET:** A storage area for a motor vehicle that is located within a parking area which is not located on a dedicated street right-of-way.

**PARKING, ON-STREET:** A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

**PEAK HOUR:** The traffic count that represents the highest volume of traffic in a one-hour period.

**PERMANENT FOUNDATION:** A permanent masonry, concrete or other footing approved by the Building Official to which a building, structure, or manufactured home may be affixed.

## **PERMITS**

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

**PERSONAL SERVICES OR PERSONAL SERVICE ESTABLISHMENTS:** Commercial business providing services to individuals such as academic tutoring, music lessons, hair salon, nail salon, cosmetologist, massage therapy, barber shops, dressing making and tailoring.

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

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

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

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

**PUBLIC FACILITY (KRS 100.111):** The use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

**RECORDING PLAT:** Original Plat to be recorded in the Woodford County Clerk's office.

**RECREATIONAL VEHICLE (KRS 186.650):** Means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

**RECREATIONAL VEHICLE (RV) PARK:** Tracts of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary or movable nature, such as a cabin, recreational vehicle or tent. Any permanent structures, such as cabins, must comply with the appropriate requirements for dwellings in that district. The following Standards apply to all Recreational Vehicle (RV) Parks:

- a. An RV Park may be established and maintained in accordance with the applicable Zoning District outlined in Article VII and KRS 219;
- b. RV Parks shall only be located in a Highway Interchange Service (B-5) or Light Industry (I-1) zoning district;
- c. Minimum Park Area. Twenty (20) acres;
- d. Maximum RV Spaces, Campsites and/or Cabins: One Hundred (100);
- e. All RV Parks shall be connected to public sanitary sewer and shall conform to appropriate Commonwealth of Kentucky Plumbing Code and Woodford County Health Department Rules and Regulations; and
- f. All campsites, buildings and structures shall be at least 100 feet from any property line.

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

**RELIGIOUS INSTITUTION:** A facility used primarily for religious worship services of an assembly nature that may secondarily provide social or community services such as counseling, childcare, senior services, and educational programs. For the purposes of this ordinance, synagogues, temples, and other places of religious assembly for worship,

regardless of the terminology used by a specific faith or denomination, are considered Religious Institutions pursuant to this definition.

**RESIDENTIAL CARE FACILITY (KRS 100.982):** A residence operated and maintained by a sponsoring private, non-profit or governmental agency to provide services in a homelike setting for persons with disabilities.

**RESTAURANT:** An eating establishment where food is served and/or consumed primarily within the building and where consumption of food in motor vehicles on the premises is not encouraged.

**RETENTION BASIN:** A drainage storage structure that prevents surface runoff from passing to other surface structures or facilities.

**RIGHT-OF-WAY:** A strip of land dedicated to the public to accommodate access and/or utilities to lots or tracts. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

**ROADWAY:** That portion of a street intended for vehicular traffic.

**ROOF LINE:** The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**ROUTINE MAINTENANCE:** To repair or refurbish a sign, structure, or building, or any part of each but not including expansion or total replacement.

**RURAL RESIDENTIAL DISTRICT:** The Rural Residential District is a zoning district classification applicable to residential subdivisions of property located outside existing urban service boundaries of Woodford County.

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

**SETBACK:** The required distance between every structure and the lot lines of the lot on which it is located, measured perpendicular to the building (at the eave overhang) and related front, side, or rear property line, exclusive of patio, steps, and HVAC equipment.

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

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

- a. Banner Sign - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags or official flags of any institution or business shall not be considered banners.
- b. Business Sign - A (on-premise) sign which identifies a building or directs attention to a business, product, activity or service manufactured, sold, offered or stored upon the premises as the primary use(s) where such sign is located.
- c. Pennant or Streamer - Any lightweight fabric or similar material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- d. Political Signs - A temporary on-premise sign supporting the candidacy for office or urging action on any other matter on the ballot of a state, local or national election or referendum.
- e. Projecting Sign - A sign suspended from or supported by a building or similar structure and projecting outwards.
- f. Sign Structure - The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the display.
- g. Wall Signs - A sign which is attached directly to a building wall and which does not extend more than fifteen (15) inches therefrom nor higher than the roof line of the building, with the exposed face of the sign in place parallel to the building wall.
- h. Free Standing Sign – A permanent sign erected on a framework not attached to any building, and attached to the ground, on one or more uprights or braces in the ground, whose purpose is to identify the name of a single user located on the lot with user.
- i. Monument sign – A permanent Freestanding Sign which is completely self-supporting, has its sign face or base no more than six (6) inches above the ground.
- j. Shopping Center Complex or Industrial Park Sign – A freestanding pylon or monument sign within a commercial or industrial development whose purpose is to identify the name of the development, its tenants and its major vehicular access points.
- k. Project Entrance Sign – A freestanding monument sign within a residential, commercial, or industrial development whose purpose is to identify the name of the development (no tenants) and its major vehicular access points.
- l. On-premise Sign – Any on site sign on a permanent structure located on the premises to which sign pertains.
- m. Off-premise Sign – Any off-site sign, available for rent, on a permanent structure on which the copy is periodically changed and which is not located on the premises which such advertising copy pertains.

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

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

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

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

**SUBDIVISION (KRS 100.111):** The division of a parcel of land into three (3) or more lots or parcels except in a county containing a city with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census or in an urban-county government or consolidated local government where a subdivision means the division of a parcel of land into two (2) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision.

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

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

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

**TEMPORARY CONSTRUCTION UNIT:** Any transportable facility built on its own chassis used for offices or storage and which is located on a construction site. No temporary construction unit shall be used for sleeping or residential purposes in whole or in part.

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

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

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

**TRAFFIC IMPACT STUDY:** The collection, processing and report of data showing current and future conditions of vehicular movement.

**TRUCK STOP -** A facility with direct access from a major transport route, that provides a range of rest, service and fueling facilities for the drivers of heavy duty and long-haul vehicles and trucks, but does not include Overnight Accommodations or Overnight Parking Facilities.

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

**USE, PERMITTED:** Any use allowed in a zoning district and subject to the restrictions applicable to the zoning district.

**USE, TEMPORARY:** A use of land that is designed, operated and occupies a site for a specified period of time, with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.

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

**VARIANCE (KRS 100.111):** A departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

**VEHICLE USE AREA:** Any area occupied in whole or in part by motorized vehicles, including, but not limited to, parking lots, parking stalls, driveways, service areas, and roadways.

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

**YARD:** That portion of a lot that is unobstructed by buildings or structures, from the ground to the sky.

**YARD, FRONT:** A space extending the full width of the lot between any building and the front lot and measured perpendicular to the building at the closest point to the front lot line. In case of corner or through lots, front yards shall be provided on all frontages.

**YARD, REAR:** A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

**YARD, SIDE:** A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest portion of the principal building. In the case of through lots, side yards shall extend from the rear lot lines to the front lot line.

**ZERO LOT LINE:** The location of a building on a lot in such a manner that one of the building's sides rest directly on a property line.

**ZONING DISTRICT:** A classification of areas or parcels of land to which specific land use regulations apply.

**ZONING ORDINANCE:** The Zoning Ordinance of Woodford County and the cities of Versailles and Midway.

## ARTICLE III

### REVIEW BODIES, ADMINISTRATION AND VIOLATIONS

#### 300 Review Bodies

##### 300.1 Versailles-Midway-Woodford County Planning Commission

- A. **Duties and Responsibilities.** The duties of the Versailles-Midway-Woodford County Planning Commission (the "Planning Commission") in regard to this Ordinance are established by KRS 100 and shall include the following:
1. Hold a public hearing in accordance with State statutes and make a recommendation to the appropriate governing body in regard to Zoning Text or Zoning Map Amendments. The Planning Commission shall take action in compliance with KRS 100.
  2. Review and take Final Action on Development Plans.
  3. Hold a public hearing and take Final Action on Variances and Conditional Use Permits when concurrent with map amendments.
  4. Review and make a recommendation to the appropriate governing body in regard to designation of Local Historic Districts and individual Local Historic Sites.
  5. Provide oversight in the Building and Zoning Permit review process established in this ordinance.
- B. **Membership.** The Versailles-Midway-Woodford County Planning Commission shall consist of 9 citizen members. Four of the members shall be appointed by the Woodford County Fiscal Court, four by the City of Versailles, and one by the City of Midway, subject to the approval of the legislative bodies.
- C. **Terms of Office.** The term of office shall be four years. The term of all present members shall continue to be staggered as presently appointed.
- D. **Jurisdiction.** The area of jurisdiction of the Versailles-Midway-Woodford County Planning Commission shall include all land within Woodford County, including the cities of Versailles and Midway.

##### 300.2 Woodford County Board of Adjustments

- A. **Duties and Responsibilities.** The Woodford County Board of Adjustments shall have powers, duties and responsibilities set forth in Kentucky Revised Statutes, Chapter 100, and shall include the following:
1. Hear and decide Administrative Appeals where it is alleged by the appellants that there is an error in any order, requirement, permit, decision, determination or refusal made by any Administrative Official in carrying out or enforcing any provision of this Ordinance.

2. To take Final Action on Conditional Use Permits.
  3. To take Final Action on Variances.
  4. Administer the Non-Conforming Use regulations per KRS 100.253.
- B. **Membership.** The Woodford County Board of Adjustments shall consist of 5 citizen members. Two of the members shall be appointed by the Woodford County Fiscal Court, two by the City of Versailles, and one by the City of Midway, subject to the approval of the legislative bodies.
- C. **Terms of Office.** The terms of office shall be 4 years. The term of all present members shall continue to be staggered as presently appointed.
- D. **Jurisdiction.** The area of jurisdiction of the Board of Adjustments shall include all land within Woodford County, provided, however, that each city may choose to have an additional board of adjustments as provided in Kentucky Revised Statutes, 100.217, whose jurisdiction shall be limited to that city's boundaries.

### 300.3 Board of Architectural Review

- A. **Duties and Responsibilities.** The Board of Architectural Review shall take action necessary and appropriate to accomplish the purpose of this Ordinance. These actions may include, but are not limited to:
1. Review initiated surveys of historic buildings and areas.
  2. Recommending the designation of Local Historic Districts and individual Local Historic Sites to the Planning Commission.
  3. Regulating changes to designated property (including the issuance or denial of Certificates of Appropriateness).
  4. Recommending Historic Overlay Design Standards for changes to designated property.
- B. **Membership.** The Board of Architectural Review shall consist of 5 citizen members. Two of the members shall be appointed by the Woodford County Fiscal Court, two by the City of Versailles, and one by the City of Midway, subject to the approval of the legislative bodies.
- C. **Terms of Office.** The terms of office shall be 2 years. The term of all present members shall continue to be staggered as presently appointed.
- D. **Jurisdiction.** The area of jurisdiction Board of Architectural Review shall include all land within the any adopted Local Historic Site or Local Historic Overlay Zoning District within Woodford County, including the cities of Versailles and Midway.

### 300.4 Legislative Bodies

- A. **Listed.** The following legislative bodies shall have jurisdiction under this Ordinance.
1. The Woodford County Fiscal Court.
  2. The Versailles City Council.
  3. The Midway City Council.
- B. **Duties and Responsibilities.** The duties of the appropriate legislative bodies in regard to this Ordinance shall include the following:
1. Take Final Action on any amendment of the Text of this Ordinance or the Official Zoning Map.
  2. Take final action on the designation of Local Historic Districts or sites.
  3. Appoint Board Memberships as defined in this Article of this Zoning Ordinance.

### 300.5 Planning Commission Director

- A. **Duties and Responsibilities.** The duties of the Versailles-Midway-Woodford County Planning Commission Director (the "Director"), or designee, in regard to this Ordinance shall include the following:
1. Serve as the Administrative Official per KRS 100.271.
  2. Approve minor amendments to Development Plans.
  3. Review Building, Grading, Paving, Demolition, Sign and Zoning Permits for conformance with this Ordinance.
  4. Make inspections of any premises necessary to carry out the enforcement of this Zoning Ordinance.
  5. Issue citations for violations of this Zoning Ordinance in accordance to KRS 100.991
  6. Issue citations for violations of this Zoning Ordinance in accordance with the provisions of any Legislative Body's Code Enforcement Board Ordinance and KRS 65.8801 through 65.8840 (Local Government Code Enforcement Board Act) for areas within the jurisdiction of any Governing Body's Code Enforcement Board.

### 300.6 Building Inspector

- A. **Duties and Responsibilities.** The duties of the Building Inspector in regard to this Ordinance shall include the following:

1. Review Building Permits and Certificates of Occupancy (C.O.'s) for conformance with this Ordinance.
2. Review Grading, Paving, Demolition, Sign and Zoning Permits for conformance with this Ordinance.
3. Make inspections of any premises necessary to carry out the enforcement of this Zoning Ordinance.
4. Take final action on all Building Permits and Certificates of Occupancy.

### **301 Penalties and Violations**

#### **301.1 Violations Pursuant to KRS 100.991**

Violations of this Zoning Ordinance pursuant to KRS 100.991 shall be subject to the following:

- A. Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.
- B. Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was subject of sale or transfer, or a contract for sale or transfer.
- C. Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

#### **301.2 Violations Pursuant to KRS 65.8801 through 65.8840**

Violations of this Zoning Ordinance pursuant to KRS 65.8801 through 65.8840 (Local Government Code Enforcement Board Act) shall be subject to the areas and civil fines established within the jurisdiction of any Governing Body's Code Enforcement Board.

### **302 Other Remedies**

In such case any building is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure or land is used in violation of this Zoning Ordinance, the Planning Commission, any appropriate Codes Enforcement Officer of any Legislative Body, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute an injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of such building, structure or land.

# ARTICLE IV

## DEVELOPMENT REVIEW PROCEDURES

### 400 General

#### 400.1 Application Forms

Every application for development approval shall be in a form specified by the Versailles-Midway-Woodford County Planning Commission.

#### 400.2 Standard Application Submission Cycle

Applications that will be reviewed by the Versailles-Midway-Woodford County Planning Commission or the Versailles-Midway-Woodford County Board of Adjustments shall be filed at least 21 days in advance of the scheduled public hearing, in order to allow adequate time for staff review and preparation of a staff report.

#### 400.3 Application Fees

- A. No application shall be accepted by the Versailles-Midway-Woodford County Planning Commission until the established fee has been paid. This nonrefundable fee may be adjusted periodically by the Versailles-Midway-Woodford County Planning Commission to defray the actual cost of processing the application and providing public notice.
- B. No application fee shall be required when a text or map amendment is being proposed by the Versailles-Midway-Woodford County Planning Commission or any member government.

#### 400.4 Completeness of Application

No application shall be processed until it has been deemed complete. The Director shall have 5 working days following the submission of the application to determine its completeness. After that review period, the applicant may request a list of any deficiencies in the application in writing. The application shall not be scheduled for a public hearing until all deficiencies are corrected.

#### 400.5 Public Notice

- A. Public notice shall be provided in accordance with the following table.

Procedure	Published	Mailed	Posted
Variance Application	✓	✓	–
Conditional Use Permit	✓	✓	✓
Zoning Map Amendment	✓	✓	✓
Zoning Text Amendment	✓	–	–
Development Plan/ Amendment	–	–	–
Local Historic Site/ District Designation	✓	✓	✓

B. **Published Notice.** When required above, notice shall be published in a newspaper of general circulation in Woodford County at least 7 and no more than 21 days before the public hearing in accordance with KRS 424.130. The notice shall be the responsibility of the Planning Commission.

C. **Mailed Notice.**

1. **Zoning Map Amendment and Historic Site or District Designation.** Notice of required public hearings shall be sent by mail to owners of real property that are adjacent to the land that is the subject of the application at least 14 days prior to a public hearing. Additionally, notice of Zoning Map Amendment required public hearings shall be sent by mail to addresses that are within 200 feet of the boundary of the land that is the subject of the application.
2. **Map Amendments Originating with the Planning Commission or Member Legislative Bodies.** Per KRS 100.211(6), when an amendment originates with the Planning Commission or a member legislative body, notice of the public hearing shall be given at least 30 days in advance of the hearing to an owner of every parcel of property for which the classification is proposed to be changed.
3. **Variance, Conditional Use Permit or Administrative Appeals.** When required above, notice of required public hearings shall be sent by mail to owners of real property that are adjacent to the land that is the subject of the application at least 14 days prior to a public hearing. Additionally, notice of required Conditional Use Permit public hearings shall be sent by mail to addresses that are within 200 feet of the boundary of the land that is the subject of the application.
4. Owners of real property shall be identified by reference to the most recent tax records and shall be provided to the Planning Commission by the applicant. Records maintained by the Woodford County Property Valuation Administrator may be relied upon exclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners.
5. Mailing of required notice shall be the responsibility of the Planning Commission. Proof of mailing shall include:
  - a. A copy of the notice letter; and
  - b. The Woodford County Property Valuation Administrators list of affected owners provided to the Planning Commission by the applicant.
  - c. Notice shall be deemed mailed by virtue of its deposit with the United States Postal Service, properly addressed with postage prepaid.

D. **Content of Published or Mailed Notice.** Published or mailed notices shall provide at least the following information:

1. A summary of the subject property's legal description or a street address per KRS 100.211(3);
  2. The substance of the application;
  3. The time, date and location of the public hearing; and
  4. The Planning Commission's telephone number.
- E. **Posted Notice.** When required above, notice of the public hearing shall be posted conspicuously on the subject property for 14 consecutive days immediately prior to the hearing. The posting of the notice shall be the responsibility of the Planning Commission. Posted notice shall contain:
1. The substance of the application;
  2. The time, date and location of the public hearing; and
  3. The Planning Commission's telephone number.
- F. **Public Hearing.** The property owner and/or contract vendee must attend the public hearing or be represented by an attorney at the hearing.
- G. **Continuation of Public Hearings.** A public hearing for which proper notice was given may be continued to a later date by majority vote of the Planning Commission or Board of Adjustments, without complying with the notice provisions above provided that the continuance is set for a date and time certain announced at the public hearing.
- H. **Withdrawal of Application.** Any application may be withdrawn prior to final action by Planning Commission, Board of Adjustments or the Legislative Body. No fee shall be returned or credited for such a withdrawal.
- I. **Time Limit for Reapplication.** The Planning Commission shall not consider, unless initiated by the Planning Commission Staff, a parcel of land, or any portion thereof, for Official Zoning Map amendment, until 12 consecutive months shall have elapsed from any final action as defined in Sec. 400.5.L below upon any application for such Official Zoning Map amendment. Re-applications initiated by the Planning Commission shall be based on a change of circumstance which were not known at the time of the original application.
- J. **Construction Initiation.** The Planning Commission as a condition to the granting of any Official Zoning Map amendment shall require that substantial construction be initiated within 5 years of the date of any final action upon the Official Zoning Map amendment as defined in Sec. 400.5.L below. If such construction is not initiated within the said 5-year period, the Planning Commission may initiate an application to revert the Official Zoning Map designation to its previous designation. Any action to revert the Official Zoning Map amendment to its previous zoning classification which originates as a result of the provisions of this section of the Ordinance shall be taken in the same manner as any other Official Zoning Map amendment. Failure of the Planning Commission to commence action to revert the Official Zoning Map classification immediately after 5 years shall not prevent the Commission from taking such action at a later date.

- K. **Time Limit for Rehearing before Board of Adjustments.** The Board of Adjustments shall not consider, unless initiated by the Planning Commission Staff, a parcel of land or any portion thereof for any Variance, Conditional Use Permit or Appeal from any Administrative Official until 12 consecutive months shall have elapsed from any final action as defined in Sec. 400.5.L below upon any application for such Variance, Conditional Use Permit or Appeal from any Administrative Official. Re-applications initiated by the Planning Commission shall be based on a change of circumstance which were not known at the time of the original application.
- L. **Final Action.** For purposes of this Ordinance, "Final Action" shall be defined as any final adjudication of the application for any:
1. Zoning Map Amendment or Zoning Text Amendment by the Legislative Body;
  2. Variance, Conditional Use Permit or Administrative Appeal by the Board of Adjustments;
  3. General or Site Development Plan or Amendment by the Planning Commission; or
  4. The appeal from the decision of the Board of Adjustments, Planning Commission or Legislative Body to the highest State or Federal court to which any appeals shall be taken.

#### **401 Building Permit**

It shall be unlawful to begin the construction of any structure or to begin the moving or alteration of any structure or begin or change the use of a premises until the Building Inspector has issued a Building Permit.

**401.1** A complete application for a Building Permit shall be submitted to the Building Inspector, along with the appropriate review and inspection fee. Upon determination that the proposed development is in compliance with all requirements, including but not limited to this Ordinance and the adopted applicable Building Code, the Building Inspector shall issue a Building Permit. A Building Permit application shall include the following: Plot Plan - A dimensioned sketch or to scale exhibit which indicates the existing site information and features, the extent of improvements on the site, of all buildings, the existing and intended use of all structures, and such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance and the adopted Building Code are being observed. A Building Permit application may also include the following items if required by other Sections of this Ordinance: Landscape Plan (as applicable), including dimensions and distances, the location, size, and description of all landscape materials; existing and proposed buildings; parking areas, vehicle use areas and driveways; Drainage Plan; Paving Plan; and/or a Zoning Permit.

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

- A. Building Permits - No building or other structures shall be erected, moved, added to, or structurally altered, nor shall any said activities be commenced without a building permit therefore, issued by the Building Inspector and Zoning Administrator.

- B. Demolition Permits - No building or other structures shall be razed, demolished or removed, either entirely or in part, nor shall any of said activities be commenced without a wrecking permit therefore, issued by the Building Inspector.
- C. Sign Permits - No sign shall be created, erected, moved, added to or structurally altered, nor shall any of said activities be commenced without a permit therefore, issued by the Zoning Administrator.

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

**401.4 Permit Application Requirements and Procedures** - All applications for permits shall be accompanied by such plans and information as the Administrative Official deems to be necessary to determine compliance and provide enforcement of this Zoning Ordinance. Previous submission of development plans as a requirement to map amendment applications and/or approved subdivision plats may fully, or in part, satisfy the requirements of this section. Where a development plan has been approved by the Planning and Zoning Commission as a condition to a zoning district map amendment, building permits shall be issued in accordance with said plan. The application materials listed below shall be the minimum. Additional information may be required.

- A. Building Permits for Single Family and Two Family Dwellings - All applications for permits for detached single family and two family dwellings and their accessory buildings shall be accompanied by a lot layout drawn to scale showing the location and dimension of any existing or proposed principal or accessory buildings on the lot, the location and dimension of all required yards, easements, height of the building and the location and dimension of the required parking.
- B. Building Permits for All Other Buildings - All applications for building permits, including associated permits, other than those for single family or two family dwellings and their accessory buildings, shall be accompanied by a site plan drawn to scale showing the actual shape and dimension of the lot to be built upon; including, but not limited to the following information:
  1. Ingress and egress to the property.
  2. Off-street parking and loading facilities, and other paving.
  3. Refuse and service areas; structures.
  4. Water and sewer utilities, indicating the size and access point of the services.
  5. Screening and buffering proposals (where applicable).
  6. Proposed sign locations.
  7. Signature of review and approval by the Health Department and, where applicable.
  8. Storm water drainage specifications and proposals; designed to the satisfaction of the Planning Commission's or City/County engineer.
  9. Reference to the location of the site by either an address or firegate number, lot number of a recorded plat and a vicinity sketch showing the site and surrounding roads and other features necessary to determine the exact location of the site.

10. The existing and intended use of each building or part of the building including the number of existing and proposed dwelling units the building is designed to accommodate.
11. Statement that the use is located outside of the floodplain designated by the Federal Insurance Administration, or an indication of the actual location of the site and its' accessory uses within the floodplain.

## **402 Grading and Paving Permit**

**402.1** Any grading, excavation, filling or removal of soil, or paving, on any lot or parcel of ground, which significantly affects the permanent drainage characteristics of a site shall require a grading permit first being obtained from the Planning Commission. Every person, subdivider, builder, contractor, or developer of any project shall submit to the Planning Commission for written approval a site plan and a topographic survey which will provide for the proper drainage of surface water from the development or construction site so as to prevent flooding of property in the area. See the Subdivision Regulations for the detailed requirements of a site plan and topographic survey. No grading permit shall be required for the following:

- A. Finished grading and excavation below finished grade (a) for basements and footings of a single-family or duplex residential structure, (b) for retaining walls, (c) for swimming pools, (d) for cemeteries for human or animal burial, or (e) for accessory structures related to single-family residences or duplex structures authorized by a valid building permit.
- B. Accepted agricultural land management practices such as plowing, cultivation, and construction of agricultural structures.
- C. Installation of lateral sewer lines, telephone lines, electricity lines, gas lines, or other public service facilities.

## **403 Zoning Permit**

**403.1** It shall be unlawful to begin the construction moving or alteration of any accessory structure, above ground pool, fence, deck or the operation of a Temporary Use until the Planning Commission has issued a Zoning Permit.

**403.2** A complete application for a Zoning Permit shall be submitted to the Planning Commission, along with the appropriate review fee. Upon determination that the proposed development is in compliance with all requirements within this Ordinance, the Planning Commission shall issue a Zoning Permit. A Zoning Permit application shall include the following: Plot Plan - A dimensioned sketch or to scale exhibit which indicates the existing site information and features, the extent of improvements on the site, of all buildings, the existing and intended use of all structures, and such other information as may be required by the Planning Commission for determining whether the provisions of this Ordinance are being observed. A Zoning Permit application may also include the following items if required by other Sections of this Ordinance: Landscape Plan (as applicable), including dimensions and distances, the location, size, and description of all landscape materials; existing and proposed buildings; parking areas, vehicle use areas and driveways; Drainage Plan; Paving Plan; and a Building Permit.

## **404 Certificate Of Occupancy**

**404.1 Applicability** - No land or structure or part thereof hereafter erected or altered in its use of structure, shall be used until the Building Inspector has issued a certificate of occupancy. The certificate of occupancy shall state that such land, structure, premises or use thereof are found to be in conformity with the provisions of this Ordinance.

### **404.2 Final Inspection**

- A. After notification that a structure, land or premises is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy, in duplicate, if the structure, premises or use thereof are found to conform with the provisions of this Ordinance.
- B. If such certification is refused, the Building Inspector shall state the refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application. One copy of the completed certificate of occupancy will be issued to the applicant and one copy filed in the office of the Building Inspector.
- C. Where applicable, the project engineer shall certify the drainage system functions as intended and has been constructed in accordance with any previously submitted plans.
- D. Where applicable, the Planning Commission staff shall review any site approved as part of a Development Plan, as outlined in this Article to ensure compliance prior to the issuance of a Certificate of Occupancy.
- E. Temporary Certificates of Occupancy - A temporary certificate of occupancy may be issued by the Administrative Official for a period not exceeding six (6) months during alterations, or partial occupancy of a building pending its completion in accordance with general rules or regulations concerning such temporary certificate and with such additional conditions or safeguards as are necessary in the circumstances of the case to protect the safety of the general public.

## **405 Administrative Appeal**

### **405.1 Who May Apply**

An Administrative Appeal may be taken by an applicant where there is an alleged error in any order, requirement, decision, grant, or refusal made by an Administrative Official in the enforcement of this Ordinance.

### **405.2 Timing of Appeal**

Such appeal shall be made within 30 days of the aggrevance by filing a notice of appeal with the Board of Adjustments, specifying the grounds therefore and giving notice of such appeal to any and all parties of record.

### **405.3 Effect of Filing**

Once a complete application for an administrative appeal has been received, no other development approvals or permits shall be issued for the subject property pending a decision on the appeal, unless the official whose decision is being appealed certifies that such a hold on permits and approvals would cause immediate peril to life or property.

### **405.3 Required Findings**

The Board of Adjustments review on appeal shall be limited to a determination of whether or not the decision that is being appealed was (1) based upon substantial evidence and (2) arbitrary and capricious. The Board shall affirm the decision that is being appealed unless one or both of the factors set forth above exists. The Board shall not substitute its judgment for the judgment of the Administrative Official.

### **405.5 Action on Appeal**

- A. The Administrative Official shall transmit to the Board of Adjustments all papers constituting the record upon which the action appealed was taken and shall be treated as and be the respondent in such further proceedings.
- B. The Board of Adjustments shall fix a reasonable time for the hearing of an appeal.
- C. At any hearing by the Board, any interested person may appear and enter their appearance, and all shall be given an opportunity to be heard.
- D. Approval of an Administrative Appeal shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum. A pass vote which is cast on any matter before the Board of Adjustments shall have no force or effect and shall not count as a vote with the majority of votes cast.

## **406 Variances**

### **406.1 Who May Apply**

The owner of the property in question or an agent for the owner bearing a written power of attorney granting authority for this purpose may apply for a Variance.

### **406.2 Application Requirements**

- A. All Variance applications shall be accompanied by an accurate boundary survey of the property in question. The survey shall be prepared by a surveyor licensed in the State of Kentucky and contain the following information:
  - 1. Owner(s) and applicant(s) names;
  - 2. Scale;
  - 3. Bearings and distances;
  - 4. Locating distance to nearest road centerline or right-of-way;
  - 5. House number of property or intersecting street on each side;
  - 6. North arrow;
  - 7. Right(s)-of-way of road and pavement width;
  - 8. Adjacent property, showing property lines;
  - 9. Names of adjacent property owner(s);
  - 10. Acreage of property;
  - 11. Vicinity map;
  - 12. Surveyor's stamp;
  - 13. Flood plain areas(s) and FEMA certification;
  - 14. Location of existing buildings and property boundary lines;
  - 15. Location of proposed buildings and property boundary lines;
  - 16. Lot coverage; and
  - 17. Proposed grade elevation.

### **406.3 Permitted Variances**

- A. The Board of Adjustments shall have the authority to hear and decide applications for Variance from the terms of this Ordinance, but only in the following situations and provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.
  - 1. Where, by reasons of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of the adoption of the ordinance was a lot of record; or
  - 2. Where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of dimensional requirements would cause practical difficulties to or exceptional and undue hardship upon the owner of such property.
- B. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.

### **406.4 Required Findings**

Before any Variance is granted, the board must find that the Variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow for an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- A. The requested Variance arises from special circumstances which do not generally apply to land in the general vicinity, or the same zone;
- B. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
- C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a Variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

### **406.5 Conditions**

In granting a Variance, the Board may attach thereto such conditions regarding the location of the proposed building, structure or use as it may deem advisable in the furtherance of the purposes of this Ordinance.

### **406.6 Action by Board**

- A. Approval of a Variance shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum. A pass vote which is cast on any matter before the Board of Adjustments shall have no force or effect and shall not count as a vote with the majority of votes cast.

- B. In the event that the applicant files for a Variance concurrently with a Zoning Map Amendment request, the Planning Commission may hold the public hearing concurrently with the map amendment. Approval of a Variance shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum.

#### **406.7 Prohibited Variances**

- A. Variances shall not be issued within any designated floodway.
- B. Variances shall not be issued to allow the extension of a nonconforming use.
- C. Variances shall not be permitted to increase the density of a use above that permitted by the applicable district.
- D. Variances shall not be permitted to allow a use prohibited by this Ordinance.
- E. Variances shall not be permitted which arise from circumstances that are the result of willful violations of the zoning regulations.

#### **407 Conditional Use Permit**

##### **407.1 Who May Apply**

The owner of the property in question or an agent for the owner, bearing a written power of attorney granting authority for this purpose, may apply for a Conditional Use Permit.

##### **407.2 Application Requirements**

- A. All Conditional Use Permits applications which propose new structures, additions and/or new parking areas shall be accompanied by an accurate boundary survey of the property in question. The survey shall be prepared by a surveyor licensed in the State of Kentucky and contain the following information:
  - 1. Owner(s) and applicant(s) names;
  - 2. Scale;
  - 3. Bearings and distances;
  - 4. Locating distance to nearest road centerline or right-of-way;
  - 5. House number of property or intersecting street on each side;
  - 6. North arrow;
  - 7. Right(s)-of-way of road and pavement width;
  - 8. Adjacent property, showing property lines;
  - 9. Names of adjacent property owner(s);
  - 10. Acreage of property;
  - 11. Vicinity map;
  - 12. Surveyor's stamp;
  - 13. Flood plain areas(s) and FEMA certification.
  - 14. Location of existing buildings and property boundary lines;
  - 15. Location of proposed buildings and property boundary lines;
  - 16. Lot coverage; and
  - 17. Proposed grade elevation.

### **407.3 Action by Board**

- A. Approval of a Conditional Use Permit shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum. A pass vote which is cast on any matter before the Board of Adjustments shall have no force or effect and shall not count as a vote with the majority of votes cast.
- B. In the event that the applicant files for a Conditional Use Permit concurrently with a Zoning Map Amendment request, the Planning Commission may hold the public hearing concurrently with the map amendment. Approval of a Conditional Use Permit shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum.

### **407.4 Review Criteria**

The Board of Adjustments shall approve an application for a Conditional Use Permit if, and only if, the applicant has demonstrated that the proposed use and any associated development:

- A. Granting the Conditional Use Permit does not substantially conflict with the purposes of this Ordinance;
- B. Will be consistent with the "Intent" statement for the district in which it is located;
- C. Will be compatible with existing uses adjacent to and near the property;
- D. Will not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes or other general nuisance;
- E. Will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed;
- F. Will be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property;
- G. Will have adequate water and sewer supply, stormwater facilities, transportation facilities, waste disposal and other public services;
- H. Will be developed in a way that will preserve and incorporate any important natural features of the site; and
- I. Will conform to any specific criteria or conditions specified for that use elsewhere in this Article.

### **407.5 Findings Required**

The Board of Adjustments shall make the following findings prior to approval of any Conditional Use Permit.

- A. The use is not detrimental to the public health, safety or welfare in the zone in which it is proposed.
- B. The use will not contribute toward an overburdening of utility services.

- C. The use will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance.
- D. That the use otherwise meets the requirements of this Ordinance.

**407.5 Conditions of Approval**

When considering a Conditional Use Permit, the Board of Adjustments may attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district in which the proposed use would be located.

**407.6 Periodic Review for Compliance**

- A. The Director shall have the power to inspect the land or structure where the Conditional Use Permit is located in order to ascertain that the landowner is complying with all of the conditions listed on the Conditional Use Permit.
- B. If the landowner is not complying, the Director shall report the fact in writing to the Chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the Chairman of the Board of Adjustments.
- C. The Board shall hold a hearing on the report within a reasonable time and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing.
- D. If the Board of Adjustments finds that the facts alleged in the report are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Director to revoke the Conditional Use Permit and take the necessary legal action to cause the termination of the activity on the land which the Conditional Use Permit authorizes.

**408 TEXT AMENDMENT**

**408.1 Who May Apply**

Applications for amendment of the ordinance text may be initiated by:

- A. The Versailles-Midway-Woodford County Planning Commission; or
- B. The Legislative Body having zoning authority over an affected property.

**408.2 Planning Commission Action**

The procedure for obtaining a text amendment shall be the same as defined in KRS Chapter 100. In their review of a text amendment, the Planning Commission shall consider and make findings as to whether the text amendment is in agreement with the adopted Comprehensive Plan. The Planning Commission shall make a recommendation to the Legislative Body on the requested amendment.

**408.3 Legislative Body Action**

The findings of fact that are recommended for approval or disapproval by the Planning Commission shall be forwarded to the affected Legislative Body for consideration.

## 409 MAP AMENDMENT (REZONING)

### 409.1 Who May Apply

Applications for amendment of the Official Zoning Map may be initiated by:

- A. The Versailles-Midway-Woodford County Planning Commission, including flood plain designations initiated by the Planning Commission;
- B. The Legislative Body having zoning authority over an affected property;
- C. The owner of the property in question or an agent for the owner bearing a recorded written power of attorney granting authority for this purpose.

### 409.2 Pre-application Conference

- A. Prior to formal application for amendment of the Official Zoning Map, the applicant, and/or his attorney, shall hold a conference with the Planning Commission staff to discuss the effect of the Comprehensive Plan, this Ordinance, the Subdivision Regulations and other land development controls on the proposed development.
- B. The pre-application conference shall include discussions of apparent characteristics of the site that would affect the proposed development. In addition, the pre-application conference may be utilized for discussing whether a General Development Plan should be submitted with the application for amendment of the Official Zoning Map.

### 409.3 Application Requirements

Application for amendment of the Official Zoning Map shall be filed with the Planning Commission in accordance with this section and shall contain the following:

- A. **Demonstration of Appropriateness.** Any application for amendment to the Official Zoning Map shall be submitted with a written detailed explanation as to the following:
  - 1. How the proposed map amendment would conform to the Comprehensive Plan;
  - 2. Why the original zoning classification of the property in question was inappropriate or improper;
  - 3. What major economic, physical or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and which have substantially altered the basic character of the area, which make the proposed amendment to the Official Zoning Map appropriate. The explanation for this section shall include:
    - a. A list of such specific changes;
    - b. A description as to how said changes were not anticipated by the Comprehensive Plan;
    - c. A description as to how said changes will alter the basic character of the area; and
    - d. A description as to how said changes make the proposed amendment to the Official Zoning Map appropriate.

- B. **Property Owners Signature.** All applications for amendment to the Official Zoning Map submitted by an owner or agent shall:
1. Be signed by all persons necessary to convey in fee simple absolute the property in question or the attorney for all such persons;
  2. Identify all lessees, option-holders and developers of the subject property; and
- C. **Zoning Plat/ Boundary Survey.** An accurate boundary survey of the property in question shall be filed with the application and shall contain the following information:
1. Owner(s) and applicant(s) names;
  2. From: (present zoning) to: (proposed zoning);
  3. Scale;
  4. Bearings and distances;
  5. Locating distance to nearest road centerline or right-of-way;
  6. House number of property or distance to intersecting street on each side;
  7. North arrow;
  8. Right(s)-of-way of road and pavement width;
  9. Adjacent property, showing property lines and zoning;
  10. Names of adjacent property owner(s);
  11. Acreage of property to be rezoned;
  12. Vicinity map;
  13. Surveyor's stamp;
  14. Flood plain areas(s) and FEMA certification; and
  15. Corporate limits (if adjacent).
- D. **Legal Notice Drawing.** A drawing is to be included with the zone change application in addition to the zone change survey for the purpose of legal notification.
1. Drawing must fit on 8 ½ X 11 sheet of paper.
  2. A copy of the Zoning Plat/ Boundary Survey (Item C above).
- E. **Development Plan.** As a condition to the granting of any amendment to the Official Zoning Map, the Planning Commission is authorized to require the submission of a Development Plan. The Development Plan shall be filed in accordance with the provisions and requirements of Sec. 410, Development Plans. Where agreed upon, this Development Plan shall be followed and shall be binding on all parties. A Development Plan may be either a General Development Plan or a Site Development Plan or both as specified by Section 410.
- F. **Traffic Impact Study.** Any development requiring the submission of a Traffic Impact Study shall illustrate the effect of the proposed project on the surrounding roadways and intersections. Such effect shall be measured against the existing level of service standard and circulation patterns for the roadways affected by the proposed development's impact. Any project which proposes:
1. Greater than 50,000 square feet of non-residential space; or,
  2. Greater than 50 residential units; or,
  3. Any other use generating 500 or more average daily trips, shall be required to submit a Traffic Impact Study.

Exceptions to this requirement may be approved after consultation between the applicant, the Planning Commission and affected agencies (City or County and/or KYTC). The applicant must provide documentation, in writing, from all affected agencies, exempting their particular development from the TIS requirement.

- G. **Other Concurrent Applications.** Applications for Variances, and/ or Conditional Use Permits may be filed concurrently with the application for Official Zoning Map Amendment on the same property to be considered by the Planning Commission for a map amendment.

#### **409.4 Responsibility for Accuracy**

The applicant shall be responsible for the accuracy of the information filed and shall demonstrate that the identity of all adjoining property owners is made known to the Planning Commission as part of the Official Zoning Map Amendment application. The applicant may rely on the records of the property valuation administrator for this purpose.

#### **409.5 Planning Commission Action**

The procedure for obtaining a Zoning Map Amendment shall be the same as defined in KRS Chapter 100 and in addition, as follows:

- A. The Planning Commission requires, as a condition to the granting of a Zoning Map Amendment, the submission of a General Development Plan. Where agreed upon by the applicant, the General Development Plan shall be followed and binding upon the applicant, his heirs, successors, and assigns.
- B. If the Planning Commission considers a General Development Plan concurrently with an application for Zoning Map Amendment pursuant to KRS 100.203(2), the Commission shall vote upon the application for Zoning Map Amendment at the same time as it considers the applicant's request that the General Development Plan be a condition to the granting of the Zoning Map Amendment. The recommendation of the Planning Commission to approve a Zoning Map Amendment shall be conditioned upon compliance with the submitted General Development Plan and enforced accordingly.
- C. The Planning Commission and applicant may agree to amend the General Development Plan during the public hearing. In such case, the revised General Development Plan shall be prepared by the applicant within 14 calendar days of the approval of the Planning Commission. If the revised General Development Plan, has not been submitted to the Planning Commission within 14 days, the Commission may hold a public hearing to rescind the approval on the next available agenda.
- D. No Development Plan approved by the Planning Commission shall permit the development or use of land in a manner prohibited by this Ordinance. To the extent a condition of a Development Plan may purport to grant such permission, it shall be deemed in conflict with the zoning district regulations and be void and of no effect.

#### **409.6 Review Criteria, Findings Required**

In their review of a map amendment, the Planning Commission shall consider and make findings on the following matters:

- A. The map amendment is in agreement with the adopted Comprehensive Plan, or, in the absence of such a finding,

- B. That one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission of the legislative body or Fiscal Court:
1. The original zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
  2. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

**409.7 Legislative Body Action**

The Planning Commission's recommendation for approval or disapproval of the amendment and the findings of fact which support the recommendation shall be forwarded to the affected Legislative Body for consideration. The Legislative Body shall take final action upon a proposed Zoning Map Amendment within 90 days of the date of the Planning Commission's recommendation. Failure of the Legislative Body to act within 90 days shall deem the recommendation of the Planning Commission to have passed by operation of law.

**409.8 Condition of Enactment of Map Amendment.**

The following condition shall apply to the enactment of any Zoning Map Amendment; Building permits for improvement of the subject property shall be issued only in conformance with the elements of the General Development Plan and, where required, a Site Development Plan.

**409.9 Action on Concurrent Applications**

- A. In the event the applicant files for a Variance or Conditional Use Permit concurrently, the Planning Commission shall hold the public hearing concurrently with the map amendment.
- B. For the purpose of carrying out this subsection, each requested Variance or Conditional Use Permit shall be considered as separate applications and shall otherwise be administered, advertised and handled in accordance with the requirements of this Ordinance and KRS 100 except that notice by mail for the Zoning Map Amendment shall include notice for the Variance or Conditional Use Permit and shall state that these items will be concurrently heard by the Planning Commission.
- C. The Planning Commission shall assume all the powers and duties otherwise executed by the Board of Adjustments in considering a Variance or Conditional Use Permit but shall only have this authority when the subject Variance or Conditional Use Permit is being considered concurrently with property being considered for a map amendment.

**409.10 Parties Bound by Development Plan**

The Development Plan, General or Site, enacted under the provisions of Section 410, including any amendment thereto, shall be binding upon the property and the owner at the time of approval by the Planning Commission, his heirs, successors in title, personal representatives, assigns, the Planning Commission and legislative bodies.

**409.11 Recording of Development Plan**

Following the approval of a map amendment and General Development Plan, or any amendment thereto, a statement shall be filed in the office of the Woodford County Clerk. The statement shall contain the name of the owner at the time of approval by the Planning Commission, a description of the property in question, source of title,

and enumeration of the specific plan or conditions as adopted by the Planning Commission and date of adoption and same shall be signed by them owner.

#### **410 DEVELOPMENT PLANS, GENERAL OR SITE**

##### **410.1 Purpose and Intent of Development Plan Review**

- A. The Development Plan is a review procedure whereby the Planning Commission may determine the character and objectives of the proposed development in order to ascertain the following:
  - 1. Impact the development will have on capacity of community facilities and services.
  - 2. Impact the development will have on the character of the neighborhood.
  - 3. Impact the development will have on the neighborhood and community.
- B. The General Development Plan is intended to demonstrate to the Planning Commission the character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the proposed development and to determine what shall be binding on the use and development of the property in question.
- C. A Site Development Plan is intended to contain specific plans for developing the property in question including implementation of the conditions of an approved General Development Plan.
- D. A Development Plan is intended as a review of the proposed project site as a whole, especially where multiple zoning districts are proposed.
- E. All references herein to the filing and approval of an initial Development Plan shall include all amendments thereto.

##### **410.2 General Development Plan Required**

- A. A General Development Plan shall be filed with the application for an amendment to the Official Zoning Map in a form recordable in the Woodford County Courthouse.
- B. Where large parcels of land are proposed for various zoning districts or for differing standards, each parcel may have separate General Development Plan for separate tract.

##### **410.3 Elements of a General Development Plan**

“Development plan” means written and/ or graphic material for the provision of a development, including any or all of the following:

- A. location and bulk of buildings and other structures,
- B. intensity of use,
- C. density of development,
- D. streets, ways, access points, and parking facilities,
- E. signs,

- F. drainage of surface water,
- G. a plan for screening or buffering,
- H. utilities,
- I. existing manmade and natural conditions, and
- J. all other conditions agreed to by the applicant.

**410.4 Site Development Plan Required**

Prior to the issuance of Building Permits and Zoning Permits, a Site Development Plan shall be approved by the Planning Commission for the following:

- A. All commercial developments or uses containing over 4,000 sq. ft. in total building area;
- B. Townhomes, multifamily housing, or group living uses with eight (8) or greater units;
- C. All institutional developments or uses containing over 10,000 sq. ft. in total building area; or
- D. All industrial developments or uses containing over 3,000 sq. ft. in total building area.

**410.5 Elements of Site Development Plan**

When a Site Development Plan is required by this Section, the plan shall contain the following information:

- A. Name of development, name and addresses of owners, developers, engineers, surveyors, landscape architects, and architects; vicinity map with accurate measurements to existing streets, date, scale, source of title and north arrow.
- B. Names of adjacent subdivisions and/or names of recorded owners of adjacent land.
- C. Names, location, arrangement and dimensions of all existing platted streets, driveways or other public ways within or adjacent to the property and existing utility easements.
- D. Names, location, arrangement and dimensions of proposed streets and driveways or other public ways, including width of rights-of-way, parking areas and number of parking spaces (including total area of off-street parking), points of ingress and egress and sight distances of all entrances to existing streets.
- E. Building setback lines or building envelopes whichever is appropriate.
- F. Preliminary size and location of all proposed underground utilities lines (water, sewer and gas, if applicable).
- G. A topographic survey of the site. Upon review of the survey, a drainage plan may be required.

- H. Copy of proposed property owners' association covenant or master deed or restrictions if applicable.
- I. Lot size and location.
- J. Height, floor area and arrangement of proposed buildings or structures and number of dwelling units.
- K. Location of all existing buildings, structures and parking.
- L. Boundary survey including area and bearings and dimensions of all exterior property lines.
- M. When mixed uses are proposed, show location of these uses by general type, i.e., commercial, industrial, office and residential.
- N. Existing tree masses, significant rock outcroppings, streams, flood plains and other natural features.
- O. Provisions for landscaping, if applicable.
- P. Recreational and open space area, if applicable.
- Q. Proposed stages of development if applicable and the anticipated time required to develop each stage.
- R. Traffic Impact Study (if required) prepared and stamped by a professional engineer qualified in transportation engineering.
- S. All Site Development Plans shall be drawn to a sufficient scale to clearly delineate the applicant's proposed use and development of the subject property. Such scale shall be indicated on the Site Development Plan.

#### **410.6 Action on Development Plan**

- A. General Development Plan. The Planning Commission shall consider the General Development Plan as part of a Zoning Map Amendment request and shall take action on the map amendment as outlined in Sec. 409. Applications for Variances and/or Conditional Use Permits may be filed concurrently with the application for a General Development Plan on the same property to be considered by the Planning Commission for a Zoning Map Amendment.
- B. The Planning Commission shall review the Site Development Plan and shall take one of the following actions:
  - 1. Approve the Site Development Plan, or,
  - 2. Disapprove the Site Development Plan.
    - a. When the Planning Commission's action is disapproval, the Planning Commission shall state the reasons for the action and shall transmit these reasons to the applicant within 10 days after its action.
    - b. Within 30 days of the transmittal, the applicant may make a written response concurring with the required modifications. Upon receipt of the applicant's concurrence, the Site

Development Plan shall be deemed to have approval of the Planning Commission.

- c. If the applicant fails to concur with the required conditions or does not reply within 30 days of the date of the transmittal, then the Site Development Plan shall be deemed disapproved by final action.
3. The Planning Commission shall approve the Site Development Plan when it makes a determination that the Site Development Plan conforms to the General Development Plan and other requirements of this Ordinance.

**410.7 Amendments to Enacted General Development Plan**

Section 410. 7 applies only to General Development Plans adopted after the effective date of this ordinance. Amendments to an approved General Development Plan shall require the approval of the Planning Commission. Requests for amendment of any such plan shall be submitted to the Planning Commission and shall contain the signature of all property owners necessary to convey fee simple title to the land within the tract or phase that is subject to the General Development Plan. Amendments shall be processed in the same manner as the original General Development Plan. Any such amendment shall be considered no earlier than one year, unless initiated by the Planning Commission Staff, after final action of the General Development Plan, except upon appeal or court order. Re-applications initiated by the Planning Commission shall be based on a change of circumstance which were not known at the time of the original application. A public hearing on the proposed amendment to the plan shall be held by the Planning Commission in the same manner as the original General Development Plan. An amendment to any approved General Development Plan shall be approved only if the proposed amendment remains consistent with the adopted Comprehensive Plan and upon a finding that there have developed construction conditions which would limit the development of property in question in accordance with the General Development Plan which is being amended.

**410.8 Amendment to the Adopted Site Development Plan.** The applicant or owners may apply to the Planning Commission for amendment to the Site Development Plan. The application for an amendment must contain the signature of the property owners for at least 51 percent of the property within the original Site Development Plan. Any such amendment shall be considered no earlier than one year after final action on the Site Development plan. The Planning Commission may initiate an amendment to the Site Development Plan under this Section. Re-applications initiated by the Planning Commission shall be based on a change of circumstance which were not known at the time of the original application. The Planning Commission shall act on the application for amendment to the Site Development Plan in the same manner as originally approved.

**410.9 Minor Amendments and Changes to a Site Development Plan.** The items and conditions of the Site Development Plan may be changed from time to time as follows:

The Director may approve minor modifications of the adopted Site Development Plan so long as the modification shall not violate any standard or regulation set forth in the approved General Development Plan. The total of such modifications approved by the Director shall never exceed 5 percent of the gross leasable floor area (non-residential), 5 percent of parking, landscaping or vehicle use areas or 5 percent of total residential units as shown by the adopted Site Development Plan. The Director shall not approve modifications of permitted uses.

## **411 LOCAL HISTORIC DESIGNATION**

### **411.1 Who May Apply**

Consideration of the designation of a Local Historic Site or a Local Historic District may originate from the Legislative Body, the Board of Architectural Review or the landowner of the property in question. A person or an organization proposing a Local Historic site designation shall file a Zoning Map Amendment application with Planning Commission pursuant to Section 409 of this Ordinance. The Board of Architectural Review shall recommend to the Planning Commission the designation of Local Historic sites and Local Historic Districts. After a public hearing and a recommendation by the Planning Commission, the Legislative Body shall make these designations by the enactment of an ordinance.

### **411.2 Planning Commission Public Hearing and Notice Required**

The Board of Architectural Review shall assemble information about a property or district being considered for designation and shall then hold at least one fact finding meeting to draft a recommendation to the Planning Commission. When a hearing before the Planning Commission is scheduled on a proposal designating individual Local Historic Sites and Local Historic District, the following notice shall be given by the Planning Commission in addition to any other notice required by statute, by local regulation or ordinance:

- A. Notice of the Planning Commission hearing shall be posted conspicuously on the property for which the designation is proposed for 14 consecutive days immediately prior to the hearing. The Planning Commission public hearing sign shall be constructed of durable material, shall be written in letters sufficiently large enough to be read from the public street, shall state the telephone number of the Planning Commission, and shall state the time, place and date of Planning Commission hearing.
- B. Notice of the Planning Commission hearing shall be given at least 14 days in advance of the hearing by first-class mail, to the owner of every parcel of property adjoining the property for which the designation is proposed. It shall be the duty of the person or persons proposing the designation to furnish to the Planning Commission the names and addresses of the owners of all affected and adjoining property. Records maintained by the Woodford County Property Valuation Administrator may be relied upon to determine the identity and address of said owner.

### **411.3 Conduct of Public Hearing**

Upon receipt of the written recommendation report, the Planning Commission shall then hold a public hearing in accordance with the requirement of a Zoning Map Amendment pursuant to Section 409 of this Ordinance.

### **411.4 Legislative Body Action**

- A. The Planning Commission's recommendation for approval or disapproval of the amendment and the findings of fact which support the recommendation shall be forwarded to the affected Legislative Body for consideration. The Legislative Body shall take final action upon a proposed Local Historic Site or a Local Historic District within 90 days of the date of the Planning Commission's recommendation. Failure of the Legislative Body to act within 90 days shall deem the recommendation of the Planning Commission to have passed by operation of law.

- B. The Local Historic Site, or Local Historic Districts shall be shown on the Official Zoning Map by the use of the letters "HD"; this identification and designation shall be in addition to the other categories shown on the Official Zoning Map.

## ARTICLE V

### GENERAL PROVISIONS

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

##### 500.1 Official Zoning Map

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

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

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

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

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

##### 500.2 Replacement of the Official Zoning Map

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

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

### **500.3 Interpretation of Zoning District Boundaries**

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

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

### **500.4 Annexed Lands**

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

## **501 Temporary Uses**

### **501.1 Temporary Construction Unit**

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

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

### **501.2 Model Homes**

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

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

### **501.3 Other Temporary Uses**

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

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

## **502 Townhouses**

### **502.1 Intent**

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

### **502.2 General Provisions**

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

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

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

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

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

C. Parking

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

D. Townhouse Density

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

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

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

#### **502.4 Accessory Uses and Structures**

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

### **503 General Development Regulations**

#### **503.1 Coordination with Subdivision Regulations**

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

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

#### **503.2 Certificate of Land Use Restriction**

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

**CERTIFICATE OF LAND USE RESTRICTION**

1. Name and Address of property owner (s)


2. Address of Property

\_\_\_\_\_

3. Name of subdivision or development (if applicable)

\_\_\_\_\_

4. Type of Restriction (s)

(Check all that apply)

\_\_\_ Zoning Map Amendment to \_\_\_ Zone

\_\_\_ Conditional Zoning Condition

\_\_\_ Development Plan

\_\_\_ Other

\_\_\_ Unrecorded Subdivision Plat

(Specify) \_\_\_\_\_

\_\_\_ Variance

\_\_\_ Conditional Use Permit

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Completing Official

\_\_\_\_\_  
Name and Title of Completing Official

### **503.3 Water Supply and Sewage Disposal**

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

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

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

### **503.4 Construction Provisions**

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

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

## **504 Supplementary District Regulations**

### **504.1 Visibility at Intersections**

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

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

### **504.2 Fences, Walls and Hedges**

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

### **504.3 Projections**

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

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

**504.4 Accessory Building; Location, Height**

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

**504.5 Regulations for Lots and Yards**

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

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

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

#### **504.6 Height Regulations**

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

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

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

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

#### **504.7 Structures to Have Access**

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

#### **505 Junkyard**

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

#### **506 Group Housing**

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

#### **507 Overnight Accommodations**

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

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

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

#### **507.4 Specific Use Standards**

##### **A. Bed and Breakfast Establishments**

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

3. Each room or suite shall be rented for no longer than 30 days;
4. The use shall not adversely affect the uses permitted in the area and in the immediate neighborhood by excessive traffic generation, noise, trash and/or light trespass;
5. One parking space shall be required for each guest room or suite available for rent. All off-street guest parking areas shall be screened with landscaping when adjacent to single family uses;
6. Signs shall be limited to one externally illuminated on-premises monument or wall sign not to exceed four (4) square feet in area;
7. The Bed and Breakfast Establishments shall be operated by the owner, owner's agent, or lessee who shall reside on the property or adjacent property and shall be present at any Agritourism or Commercial events occurring in or at the establishment;
8. In the Incorporated limits of the City of Versailles Bed and Breakfast Establishments shall be prohibited in R-1 and R-2 zones. A Conditional Use Permit is required in the A-1, R-3, R-4 and P-1 zoning districts prior to commencement of the business. Bed and Breakfast Establishments shall be limited to the following number of guest rooms or suites: Bed and Breakfast Home, Maximum five (5) guest rooms/suites; Bed and Breakfast Inn, Maximum eight (8) guest rooms/suites. Bed and Breakfast Farmstay Establishments guest room/suite maximums shall be established by the Board of Adjustments and shall only be located in A-1 Zoning Districts;
9. In the Incorporated limits of the City of Midway Bed and Breakfast Establishments shall be prohibited in R-1 and R-2 zones. A Conditional Use Permit is required in the A-1, R-3, R-4 and P-1 zoning districts prior to commencement of the business. Bed and Breakfast Establishments shall be limited to the following number of guest rooms or suites: Bed and Breakfast Home, Maximum five (5) guest rooms/suites; Bed and Breakfast Inn, Maximum eight (8) guest rooms/suites. Bed and Breakfast Farmstay Establishments guest room/ suites maximums shall be established by the Board of Adjustments and shall only be located in A-1 Zoning Districts;
10. In the Unincorporated area of Woodford County Bed and Bed and Breakfast Establishments shall be prohibited in RR, R-1, R-2 and R-3 zoning districts. A Conditional Use Permit is required in the A-1, A-2, A-4 and the CO-1 zoning districts prior to commencement of the business. Breakfast Establishments shall be limited to the following number of guest rooms or suites: Bed and Breakfast Home, Maximum (5) guest rooms/suites; Bed and Breakfast Inn, Maximum (8) guest rooms/suites. Bed and Breakfast Farmstay Establishments guest room maximums shall be established by the Board of Adjustments;
11. In the Unincorporated area of Woodford County prior to the filing of a Conditional Use Permit, all Bed and Breakfast Farmstay Establishments shall submit an application to the Agricultural Advisory Review Committee for review and comment. The Agricultural Advisory Review Committee shall make a recommendation to the Board of Adjustments

based on findings and recommendations that the proposed Bed and Breakfast Farmstay Establishment is of the same general character as the surrounding properties or will contribute to keeping a Woodford County farm active as an agricultural enterprise, an agritourism enterprise or a tourist designation;

12. The Board of Adjustments, in considering approval of required Conditional Use Permit, shall make a finding that the number of rooms or suites granted shall not have adverse effect on surrounding properties. In addition, the Board of Adjustment shall take into consideration the number of Bed and Breakfast Facilities, if any, within the general neighborhood of the property being considered for such use; and
13. Bed and Breakfast establishments shall be required when obtaining a Conditional Use Permit to list as part of the application any planned additional Commercial activities such as meetings, seminars, tea/garden parties, weddings, receptions, festivals, concerts or Agritourism uses.

**B. Short Term Rentals**

1. Short Term Rental establishments shall be required to meet Fire and Building codes. Short Term Rental establishments shall be in compliance with all other applicable state and local laws, including the Woodford County District Health Department Rules and Regulations;
2. Hosted Home-Sharing Short Term Rental establishments: Each room or suite to be rented shall be designed and intended to accommodate no more than two adults and accompanying children;
3. Dedicated Short Term Rental establishments: Each room or suite within the dwelling unit to be rented shall be designed and intended to accommodate no more than two adults and accompanying children;
4. Each room, suite or home shall be rented for no longer than 30 days;
5. The use shall not adversely affect the uses permitted in the area and in the immediate neighborhood by excessive traffic generation, noise and light;
6. One parking space shall be required for each guest room or suite available for rent. All off-street guest parking areas shall be screened with landscaping when adjacent to single family uses;
7. Signs are prohibited for Short Term Rental establishments located in the A1, A-2, A-4, CO-1, R-2, R-3, R-4 and P-1 zoning districts;
8. Short Term Rental establishments owner, owner's agent, or lessee shall be present at any Agritourism or Commercial events occurring in or at the establishment;
9. In the Incorporated limits of the City of Versailles Short Term Rental Establishments shall be prohibited in R-1 and R-2 zones. A Conditional Use Permit is required in the A-1, R-3, R-4 and P-1 zoning districts prior

to commencement of the business. Short Term Rental Establishments shall be limited to the following number of guest rooms or suites: Hosted Home-Sharing, Maximum four (4) guest rooms/suites and Dedicated Short Term Rental establishments, maximum six (6) guest rooms/suites;

10. In the Incorporated limits of the City of Midway Short Term Rental Establishments shall be prohibited in R-1 and R-2 zones. A Conditional Use Permit is required in the A-1, R-3, R-4 and P-1 zoning districts prior to commencement of the business. Short Term Rental Establishments shall be limited to the following number of guest rooms or suites: Hosted Home-Sharing, Maximum four (4) guest rooms/suites and Dedicated Short Term Rental establishments, maximum six (6) guest rooms/suites;
11. In the Unincorporated area of Woodford County - Short Term Rental Establishments are not permitted in the RR, R1, R-2 and R-3 zoning districts. A Conditional Use Permit is required in the A-1, A-2, A-4 and the CO-1 zoning districts prior to commencement of the Short Term Rental business. Short Term Rental Establishments shall be limited to the following number of guest rooms/suites: Hosted Home-Sharing, Maximum five (5) guest rooms/suites and Dedicated Short Term Rental establishments, maximum eight (8) guest rooms/suites;
12. In the Unincorporated area of Woodford County prior to the filing of a Conditional Use Permit, any proposed Dedicated Short Term Rental Establishments shall submit an application to the Agricultural Advisory Review Committee for review and comment. The Agricultural Advisory Review Committee shall make a recommendation to the Board of Adjustments based on findings and recommendations that the proposed Dedicated Short Term Rental Establishments is of the same general character as the surrounding properties or will contribute to keeping a Woodford County farm active as an agricultural enterprise, an agritourism enterprise or a tourist designation;
13. The Board of Adjustments, in considering approval of required Conditional Use Permit, shall make a finding that the number of rooms granted shall not have adverse effect on surrounding properties. In addition, the Board of Adjustment shall take into consideration the number of Short Term Rental Establishments, if any, within the general neighborhood of the property being considered for such use; and
14. Short Term Rental Establishments shall be required when obtaining a Conditional Use Permit to list as part of the application any planned additional Commercial activities such as meetings, seminars, tea/garden parties, weddings, receptions, festivals, concerts or Agritourism uses.

## **508 Signs**

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

**508.1 Permitted Signs are permitted in the following districts:**

- A. Residential Districts. Ground-pole, wall signs, and project entrance signs are permitted subject to the following:
1. Nameplate signs shall not exceed two (2) square feet in area;
  2. Identification signs for institutional use shall not exceed twenty-four (24) square feet;
  3. Non-conforming business in residential zones shall not exceed more than fifty (50) square feet in area.
  4. Real estate and subdivision signs are permitted providing there is only one (1) sign permitted at each major entrance, such signs are removed or extended by permit from the Building Inspector after the property has been sold or six (6) months after installation, whichever comes first, and provided further that such signs do not exceed twenty four (24) square feet in area or six (6) feet in width or six (6) feet in height.
  5. Project Entrance Signs – Same as Type #1 and Type #2 in 508.2, B-4 District below.
- B. Professional Office Districts – Twenty-four (24) square feet maximum area. Not higher than six (6) feet. Maximum of two (2) signs, one can be a free-standing sign located a minimum of ten (10) feet from the right of way.
- C. Commercial and Industrial Districts.
1. Banner signs in the business, commercial and industrial district shall be permitted, limited to two (2) banners per ten (10) linear feet of building frontage with a maximum of sixty (60) square feet (buildings on corner lots shall be double frontage). At no time shall in excess of seventy-five (75%) percent of the building facade be covered by banners. At any one time, the total number of banners per place of business shall not exceed four (4). Banners shall be fastened securely to the building so that there is virtually no danger that the banner may be moved by the wind or other forces of nature. At no time shall any banner be affixed as to be a hazard to pedestrian's customers or traffic.
  2. Pennants and streamers with no general products advertising or listing or specific goods or services shall be limited to two (2) pennants or streamers per one (1) foot of linear property line frontage. Placement of pennants and or streamers shall at a minimum provide eight (8) feet of vertical clearance and shall not project into the right-of-way. Pennants and streamers shall be securely attached to a permanent structure.
  3. Portable signs having a height not greater than five feet and a width not greater than three feet located not more than ten feet from the door of a business which are displayed only during the hours the business is open are removed at all other times. No more than one (1) such sign shall be permitted for any business. Each sign shall be constructed and situated in such manner that it shall not be a hazard to pedestrians, customers, or traffic.

4. Changeable Copy Signs (the capability of a permanent sign to change content, whether by means of manual or electronic input) without animation are allowed on all permanent signs. Such signs shall be limited to one (1) changeable copy message sign per parcel. Changeable copy shall not exceed 30% of the total surface area of the sign.
  - a. No electronic sign shall: Contain or display animated, moving video, or scrolling advertising.
  - b. No electronic sign shall: Display an image, symbol or combination thereof for a period of time less than six (6) seconds. A change in image, symbol or combination shall be accomplished within two (2) seconds and occur simultaneously. Once changed, the symbol or image shall remain static until the next change.
  - c. An electronic sign must: Contain a default mechanism that freezes the sign in one position if a malfunction occurs.
  - d. An electronic sign must: Automatically adjust the intensity of its display according to natural ambient light conditions.

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

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

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

**508.2 ON PREMISES SIGNS- COMMERCIAL AND BUSINESS DISTRICTS**

<b>District</b>	<b>Types of Signs Permitted</b>	<b>Regulations</b>
B-1 Districts	Wall Signs	Twenty-four (24) sq. ft. maximum area. Identification of the business only. Not higher than the roof line. Shall not project more than fifteen inches (15") from a wall.
	Portable Signs	Height not greater than five feet, a width not greater than three feet, located not more than ten feet from the door of a business which are displayed only during the hours the business is open and are removed at all other times. No more than one (1) such sign shall be permitted for any business.

B-2 Districts

Wall Signs

Same as B-1.

Portable Signs

Same as B-1.

Projecting Signs

A projecting sign may be a substitute for, or in lieu of, one (1) wall sign for the principal use; the sign must have nine (9) feet of clearance above the sidewalk; the sign must not project more than five (5) feet from the building nor be any closer than eighteen (18) inches from the curb or driving lane; the sign must not extend above the peak of the roof; and, a two or more story building must not have the projecting sign above twenty (20) feet high above the sidewalk. (City of Versailles & Woodford County Only)

B-4 Districts

Wall Signs

One (1) square foot for each linear foot of building frontage is the maximum area not to exceed three hundred (300) square feet. Fifteen-inch (15") projection limitation. Identification purposes only. Shall not extend above roof line.

Portable Signs

Same as B-1.

Free Standing Signs

Setback a minimum of thirty (30) feet from right-of-way. Limited to one (1) sign per lot and counts as one of major signs of identification. Thirty-five (35) feet maximum height of overall structure. Signs shall have a maximum of one hundred fifty (150) square feet of sign area per side, limit two (2) sides.

Shopping Center Sign

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



Monument Signs

Setback a minimum of ten (10) feet from the right-of-way; limited to one (1) sign per lot and counts as one of the major identification signs, eight (8) feet maximum height overall structure and a

maximum overall width of ten (10) feet. Signs shall have a maximum area of eighty (80) square feet of sign area per side, limit two (2) sides. Area includes entire area of sign, including base.

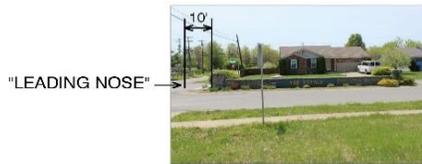
**Project Entrance Sign**

TYPE #1



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

TYPE #2



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

**Banners**

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

**Pennants and Streamers**

Limited to two (2) pennants or streamers per one (1) foot of linear property line frontage. Shall at minimum provide eight (8) feet of vertical clearance and shall not project into right of way. Shall be securely attached to a permanent structure.

**B-5 Districts**

Wall Signs

Same as B-4

Portable Signs

Same as B-4

Free-Standing Signs

Same as B-4

	Shopping Center Sign	Setback a minimum of fifteen (15) feet from right-of-way. Limited to one (1) sign per public street access point into the development with a maximum of two (2) signs per development. Signs shall have a maximum of three hundred (300) square feet of sign area per side, limit two (2) sides. Maximum sign structure height is forty (40) feet. Such signs shall be included in architecturally significant masonry structure.
	Monument Signs	Same as B-4
	Project Entrance Sign	Same as B-4
	Banners	Same as B-4
	Pennants and Streamers	Same as B-4
I-1 Districts	Wall Signs	One (1) square foot for each linear foot of building frontage is the maximum area. Fifteen-inch (15") projection limitation. Identification purposes only. Shall not extend above roof line.
	Free Standing Signs	Same as B-4
	Monument Signs	Same as B-4
	Industrial Park Sign	Setback a minimum of fifteen (15) feet from right-of-way. Limited to one (1) sign per public street access point into the industrial park with a maximum of two (2) signs per park. Signs shall have a maximum of two hundred (200) square feet of sign area per side, limit two (2) sides. Maximum structure height is thirty-five (35) feet. Such signs shall be included in architecturally significant permanent structure.
	Project Entrance Sign	Same as B-4
I-2 Districts	Wall Signs	Same as I-1.
	Free Standing Signs	Same as I-1.
	Monument Signs	Same as B-4
	Industrial Park Sign	Same as I-1.
	Project Entrance Sign	Same as I-1.

### 508.3 Off Premise Advertising Signs

- A. Placement and Height Regulations - Off-premise advertising signs will not be permitted to be erected in, within, or unless:
1. Fifty (50) feet from automobile bridges, nearest corner of street intersections (unless on roof structure), an on premise sign equal to or greater than one hundred fifty (150) square feet in area, or interstate highway right-of-ways; nor
  2. Seventy-five (75) feet from residential districts and hospitals; nor
  3. One hundred (100) feet from any public park, historic or recreation area, school, churches, or another off-premise sign of any size.
  4. Five hundred (500) feet from another off-premise sign directed towards same interstate, limited access, or arterial highway;
  5. The placement of one panel on top of another panel is prohibited;
  6. Off-premise signs will not be permitted to be erected unless the back of the sign is shielded from public view from a building or street by another structure of equal or greater dimensions, or by high planting or unless such back is enclosed in a solid backing and painted a neutral color.
- B. District and Area Regulations:
- |     |   |
|-----|---|
| B-5 | Ground-pole signs only; three hundred (300) square feet per facing maximum area; Back to back and "V" type permitted; Setback same as for buildings; Thirty (30) feet maximum height. Sign shall count as one of the permitted signs allowed. |
| I-1 | Same as B-5   |
| I-2 | Same as B-5   |

### 508.4 Signs Prohibited

1. Signs that incorporate in any manner any flashing or moving lights. Any sign which displays exclusively current time and temperature information is not considered "flashing or moving."
2. String lights or any unshielded light that is visible by the public from a public street and is used in connection with commercial premise for commercial purposes, including attention-getting, other than Christmas decorations.
3. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement achieved by electronic or mechanical means or action or normal wind currents.
4. Any sign which obstructs or detracts from the visibility of any traffic sign or traffic control device on public streets and roads, by reason of the size, location, coloring or illumination.

5. Any sign or sign structures which (a) is structurally unsafe, (b) constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidate or abandonment, (c) is not kept in good repair, or (d) is capable of causing electrical shocks to persons likely to come into contact with it.
6. Signs which make use of words such as "STOP", "LOOK", "DANGER", "YIELD", or other similar words, phrases, symbols or characters in such a manner as to imply the need or requirement of stopping or the existence of danger.
7. Portable signs, folding signs, "A" frame signs, "T" shaped or any other similar free-standing signs not permanently anchored or secured to either a building or the ground except as specifically authorized by Section 508.1 (B) (3).
8. Free-standing signs that extend or are built over public property, except as specifically permitted herein.
9. Free standing signs for single lot users that are part of a shopping center complex (does not include Monument Signs).
10. Temporary window feature signs using more than twenty percent (20%) of a window in a commercial business.
12. Any sign extending more than forty (40) feet above the base of the structure.
13. Any sign erected or maintained upon trees or painted or drawn upon rocks or other natural features.
14. Any sign other than governmental traffic control signs or devices that are or would be located in the right-of-way of any street or highway without the written permission of the governmental body holding the right-of-way.
15. Any sign face that is abandoned (a sign which no longer identifies a business conducted or product sold on the premises or any advertising sign which no longer directs attention to a bona fide business conducted, product sold, or activity being conducted after the establishment ceases operation for a period of sixty (60) consecutive days shall be removed.
16. Banners located on poles or fences, except for solely charitable events or activities. Charitable event or activity banners shall be limited to being displayed for 14 consecutive days with a minimum 14 day waiting period prior to redisplaying.

#### **508.5 Placement of Political Signs**

One temporary sign per candidate and/or ballot issue per lot relating to an election shall be allowed. Signs shall not exceed four (4) square feet in surface area in residential districts and thirty-two (32) square feet in surface area in all other districts. Signs shall not be placed within the clear site triangle as defined by Section 504.1 (Visibility at Intersections) and shall not be placed within any public right-of-way. Signs shall be

erected no earlier than thirty (30) days prior to the election and removed within five (5) days after the election.

#### **508.6 Signs Exempt from Permit Requirements**

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

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

### **509 Assisted Living Facilities**

#### **509.1 Intent**

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

#### **509.2 General Provisions**

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

#### **509.3 Locational Standards**

- A. Development shall be located on an arterial street, collector street, or local street.

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

**509.4 Site Standards**

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

**509.5 Area Regulations**

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

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

**509.6 Administrative Procedures for Assisted Living Facilities:**

- A. An application for Conditional Use approval shall be filed with the Board of Adjustment office for their regular scheduled meeting, unless otherwise noted.
- B. The following information shall be included in addition to the requirements for development plans, but not limited to:
  - 1. The location and legal description, including the appropriate tax map and parcel identification, of the proposed assisted living facility.

2. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the development, including building elevations and floor plans.
3. A table attached on the plan or as an addendum, identifying the number of residential units, by bedroom size and the gross square foot area of each unit size.
4. A description of common and specialized services to be provided to the residents.
5. A landscaping plan, including all required screening and buffering.
6. The location, height, focal direction, and lighting levels (intensity), in foot candles, of all external lighting structures.
7. A preliminary project development, construction and occupancy schedule. The schedule shall demonstrate the applicant's readiness, ability to provide facilities and services. Building Permit approval shall be contingent upon issuance of all required permits and approvals from federal, state, and local authorities.
8. Drainage and erosion control plan.
9. Such other architectural and engineering data as may be required by the Planning Commission to determine compliance with the provisions of the Zoning Ordinance and Subdivision & Development Regulations.

## **510 Agricultural Marketing Center**

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

### **510.1 Intent**

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

### **510.2 Principal Permitted Uses**

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

- A. Sales pavilions or facilities for farm machinery and equipment.
- B. Retail sale of agricultural products, supplies and related items. This may include both indoor and/or outdoor wholesale and retail Farmer's Market.

- C. Livestock (primarily cattle) and grain commodity trading offices and marketing sales facilities designed for covered animal control.

### **510.3 Accessory Uses**

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

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

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

### **510.5 Other Requirements**

#### **A. Locational Standards**

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

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

#### **B. Site Standards**

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

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

standards, whichever is stricter; all facilities must be naturally screened from adjacent property.

**C. Enclosed Livestock Pavilion Facility**

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

**D. Livestock Waste Management**

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

**E. Applicable Laws Must be Met**

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

**F. Signage Standards**

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

**H. Development Plans and Operational Plans**

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

1. The Operational Plan shall address the following:

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

## 511 Medicinal Cannabis Facilities

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

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

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

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

- J. Safety Compliance Facility - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;

#### **511.4 Specific Use Standards**

**Medicinal Cannabis Facilities** are subject to the following Specific Use Standards in all applicable zoning districts:

- A. Medicinal Cannabis Facilities shall be required to meet Fire and Building Codes. Medicinal Cannabis Facilities must adhere to all applicable local, state, and federal requirements and shall be in compliance with KRS 218B;
- B. Medicinal Cannabis Facilities shall be prohibited in any Residential zone;
- C. Medicinal Cannabis Facilities shall not be located within a floodplain;
- D. A Development Plan Application and Approval is required for any proposed Medicinal Cannabis Facility. In addition to the Development Plan requirements, the Planning Commission shall consider the impact of the proposed facility upon surrounding properties and institute other site design measures so that the character of the area is protected;
- E. Medicinal Cannabis Facilities must submit all applicable state, or federal construction-related permits to the Planning Commission prior to commencement of any project construction. Additionally, public water lines and hydrants shall be available to the project area sufficient to meet the fire protection standards in accordance with the Versailles Fire Department;
- F. Medicinal Cannabis Facilities shall be setback a minimum of 50 feet from public rights-of-way and a minimum of 25 feet adjacent property lines. All structures shall be at least 100 feet from any residential district, adjacent residential use or adjacent residential structure. The setback distance may be increased by the Planning Commission as determined to be necessary to assure compatibility with other land uses depending on case-specific factors;
- G. Medicinal Cannabis Facilities shall not be located nearer than 1,000 feet from any licensed day care center, public or private elementary, middle, or secondary school;
- H. Medicinal Cannabis Facilities shall comply with the landscape requirements set forth in Article XI. In addition, the minimum landscape buffer width for Medicinal Cannabis Facilities shall be 25 feet along all rights-of-way and adjacent to other residential land uses;
- I. Medicinal Cannabis Facilities shall be limited to one externally illuminated on-premises monument sign not to exceed ten (10) feet in height and thirty-two (32) square feet in sign face area. Wall signs shall not exceed twenty-four (24) square in sign face area or 5% of any building wall façade, whichever is greater.
- J. Outdoor storage of materials, equipment, or supplies associated with a Medicinal Cannabis Facilities is not allowed, unless otherwise allowed by the underlying zoning district;
- K. All Medicinal Cannabis Facilities loading and unloading areas shall be oriented away from public streets;

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

- (1) A cultivator or cultivator agent acting on behalf of a cultivator shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, or to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for: (a) Acquiring, possessing, planting, cultivating, raising, harvesting, trimming, or storing cannabis seeds, seedlings, plants, or raw plant material; (b) Delivering, transporting, transferring, supplying, or selling raw plant material or related supplies to other licensed cannabis businesses in this state; or (c) Selling cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.
- (2) Cultivators and cultivator agents acting on behalf of a cultivator shall: (a) Only deliver raw plant material to a licensed processor, licensed producer, licensed safety compliance facility, or licensed dispensary for fair market value; (b) Only deliver raw plant material to a licensed dispensary, processor, or producer after it has been checked by a safety compliance facility agent for cannabinoid contents and contaminants in accordance with administrative regulations promulgated by the cabinet; (c) Not supply a dispensary with more than the amount of raw plant material reasonably required by a dispensary; and (d) Not deliver, transfer, or sell raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five percent (35%) to a licensed dispensary, processor, or producer.
- (3) A Tier I cultivator shall not exceed an indoor growth area of two thousand five hundred (2,500) square feet. A Tier II cultivator shall not exceed an indoor growth area of ten thousand (10,000) square feet. A Tier III cultivator shall not exceed an indoor growth area of twenty-five thousand (25,000) square feet. A Tier IV cultivator shall not exceed an indoor growth area of fifty thousand (50,000) square feet.
- (4) Medicinal Cannabis Cultivator Facilities shall only be located in Agricultural (A-1), Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.

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

- (1) A dispensary or dispensary agent acting on behalf of a dispensary shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for: (a) Acquiring or possessing medicinal cannabis from a cultivator, processor, or producer in this state; (b) Acquiring or possessing medicinal cannabis

accessories or educational material; (c) Supplying, selling, dispensing, distributing, or delivering medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders or other dispensaries; (d) Selling cannabis seeds to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; or (e) Acquiring, accepting, or receiving medicinal cannabis products from a cardholder, except that a dispensary may not offer anything of monetary value in return for medicinal cannabis received from a cardholder. Any medicinal cannabis received by a dispensary under this paragraph or pursuant to KRS 218B.070 shall be destroyed by the dispensary or its agents and shall not be sold, dispensed, or distributed to another cardholder.

- (2) A dispensary or dispensary agent acting on behalf of a dispensary shall: (a) Maintain records that include specific notations of the amount of medicinal cannabis being dispensed to a cardholder and whether it was dispensed directly to a registered qualified patient or visiting qualified patient, or to a registered qualified patient's designated caregiver. Each entry shall include the date and time the medicinal cannabis was dispensed. The data required to be recorded by this paragraph shall be entered into the electronic monitoring system established pursuant to KRS 218A.202 in accordance with administrative regulations promulgated by the cabinet for the recording of medicinal cannabis dispensing; (b) Only dispense or sell medicinal cannabis after it has been checked by a safety compliance facility agent for cannabinoid contents and contaminants in accordance with administrative regulations promulgated by the cabinet; (c) Only dispense or sell medicinal cannabis to a registered qualified patient, visiting qualified patient, or designated caregiver after making a diligent effort to verify: 1. That the registry identification card or, for visiting qualified patients, the out-of-state registry identification card presented to the dispensary is valid, including by checking the verification system, if it is operational, or other cabinet-designated databases; 2. That the person presenting the registry identification card or, for visiting qualified patients, the out-of-state registry identification card is at least eighteen (18) years of age and is the person identified on the registry identification card by examining at least one (1) other form of government-issued photo identification; and 3. The amount of medicinal cannabis the person is legally permitted to purchase pursuant to KRS 218B.025 by checking the electronic monitoring system established pursuant to KRS 218A.202; (d) Not acquire, possess, dispense, sell, offer for sale, transfer, or transport: 1. Raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five percent (35%); 2. Medicinal cannabis products intended for oral consumption as an edible, oil, or tincture with more than ten (10) milligrams of delta-9 tetrahydrocannabinol per serving; 3. Any medicinal cannabis product not described in subparagraph 1. or 2. of this paragraph with a delta-9 tetrahydrocannabinol content of more than seventy percent (70%); or 4. Any medicinal cannabis product that contains vitamin E acetate; (e) Not acquire medicinal cannabis from any person other than a

cannabis business licensed under this chapter, or an agent thereof, a registered qualified patient, or a designated caregiver; (f) Not sell or dispense medicinal cannabis products intended for consumption by vaporizing to a cardholder who is younger than twenty-one (21) years of age or to a designated caregiver for a registered qualified patient who is younger than twenty-one (21) years of age; (g) Not dispense or sell medicinal cannabis to a minor; (h) Not dispense or sell more medicinal cannabis to a cardholder than he or she is legally permitted to purchase at the time of the transaction; and (i) Not rent office space to a medicinal cannabis practitioner.

- (3) A dispensary may operate a delivery service for cardholders and may deliver medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders at the address identified on the cardholder's registry identification. (b) All delivery services operated or offered by a dispensary shall comply with administrative regulations promulgated by the cabinet pursuant to this section and KRS 218B.140.
- (4) Medicinal Cannabis Dispensary Facilities shall only be located in Professional Office (P-1), Highway Business (B-4), Highway Interchange Service (B-5), Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.

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

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

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

- (1) A producer or producer agent acting on behalf of a producer shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for: (a) Acquiring, possessing, planting, cultivating, raising, harvesting, trimming, or storing cannabis seeds, seedlings, plants, or raw plant material; (b) Delivering, transporting, transferring, supplying, or selling raw plant material, medicinal cannabis products, or related supplies to other licensed cannabis businesses in this state; (c) Selling cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; (d) Acquiring or purchasing raw plant material from a cultivator in this state; or (e) Possessing, processing, preparing, manufacturing, manipulating, blending, preparing, or packaging medicinal cannabis.
- (2) Producers and producer agents acting on behalf of a producer shall: (a) Only deliver raw plant material to a licensed processor, licensed producer, licensed safety compliance facility, or licensed dispensary for fair market value; (b) Only deliver raw plant material to a licensed dispensary, processor, or producer after it has been checked by a safety compliance facility agent for cannabinoid contents and contaminants in accordance with administrative regulations promulgated by the cabinet; (c) Not supply a dispensary with more than the amount of raw plant material reasonably required by a dispensary; and (d) Be limited to an indoor cannabis growth area of fifty thousand (50,000) square feet.
- (3) A producer licensed under this section shall not possess, process, produce, or manufacture: (a) Raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five percent (35%); (b) Medicinal cannabis products intended for oral consumption as an edible, oil, or tincture with more than ten (10) milligrams of delta-9 tetrahydrocannabinol per serving; (c) Any medicinal cannabis product not described in paragraph (a) or (b) of this subsection with a delta-9 tetrahydrocannabinol content of more than seventy percent (70%); or (d) Any medicinal cannabis product that contains vitamin E acetate.
- (4) Medicinal Cannabis Producer Facilities shall only be located in Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.

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

- (1) Acquiring or possessing medicinal cannabis obtained from cardholders or cannabis businesses in this state;
- (2) Returning the medicinal cannabis to cardholders or cannabis businesses in this state;

- (3) Transporting medicinal cannabis that was produced by cannabis businesses in this state;
- (4) The production or sale of approved educational materials related to the use of medicinal cannabis;
- (5) The production, sale, or transportation of equipment or materials other than medicinal cannabis, including but not limited to lab equipment and packaging materials that are used by cannabis businesses and cardholders, to cardholders or cannabis businesses licensed under this chapter;
- (6) Testing of medicinal cannabis produced in this state, including testing for cannabinoid content, pesticides, mold, contamination, vitamin E acetate, and other prohibited additives;
- (7) Training cardholders and cannabis business agents. Training may include but need not be limited to: (a) The safe and efficient cultivation, harvesting, packaging, labeling, and distribution of medicinal cannabis; (b) Security and inventory accountability procedures; and (c) Up-to-date scientific and medical research findings related to use of medicinal cannabis;
- (8) Receiving compensation for actions allowed under this section;
- (9) Engaging in any noncannabis-related business activities that are not otherwise prohibited or restricted by state law.
- (10) Medicinal Cannabis Safety Compliance Facilities shall only be located in Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.

# ARTICLE VI

## PARKING REGULATIONS

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

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

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

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

### **600.2 Parking Spaces**

- A. Number Required

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

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

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

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

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

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

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

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

C. Minimum Design Maintenance Requirements for Parking Areas.

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

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

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

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

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

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

#### E. Units of Measurement

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

#### F. Joint Use of Parking Areas

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

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

G. Minimum Distances and Set-backs

1. Minimum Distances and Setbacks for Parking, Loading and Unloading Areas in Residential Zones
  - A. Minimum Required Parking - In every R-1A, R-1B, R-1C and R-2 zone, there shall be provided at least one (1) off street parking space for each dwelling unit; no such space shall be located within any required front yard or side yard area.
  - B. Additional Parking - Provided the above parking has been met, additional parking shall be permitted in the required front yard or side street side yard in any R-1A, R-1B, R-1C, or R-2 zone provided the following requirements are met:

1. The parking area and driveway shall be paved with concrete, asphalt, brick, or other suitable hard surface material as approved by the Zoning Administrator or Building Inspector.
2. The paved areas (parking areas and driveways) shall be set back from the property lines as follows:

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

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

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

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

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

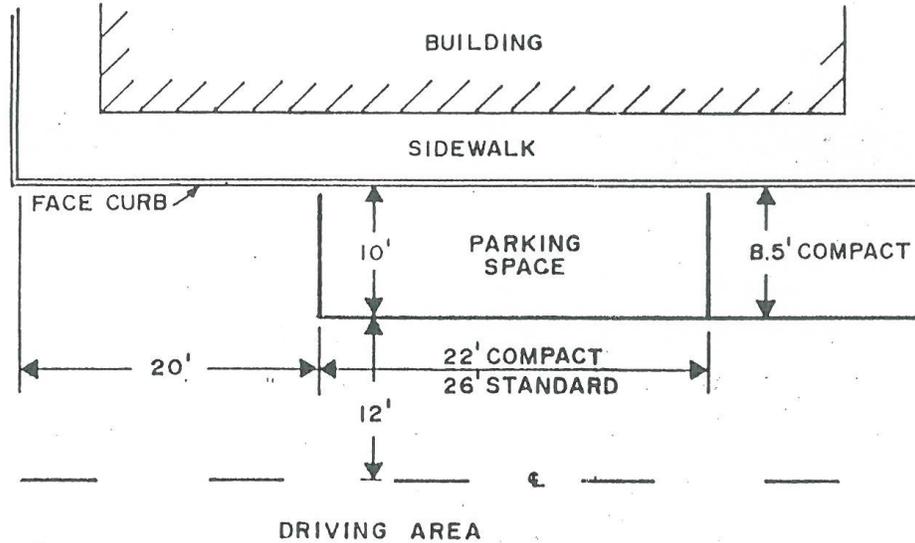
- A. No part of any parking area for more than five (5) vehicles, or containing more than eighteen hundred (1800) square feet of parking area, shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care unless screened by an unpierced masonry wall.
- B. If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

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

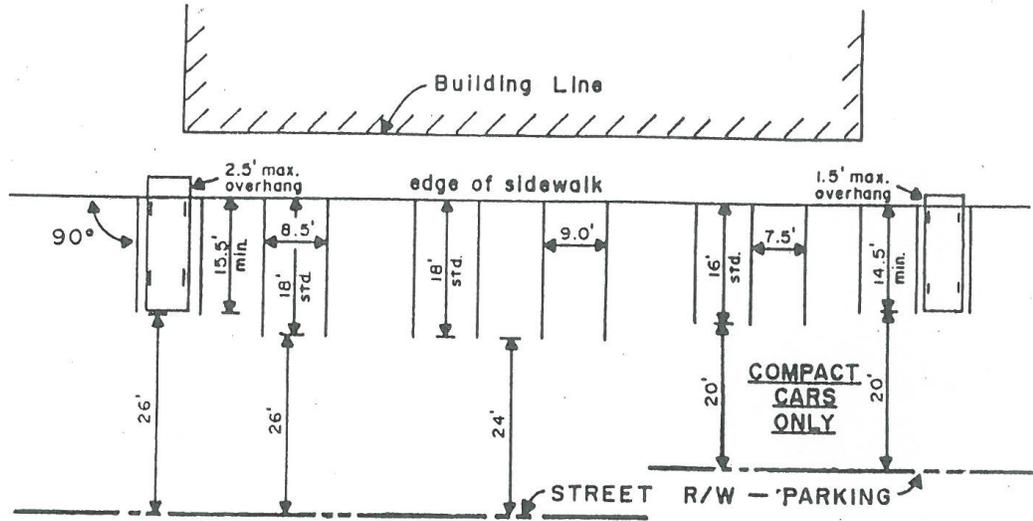
**"General"**

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

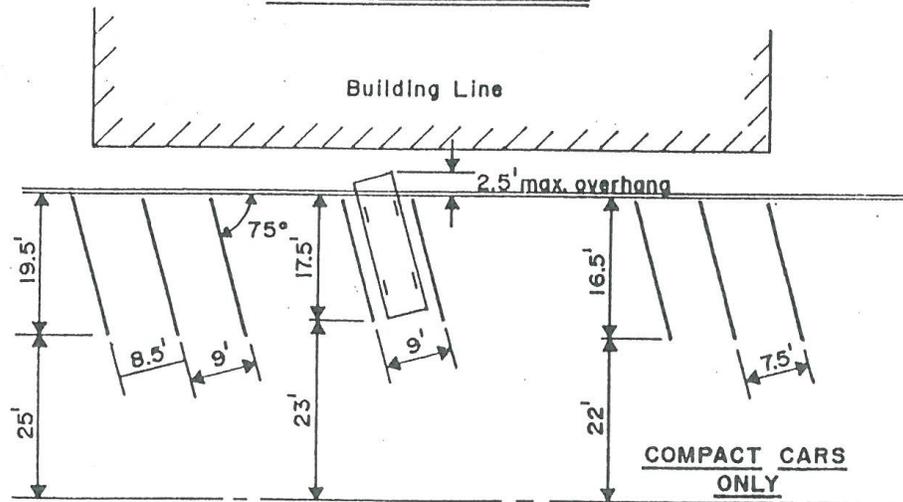
**PARALLEL PARKING**



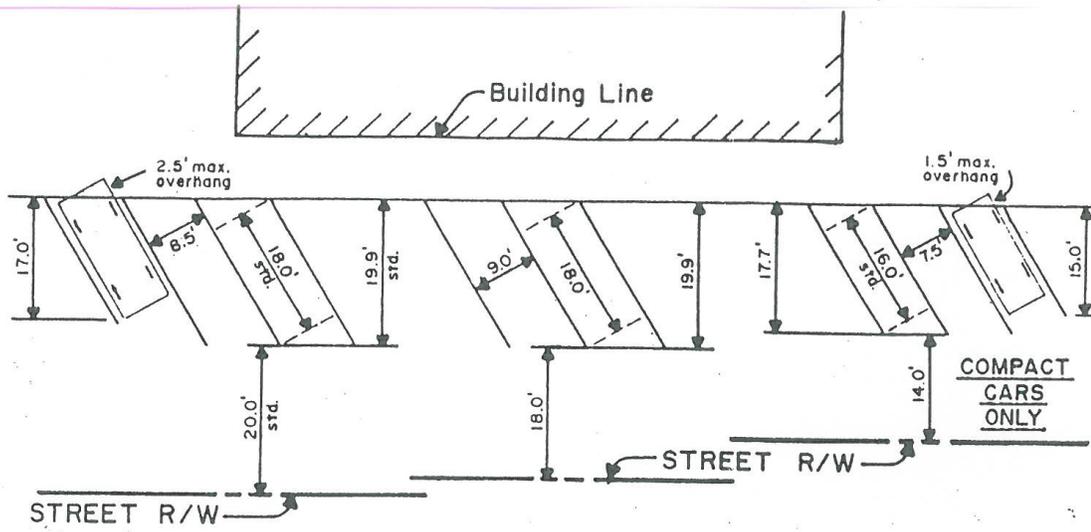
## 90° PARKING



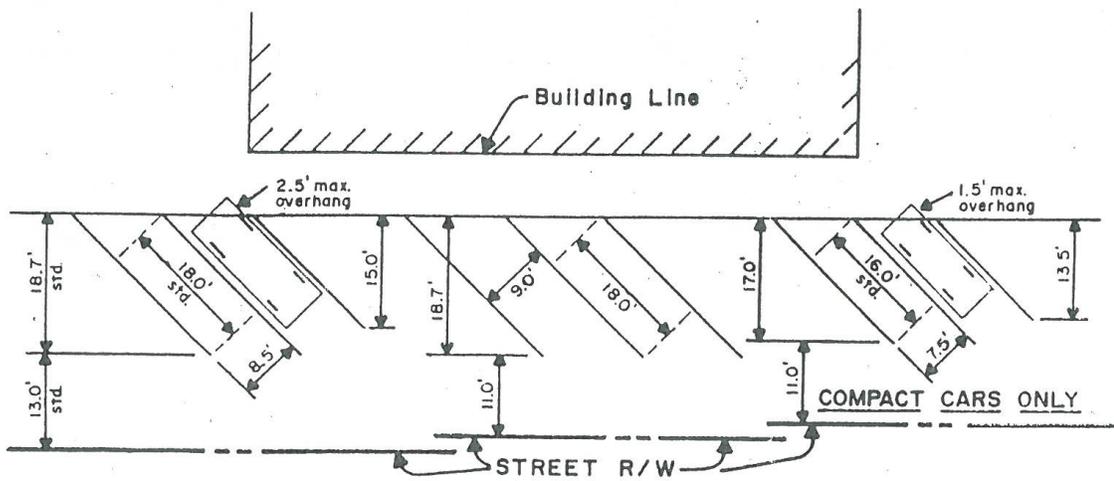
## 75° PARKING



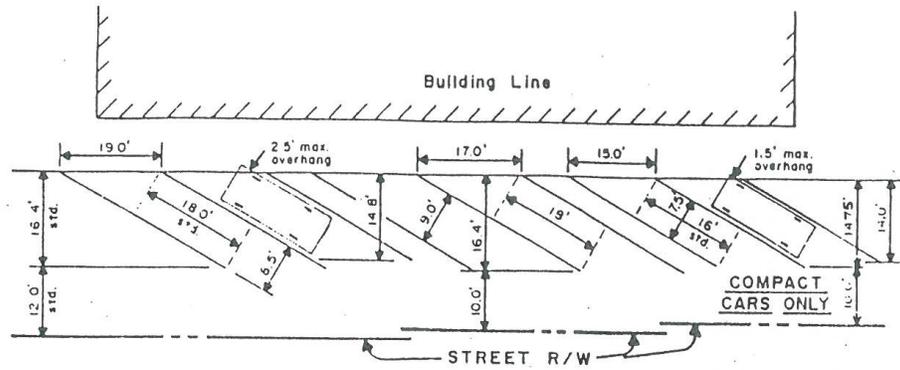
# 60° PARKING



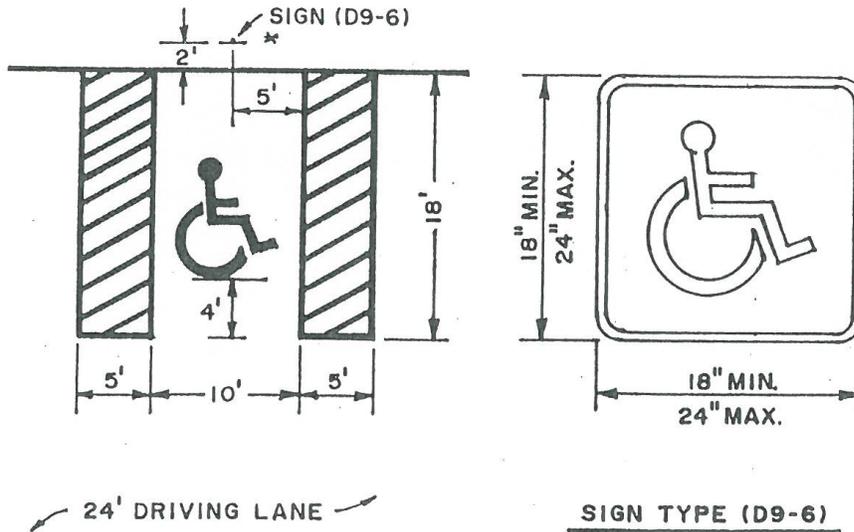
# 45° PARKING



30° PARKING



**HANDICAP PARKING SPACE REQUIREMENT**



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

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

#### A. Variations

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

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

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

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

#### C. Tire Stops

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

#### D. Exceptions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# ARTICLE VII

## ZONING DISTRICTS

### 700 Zoning District Regulations Schedule of Zones

Section	Zone	District Title
701	A-1	Agricultural
702	CO-1	Conservation District
703	RR / RF	Rural Residential / Residual Farmland
704	SC	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/Manufactured 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

**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.

**700.2 Transitional Provisions - District Conversion Table**

The District names and standards in effect immediately prior to the effective date of this Article are hereby converted as follows:

<b>OLD</b>	<b>BASE DISTRICT</b>	<b>NEW</b>	<b>PAGE</b>
A-2	Agriculture District	A-1	7-3
A-4	Small Community District	SC	7-20

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

### **701.1 Purpose and Intent** - The Agricultural District is intended to:

- A. Maintain, preserve and enhance the prime agriculture lands of Woodford County;
- B. Preserve the natural beauty and open space character of the rural countryside.
- C. Protect the decreasing supply of prime agriculture lands in Woodford County in order to maintain one of the county's principal economic resources; the agriculture economy of the county;
- D. Discourage urban growth on land best suited for agriculture purposes;
- E. Minimize urban-type development in rural areas by discouraging all forms of urban development except for a limited amount of conditional uses;
- F. Right to Farm Policy - In addition to the purposes and intent set out above, there is hereby established a "Right-to-Farm" policy.
  - 1. Any agricultural operation or practice that is historical, traditional, legitimate and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged.
  - 2. Agriculture, as a way of life, benefits all residents of Woodford County. It is an important part of the economy and adds intrinsic value to life in Woodford County. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences such as equipment and livestock on public roads, odors from manure and feeds, lights and noises at all hours of the day and night, and on-farm processing and marketing of crops and livestock. To maintain this way of life, Woodford County intends to protect agricultural operators from unnecessary, intrusive litigation. Therefore, no inconvenience shall be considered a nuisance as long as it occurs as a part of non-negligent and legal agricultural practice.

### **701.2 Principal Uses**

- A. Agriculture Uses (KRS 100.111 & Article II, Section 201);
- B. Riding Stables, and Fishing Lakes;
- C. Parks, Playgrounds, Golf Courses, Forests and Conservation Areas;
- D. Single Family Detached Dwellings;
- E. Greenhouses and Nurseries;
- F. Safety Services;
- G. Basic Utilities and Telecommunication Facilities.

**701.3 Accessory Uses and Structures** - Accessory uses, buildings and structures shall be subject to the following regulations:

- A. Accessory uses and structures customarily incidental to any principal use located on the same lot.
- B. Accessory uses, buildings and structures include the following: farm/tenant homes, accessory dwellings, private garages, private stables or parking areas, not including any business, trade or industry.
- C. Home Offices and Home Occupations are permitted as Accessory Uses in the Agricultural District (See Article II - Definitions).
- D. Office of a resident physician, farm manager or equine trainer are permitted as an Accessory Use in the Agricultural District.
- E. Roadside Stand offering for sale agricultural products produced in Woodford County.
- F. 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.
- G. Accessory buildings/structures shall be permanently affixed to the ground and shall not include mobile home, bus, travel trailer, RV, trailer, cooler or vehicle.
- H. Fences. For the purpose of determining yard setback, the accessory structure setback shall not apply to fences.
- I. Swimming Pools. All swimming pools shall require a Building or Zoning Permit. The swimming pool area shall be enclosed by a fence or other suitable barrier with a minimum height of not less than 4 feet. Openings in the fence shall be small enough to prevent a child from entering the enclosure other than through the gate.
- J. Solar Panels. A ground-mounted solar panel system is not permitted as the principal use of a property in the Agricultural District on tracts greater than 10 acres in size.

**701.4 Conditional Uses**

- A. Agritourism Uses (KRS 247.801)\*\*;
- B. Bed and Breakfast Home, Bed and Breakfast Inn, and Bed and Breakfast Farmstay Establishment\*\*;
- C. Short Term Rental Establishment: Hosted Home-Sharing and Dedicated Short Term Rental Establishments;
- D. Religious Institution Facility;
- E. Schools for Academic Instruction (All structures less than 20,000sf);
- F. Sportsmen Farm;

- G. Commercial Kennel;
- H. Private Airstrips;
- I. Cemetery;
- J. Mine, Quarry or Borrow Pit;
- K. Plant Nursery, Sod and Tree Farms\*\*;
- L. Animal Hospital & Veterinary Clinic (All structures less than 10,000sf);
- M. Agricultural Related Research Facility\*\*.
- N. In-Family Conveyance Lots (less than 30 acres in size), see Special Provision 701.9.D (below).

\*\* Agricultural Advisory Review Committee Application required to be submitted and reviewed prior to Board of Adjustments Conditional Use Permit Review.

**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 Permitted Residential Unit Types** - The following residential unit types shall be permitted in this District:

- A. Single-Family Detached;
- B. Modular Home;
- C. Manufactured Home, Qualified;
- D. Manufactured Home;
- E. Farm Dwelling/Tenant Home (See Special Provision 701.9.B); and
- F. Accessory Dwelling (See Special Provision 701.9.C)

**701.7 Property Development Standards**

- A. Dimensional standards for this District are found in the following table.
- B. Only one principal Single Family Detached Dwelling shall be permitted per platted lot.

### Agricultural District (A-1)

<b>Lot Area</b> (minimum)	30 Acres
<b>Lot Width</b> (minimum at 75-foot front setback line)	200 ft
<b>Lot Frontage</b> (minimum)	150 ft
<b>Lot Coverage</b> (maximum)	25%
<b>Setback</b> (minimum) Front Yard Side Yard Rear Yard  Accessory Structure Front Rear Side	75 ft 25 ft 50 ft  25 ft 10 ft 10 ft
<b>Height</b> (max Principal Structure)	42 ft
<b>Off-Street Parking Spaces</b>	2

**701.8 Signs** - Signage is allowed within Agricultural District on a limited basis and in accordance with the following table. Non-residential uses and properly permitted conditional uses in the Agriculture District may have a maximum of one freestanding sign (monument) and limited wall signage. No sign shall be internally illuminated.

	A-1
Freestanding Signs Allowed?	Yes
Maximum Number	1
Maximum Face Area	24 sf
Maximum Height	8 ft
Structure Type	Monument
Wall Signs Allowed?	Yes
Maximum Face Area	12 sf

- A. Temporary On-Premise Signs shall not require a permit. These signs are allowed provided they otherwise comply with the following standards:
  - 1. No sign shall be erected to obstruct free and clear vision of an intersection and/or traffic signals. No sign may be placed in or extended over a public right-of-way or utility easement without the express written consent of the controlling jurisdiction or utility.
  - 2. The maximum sign face per Temporary Sign shall be 4 square feet in total. Maximum height shall be 4 feet.
- B. All permitted signs in the Agricultural District shall also comply with all the General Sign Development Standards in Article V.

**701.9 Special Provisions**

- A. All other non-agricultural 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. Farm Dwellings/Tenant Homes: Other Accessory Farm Dwellings to be occupied by farm owners, employees of the farm or members of the immediate family of the farm owner are permitted in the Agricultural A-1 District. Parcels containing Accessory Farm Dwellings are permitted on conforming tracts of at least thirty (30) acres in size shall not exceed a density of one accessory dwelling for each ten (10) acres. All Accessory Farm Dwellings shall have access to an existing public road through an existing driveway or through a platted and recorded access easement.
- C. Accessory Dwellings in the Agriculture District: An Accessory Dwelling is permitted in the Agricultural A-1 District. An Accessory Dwelling may be attached or detached from the principal residence. The floor area of the Accessory Dwelling may not exceed 50 percent of the floor area of the principal structure. An Accessory Dwelling is allowed on lots of record that do not meet the minimum lot area or width standards for the zoning district, but all yard dimensions and other development standards must conform to the district regulations.
- D. In-Family Conveyance Lots (in the Woodford County unincorporated area only): The minimum lot area for A-1 district may be reduced to less than 30 acres only after obtaining a Conditional Use Permit from the Board of Adjustments. The following standards shall be required to create an In-Family Conveyance Lot from an existing parcel which has existed in the same configuration since January 1, 2026:
  - 1. The Applicant for an In-Family Conveyance lot must be a Woodford County Resident.
  - 2. An Agricultural Use Affidavit shall be submitted as part of an In-Family Conveyance Plat Application.
  - 3. All In-Family Conveyance Lots shall be at least one (1) acre in size.
  - 4. One (1) In-Family Conveyance Lot may be created for existing parcels 31-49 acres in size; Two (2) In-Family Conveyance Lots may be created for existing parcels 50 acres and greater in size. The remaining parcel for an In-Family Conveyance shall be a minimum of

- thirty (30) acres. If the remaining parcel is less than thirty (30) acres, it shall be added by plat to an adjoining tract of land where the resulting acreage of the adjacent parcel is thirty (30) acres or greater.
5. In-Family Conveyance Lots are required to meet all other District Dimensional Standards (Lot Frontage, Lot Width, Lot Setbacks and Lot Coverage).
  6. The primary parcel shall be held for at least 5 years and the conveyed parcel shall be held for at least 10 years after recordation of the deed conveying the In-Family Conveyance Lot. Exception to this restriction shall be a transfer between the parties of the original In-Family Conveyance Plat Application pursuant to Court Order or arising from substantial hardship.
  7. In-Family Conveyance Lots shall only be conveyed from parent to child (natural or legally adopted), or grandparent to grandchild. Properties in LLCs, Trusts or Estates are prohibited from creating In-Family Conveyance Lots.
  8. The In-Family Conveyance Lots restrictions in paragraph number 5 above, along with a note of ineligibility for further in-family conveyance, shall be recorded on the Plat and set forth in the Deed. The 5-year and 10-year requirement commences upon recordation of the Deed.

#### **701.10 Agricultural Related Definitions**

- A. Natural Resource Products - Commodities or products derived from the natural environment including, but not limited to: wood, water, wild plants, and non-domesticated animals.
- B. 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.
- C. 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.
- D. 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.

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

### **702.1 Purpose and Intent**

The Conservation District (CO-1) is intended to promote and protect significant natural features, wooded areas, watercourses, 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.

### **702.2 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.

### **702.3 Accessory Uses and Structures** - Accessory uses, buildings and structures shall be subject to the following regulations:

- A. Accessory uses and structures customarily incidental to any principal use located on the same lot.
- B. Accessory uses, buildings and structures include the following: accessory dwellings, private garages, private stables or parking areas, not including any business, trade or industry.
- C. Home Offices and Home Occupations are permitted as Accessory Uses in the Conservation District (See Article II - Definitions).
- D. Accessory buildings/structures shall be permanently affixed to the ground and shall not include mobile home, bus, travel trailer, RV, trailer, cooler or vehicle.
- E. Fences. For the purpose of determining yard setback, the accessory structure setback shall not apply to fences.
- F. Swimming Pools. All swimming pools shall require a Building or Zoning Permit. The swimming pool area shall be enclosed by a fence or other suitable barrier with a minimum height of not less than 4 feet. Openings in the fence shall be small enough to prevent a child from entering the enclosure other than through the gate.
- G. Solar Panels. A ground-mounted solar panel system is not permitted as the primary use of a property in the Conservation District on tracts less than 10 acres in size.

- H. Accessory Dwelling: An Accessory Dwelling may be attached or detached from the principal residence. The floor area of the Accessory Dwelling may not exceed 25 percent of the floor area of the principal structure. An Accessory Dwelling is allowed on lots of record that do not meet the minimum lot area or width standards for the zoning district, but all yard dimensions and other development standards must conform to the district regulations. If attached to the principal residence, any entrance into the Accessory Dwelling shall be located on the side or rear facade(s) of the building. The Accessory Dwelling must not alter the character of the residence or the development pattern of the neighborhood. A minimum of 1 parking space (in addition to the parking required for the primary residence) shall be provided for Accessory Dwelling. The number of bedrooms located within Accessory Dwelling shall not exceed two (2).

**702.4 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. Camp/ Campground (See Special Provision 702.7.D)
- C. Bed and Breakfast Home, Bed and Breakfast Inn, and Bed and Breakfast Farmstay Establishments.
- D. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.
- E. Marinas.

**702.5 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.

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

Minimum Lot Size	30 Acres
Minimum ROW Frontage	150 feet
Minimum Width at Building Line (minimum at 75-foot front setback line)	200 feet
Minimum Front Yard	75 feet
Minimum Each Side Yard	25 feet
Minimum Rear Yard	50 feet
Maximum Height of Building	42 feet

**Permitted Residential Unit Types**

The following residential unit types marked YES shall be permitted in this District:

	<b>CO-1</b>
Single-Family Detached	YES
Modular Home	YES
Manufactured Home, Qualified	YES
Manufactured Home	YES
Mobile Home	NO
Accessory Dwelling	YES

**702.7 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 floodplain 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. The following Standards apply to Camp and Campground:
  - 1. Minimum Campground Area of Five (5) acres;
  - 2. Camp and Campgrounds shall only be located in a Conservation (CO-1) zoning district;
  - 3. Maximum Campsites and/ or cabins: Twenty-Five (25);
  - 4. All Camp and Campground uses shall conform to appropriate Woodford County Health Department Rules and Regulations; and
  - 5. All campsites, buildings and structures shall be at least 100 feet from any property line.

## **703 RURAL RESIDENTIAL RR / RESIDUAL FARMLAND (RF) DISTRICT**

### **703.1 Purpose and Intent**

The purpose and intent of the Rural Residential / Residual Farmland District is to provide for the preservation of prime farmland, greenspace and watersheds; to allow residential developments; to preserve sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat; to conserve scenic views and view sheds of open spaces.

### **703.2 Principal Uses**

Single Family Dwellings.

### **703.3 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.

### **703.4 Accessory Uses**

- A. Accessory uses and structures customarily incidental to any principal use located on the same lot.
- B. Accessory uses, buildings and structures include the following: accessory structures, private garages, or parking areas.
- C. Accessory buildings/structures shall be permanently affixed to the ground and shall not include mobile home, bus, travel trailer, RV, trailer, cooler or vehicle.
- 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. Home Office
- F. Solar Panels. Roof-mounted and ground-mounted solar panel systems shall comply with the following:
  - 1. Solar panel systems shall be permitted on the roof of a building provided that the panels located on a front or side roof slope facing any public street do not cause glare or light trespass onto adjoining residential properties.
  - 2. Solar panel systems shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof. Solar panel systems shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave.
  - 3. A ground-mounted solar panel system is not permitted as the primary use of a property.
  - 4. Ground-mounted solar panel systems shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures.
  - 5. Ground-mounted solar panel systems shall not be located between a property line abutting a street and the building.

6. The maximum height of ground mounted solar panel systems should not exceed the height of eight (8) feet.
7. Supporting equipment for solar panel systems, including power conditioning equipment such as batteries for electricity storage and stand-by generators shall be screened by an opaque screening device, except that wall-mounted inverters may be located next to the electric meter. Long lengths of conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.

**703.5 Conditional Uses**

Home Occupation

**703.6 Property Development Standards**

- A. Dimensional standards for residential lots in this District are found in the following table.

**Rural Residential District (RR)**

<b>Lot Area</b> (minimum)	1 Acre
<b>Lot Width</b> (minimum at 50-foot front setback line)	100 ft
<b>Lot Frontage</b> (minimum)	100 ft
<b>Lot Coverage</b> (maximum)	35%
<b>Setback</b> (minimum) Front Yard Side Yard Rear Yard	50 ft 25 ft 25 ft
Accessory Structure Front Rear Side	25 ft 10 ft 10 ft
<b>Height</b> (maximum)	42 ft
<b>Off-Street Parking Spaces</b>	2

**Permitted Residential Unit Types**

The following residential unit types marked YES shall be permitted in this District:

	<b>RR</b>
Single-Family Detached	YES
Modular Home	YES
Manufactured Home, Qualified	YES
Manufactured/ Mobile Home	NO
Accessory Dwelling	NO

**703.7 Plats**

All plats for lots in the Rural Residential District shall state whether the lot fronts on a public or private road.

**703.8 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.
- D. Permitted development of rural residential should be in conformance with the Versailles-Midway-Woodford County Comprehensive Plan.

**703.9 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. 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. Street (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. 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.

**703.10 Permitted Development** - The following Standards apply to all Rural Residential / Residual Farmland Developments:

- A. An existing property must consist of a minimum one-hundred (100) acres in order to utilize the Rural Residential Subdivision Development Standards.
- B. Maximum number Residential Lots per Development - Ten (10)
- C. All Residential Lots shall be served by an internal street network.
  1. 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, RF) 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. The Rural Residential / Residual Farmland may be sold or transferred provided that the use restrictions for Residual Farmland continues to apply. Rural Residential / Residual Farmland shall be clustered whenever possible to maximize its agricultural use.

2. Property zoned and designated as Rural Residential / Residual Farmland may be utilized in any manner consistent with Agriculture Uses (KRS 100.111 & Article II, Section 201) excluding residential uses.

## **704 SMALL COMMUNITY DISTRICT (SC)**

### **704.1 Purpose and Intent**

The purpose of the Small Community District is to provide for limited rural scale development 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 shall consist of all property located within the Small Community Land Use District Map as shown in the Woodford County Comprehensive Plan.

### **704.3 Principal Uses**

- A. Single-Family Dwelling;
- B. Home Office/Home Occupation
- C. Religious Institution Facility
- D. Parks

### **704.4 Accessory Uses and Structures** - Accessory uses, buildings and structures shall be subject to the following regulations:

- A. Accessory uses and structures customarily incidental to any principal use located on the same lot.
- B. Accessory uses, buildings and structures include the following: one accessory dwelling, private garage, or parking area.
- C. Accessory buildings/structures shall be permanently affixed to the ground and shall not include mobile home, bus, travel trailer, RV, trailer, cooler or vehicle.
- D. Fences. For the purpose of determining yard setback, the accessory structure setback shall not apply to fences.
- E. Swimming Pools. All swimming pools shall require a Building or Zoning Permit. The swimming pool area shall be enclosed by a fence or other suitable barrier with a minimum height of not less than 4 feet. Openings in the fence shall be small enough to prevent a child from entering the enclosure other than through the gate.
- F. Accessory Dwelling: An Accessory Dwelling may be attached or detached from the principal residence. The floor area of the Accessory Dwelling may not exceed 25 percent of the floor area of the principal structure. An Accessory Dwelling is allowed on lots of record that do not meet the minimum lot area or width standards for the zoning district, but all yard dimensions and other development standards must conform to the district regulations. If

attached to the principal residence, any entrance into the Accessory Dwelling shall be located on the side or rear facade(s) of the building. The Accessory Dwelling must not alter the character of the residence or the development pattern of the neighborhood. A minimum of 1 parking space (in addition to the parking required for the primary residence) shall be provided for Accessory Dwelling. The number of bedrooms located within Accessory Dwelling shall not exceed two (2).

- G. Solar Panels. Roof-mounted and ground-mounted solar panel systems shall comply with the following:
1. Solar panel systems shall be permitted on the roof of a building provided that the panels located on a front or side roof slope facing any public street do not cause glare or light trespass onto adjoining residential properties.
  2. Solar panel systems shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof. Solar panel systems shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave.
  3. A ground-mounted solar panel system is not permitted as the primary use of a property.
  4. Ground-mounted solar panel systems shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures.
  5. Ground-mounted solar panel systems shall not be located between a property line abutting a street and the building.
  6. The maximum height of ground mounted solar panel systems should not exceed the height of eight (8) feet.
  7. Supporting equipment for solar panel systems, including power conditioning equipment such as batteries for electricity storage and stand-by generators shall be screened by an opaque screening device, except that wall-mounted inverters may be located next to the electric meter. Long lengths of conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.

#### **704.5 Conditional Uses**

- A. Bed and Breakfast Home, Bed and Breakfast Inn, and Bed and Breakfast Farmstay Establishments.
- B. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.
- C. 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 (2500) square feet.
- D. Health Care Facility, Dental Offices and Clinic provided that the stores gross square footage floor area does not exceed four thousand (2500) square feet.
- E. Schools for Academic Instruction
- F. Private Clubs and Lodges.

- G. Eating Establishment (No Drive-Through) provided that the stores gross square footage floor area does not exceed four thousand (2500) square feet.
- H. Day Care Center, Child
- I. Day Care Center, Adult

**704.6 Property Development Standards**

Dimensional standards for this District are found in the following table.

**Small Community District (SC)**

<b>Lot Area</b> (minimum Residential)	1 Acre
<b>Lot Area</b> (minimum Non-Residential)	3 Acres
<b>Lot Width</b> (minimum at 50-foot front setback line)	150 ft
<b>Lot Frontage</b> (minimum)	150 ft
<b>Lot Coverage</b> (maximum)	35%
<b>Setback</b> (minimum) Front Yard Side Yard Rear Yard	50 ft 25 ft 25 ft
Accessory Structure Front Rear Side	25 ft 10 ft 10 ft
<b>Height</b> (maximum)	42 ft
<b>Off-Street Parking Spaces</b>	2

**Permitted Residential Unit Types**

The following residential unit types marked YES shall be permitted in this District:

	<b>SC</b>
Single-Family Detached	YES
Modular Home	YES
Manufactured Home, Qualified	YES
Manufactured/ Mobile Home	NO
Accessory Dwelling	YES

**704.7 Special Provisions**

- A. Approval of the 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.
- B. Each lot occurring within the Small Community 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 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.

## **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 Yards	20 feet
Minimum Rear Yard	50 feet
Maximum Height of Building	35 feet
Maximum Density	Not to exceed four (4) units per gross acre

**705.7 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.

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

**706.1 Intent**

Same as for R-1A (See 705.1)

**706.2 Principal Uses**

Same as for R-1A (See 705.2)

**706.3 Accessory Uses**

Same as for R-1A (See 705.2)

**706.4 Conditional Uses**

Same as for R-1A (See 705.4)

**706.5 Prohibited Uses**

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

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

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

**706.7 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.

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

**707.1 Intent**

Same as for R-1A (See 705.1)

**707.2 Principal Uses**

Same as for R-1A (See 705.2)

**707.3 Accessory Uses**

Same as for R-1A (See 705.2)

**707.4 Conditional Uses**

Same as for R-1A (See 705.4)

**707.5 Prohibited Uses**

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

**707.6 Lot, Yard and Height Requirements**

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

**707.7 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.

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

**708.1 Intent**

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

**708.2 Principal Uses**

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

**708.3 Accessory Uses**

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

**708.4 Conditional Uses**

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

**708.5 Prohibited Uses**

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

**708.6 Lot, Yard and Height Requirements**

Minimum Lot Size	8,000 square feet (Single family dwelling) 12,000 square feet (Two family dwelling)
Minimum ROW Frontage	50 feet
Minimum Width at Building Line	70 feet
Minimum Front Yard	25 feet

Minimum Each Side Yard	8 feet
Minimum Sum of Sides	18 feet
Minimum Rear Yard	35 feet
Maximum Height of Building	Two (2) stories or 35 feet
Maximum Density	Not to exceed eight (8) units per gross acre

**708.7 Other Requirements**

Parking - See Article VI

Signs - See Article V, Section 508.

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

### **709.1 Intent**

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

### **709.2 Principal Uses**

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

### **709.3 Accessory Uses**

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

### **709.4 Conditional Uses**

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

### **709.5 Prohibited Uses**

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

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

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

**709.7 Special Provisions**

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

**709.8 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.

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

**710.1 Intent**

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

**710.2 Principal Uses**

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

**710.3 Accessory Uses**

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

**710.4 Conditional Uses**

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

**710.5 Prohibited Uses**

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

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

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

**710.7 Special Provisions**

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

**710.8 Other Requirements**

Parking - See Article VI.

Signs - See Article V, Section 508.

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

### **711.1 Intent**

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

### **711.2 Scope**

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

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

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

### **711.3 Principal Uses**

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

### **711.4 Accessory Uses**

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

### **711.5 Conditional Uses**

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

### **711.6 Procedure**

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

A. Development Standards

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

B. Design Standards

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

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

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

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

### **711.8 Other Requirements**

Parking -See Article VI.

Sign -See Article V, Section 508.

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

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

or other natural disaster in which the existing single-family dwelling is inhabitable and only where such dwelling is to be rebuilt or repaired.

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

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

### **712.1 Intent**

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

### **712.2 Principal Uses**

- A. Administrative, Executive, and editorial offices.
- B. Medical and dental offices and clinics.
- C. Hospitals.
- D. General business and professional offices provided that there be no merchandise sold or offered for sale on the premises.
- E. Real estate and insurance offices.
- F. Governmental office buildings, post offices, telephone exchanges, general research and medical laboratories not involving a manufacturer of fabrication or sales of 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**

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**

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)**

## ARTICLE VIII

### NON-CONFORMITIES

#### 801 INTENT

If, within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment, it is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon or expanded, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### 802 NONCONFORMING STRUCTURES

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

- A. No nonconforming structure may be enlarged, moved, or structurally altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. Voluntary demolition of a nonconforming structure nullifies its nonconforming rights. Should a nonconforming structure or nonconforming portion of structure be voluntarily destroyed, moved or removed to an extent of 55 percent or more of its replacement cost at time of destruction (exclusive of foundations), it shall not be repaired or reconstructed except in conformity with the provisions of this Ordinance.
- B. When a nonconforming structure is involuntarily destroyed or removed, it shall retain its nonconforming rights for a period of six (6) months. Failure to re-establish the structure within six (6) months nullifies the nonconforming rights. Re-establish, for the purposes of this section, shall mean that necessary permits and approvals have been obtained or have been applied for and that binding contracts for the construction of the principal structure have been let; in the absence of contracts, the principal structure must be under construction to a substantial degree (at least 55 percent of the construction completed).
- C. Whenever a non-conforming sign collapses, burns, or is removed from its location, it shall not be replaced or reconstructed, except in full compliance with the provisions of this Ordinance. Signs which have been abandoned or which advertise an establishment, service, or product which has not existed or been available at that location for a period of six (6) months shall be removed by the property owner at their sole cost and expense. If the sign is destroyed beyond 55 percent of its replacement value, such sign can only be replaced or reconstructed in accordance with the requirements of this Ordinance, as well as any recorded Development Plan. Any sign which cannot be replaced or reconstructed in compliance with this Section shall be removed by the property owner at owner's sole cost and expense.

- D. A nonconforming structure may be altered to the extent necessary to comply with a lawful order of government officials.
- E. Existing nonconforming structures located in the special flood hazard area shall not be expanded but may be otherwise modified, altered, or repaired provided such measures incorporate flood-proofing of the structure in accordance with Article X and FEMA standards.

**803 NONCONFORMING USES OF LAND**

Where at the time of passage of this Ordinance or amendments, lawful use of land exists which would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No nonconforming use, except single family residential uses, shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;
- C. A nonconforming use may continue indefinitely; however, if any nonconforming use of land ceases for any reason for twelve (12) consecutive months or more, except where government action impedes access to the premises, the nonconforming status shall be nullified. Any subsequent use of land shall be in conformity with the regulations of the district in which it is located;
- D. Sale of a property containing a nonconforming use shall have no effect on the nonconforming status;
- E. Where nonconforming use status applies, the removal or destruction of the occupied principal structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 55 percent or more of its replacement cost, exclusive of foundation, at time of destruction.

**804 NONCONFORMING LOTS OF RECORD**

- A. A nonconforming lot of record is any lot which was lawfully created prior to the adoption of the Zoning Ordinance but which has a smaller minimum lot area, frontage, or width than now required for that zoning district.
- B. A nonconforming lot of record may be used in accordance with the other applicable regulations for that zoning district. The subdivision of a nonconforming lot that creates a greater nonconformity is prohibited. The minor adjustment of lot lines between nonconforming lots may be allowed as long as an additional lot is not created.
- C. The Building Inspector and Planning Commission Director may approve Building and Zoning Permits for a lot of record if the proposed structure can comply with all district development standards except minimum lot area, frontage, or width. Variance of any other development standard must be obtained only through action of the Board of Adjustments.

**805 REPAIRS AND MAINTENANCE**

- A. On any nonconforming structure or portion of a structure containing a nonconforming use, any change that does not require a building permit is considered routine maintenance and shall not affect the nonconforming status.
- B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any Building or Fire Official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- C. Signs which are in legal existence on the effective date of this Ordinance and not in conformity with the provisions of this Ordinance may remain in place and shall be referred to as nonconforming signs. Only routine maintenance may be performed on the sign and its structure until such time as the sign is brought into conformance with these regulations. Routine maintenance is limited to replacement of nuts and bolts, cleaning and painting, or manipulating to level or plumb the device but not to the extent of adding struts or guys for the stabilization of the sign or structure or substantially changing the sign. The routine changing of messages is considered to be routine maintenance but the replacement of new casing/ framing or additional panels or replacing of facing material type shall not be considered routine maintenance.

**806 CONDITIONAL USES NOT NONCONFORMING USES**

Any use which is permitted as a conditional use in a district under the terms of this Ordinance shall not be deemed a nonconforming use in such district but shall without further action be considered a conforming use.

**ARTICLE IX**  
**RESERVED**

# ARTICLE X

## FLOOD DAMAGE PREVENTION REGULATIONS

### 1000 Statutory Authorization, Findings of Fact, Purpose and Objectives

**1000.1 Statutory Authorization** - The Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes 100 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Planning Commission, the Councils of the City of Versailles and the City of Midway, and the Fiscal Court of Woodford County, Kentucky, hereby adopt the following Floodplain Management Article, as follows:

#### 1000.2 Findings of Fact

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

**1000.3 Statement of Purpose** - It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

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

**1000.4 Objectives** - The objectives of this Article are to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;

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

## 1001 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

affect the public health, safety and general welfare. Included are areas downstream from dams.

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

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

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

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

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

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

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

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

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

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

**Expansion to an Existing Manufactured Home Park or Subdivision** - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

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

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

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

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

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

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

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

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

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

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

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

**Floodproofing Certificate** - A certification by a registered professional engineer or architect, on a FEMA-approved form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

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

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

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

**Fraud and Victimization** - As related in Section 1005, Appeals and Variance Procedures, of this Article, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty to one hundred years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

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

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

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

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

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

- Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: By an approved state program as determined by the Secretary of the Interior, or Directly by the Secretary of the Interior in states without approved programs.

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

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

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

purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Department for Natural Resources through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

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

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

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

**Levee System** - A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices. For a levee system to be recognized, the following criteria must be met:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sheet Flow Area** - see "Area of shallow flooding".

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

**Start of Construction** (includes substantial improvement and other proposed new development) - The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

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

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

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

**Substantial Damage** – Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences. The term does not apply to:

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

**Substantial Improvement** - Means any combination of reconstruction, alteration, or improvement to a building, taking place during a 1-year period in which the cumulative percentage of improvement equals or exceeds fifty percent of the market value of the building before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not apply to:

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

**Substantially Improved Existing Manufactured Home Parks or Subdivisions** - Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

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

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

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

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

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

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

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

**X Zone** - The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2-percent probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded X zones (C zones on older FIRMS) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

**Zone** - A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

## **1002 General Provisions**

**1002.1 Lands to Which This Article Applies** - This Article shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the Councils of the City of Versailles and the City of Midway, and the Fiscal Court of Woodford County, from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City of Versailles, City of Midway, and Woodford County, Kentucky, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Versailles, Midway and Woodford County.

**1002.2 Basis for Establishing the Special Flood Hazard Areas** - The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Studies (FIS) for Woodford County, dated August 2, 2011 and December 21, 2017, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations by the Planning Commission, Councils of the City of Versailles and the City of Midway, and the Fiscal Court of Woodford County, and for those land areas acquired by them through annexation. This FIS and attendant mapping is the minimum area of applicability of this Article and may be supplemented by studies for other areas which allow implementation of this Article and which are recommended to the City Councils and Fiscal Court by the Floodplain Administrator and are enacted by City Councils and Fiscal Court pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of City Councils and Fiscal Court and are on file and available for review by the public during regular business hours at the Woodford County Courthouse at 103 South Main Street, Versailles, KY.

**1002.3 Establishment of Development Permit** - A Development Permit shall be required in conformance with the provision of this Article prior to the commencement of any development activities in the special flood hazard areas (SFHA). See Section 1003.2 for instructions and explanation. Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

**1002.4 Compliance** - No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this Article and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Planning Commission, City Councils and Fiscal Court from taking such lawful action as is necessary to prevent or remedy any violation.

**1002.5 Abrogation and Greater Restrictions** - This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**1002.6 Interpretation** - In the interpretation and application of this Article, all provisions shall be:

- A. Considered minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

**1002.7 Warning and Disclaimer of Liability** - The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This Article shall not create liability on the part of the Planning Commission, Councils of the City of Versailles and the City of Midway, and the Fiscal Court of Woodford County, Kentucky, any officer or employee, the Commonwealth of Kentucky, the Federal Insurance Administration, or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

#### **1002.8 Enforcement, Violation Notice and Penalties**

Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this Article and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this Article or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development or other Penalties and Violations as outlined in Article III, Section 301.

### **1003 Administration**

**1003.1 Designation of Local Administrator** - The Councils of the City of Versailles and the City of Midway, and the Fiscal Court of Woodford County, hereby appoint the Planning Director to administer, implement, and enforce the provisions of this Article by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

#### **1003.2 Establishment of Development Permit**

A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in Section 1002.2. Application for a Development Permit shall be made on forms furnished by

Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of local administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

A. Application Stage

1. Proposed elevation in relation to Mean Sea Level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or
2. Proposed elevation in relation to Mean Sea Level to which any non-residential structure will be flood-proofed;
3. All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Section 1004.2.B and Section 1004.4.B;
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Construction Stage

Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. In AE, A1-30, AH, and A zones where the Community has adopted a regulatory Base Flood Elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

**1003.3 Duties and Responsibilities of The Local Administrator** - The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this Article. The Floodplain Administrator is further authorized to render interpretations of this Article, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- A. Permit Review: Review all development permits to ensure that:

1. Permit requirements of this ordinance have been satisfied;
  2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendment for 1972, 33 U.S.C. 1334.
  3. Flood damages will be reduced in the best possible manner;
  4. The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this Article, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
- B. Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 1002.2, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 1004. Any such information shall be submitted to the City Council for adoption.
- C. Notification of Other Agencies:
1. Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse, and
  2. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA); and
  3. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
1. Certification required by Section 1004.2.A (lowest floor elevations) as shown on a completed and certified Elevation Certificate. Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B (2);
  2. Certification required by Section 1004.2.B (elevation or floodproofing of nonresidential structures) as shown on a completed and certified floodproofing certificate. Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 1003.2.B;
  3. Certification required by Section 1004.2.C (elevated structures),
  4. Certification of elevation required by Section 1004.5.A (subdivision standards),
  5. Certification required by Section 1004.2.E (floodway encroachments),
  6. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
  7. Review certified plans and specifications for compliance;
  8. Remedial Action. Take action to remedy violations of this Article as specified in Section 1002.8.

E. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

1. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1005.3.B;
2. When base flood elevation data or floodway data have not been provided in accordance with Section 1002.2, then the Floodplain Administrator shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Section 1004;
3. When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Section 1004.2.B a floodproofing certificate;
4. All records pertaining to the provisions of this Article shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

F. Right of Entry

1. Whenever necessary to make an inspection to enforce any of the provisions of this Article, or whenever the administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the administrator by this Article.
2. If such structure or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.
3. If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.
4. When the administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the administrator for the purpose of inspection and examination pursuant to this Article.

G. Stop Work Orders

Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this Article shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

H. Revocation of Permits

1. The administrator may revoke a permit or approval, issued under the provisions of this Article, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
2. The administrator may revoke a permit upon determination by the administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this Article.

I. Liability

Any officer, employee, or member of the floodplain administrator's staff, charged with the enforcement of this Article, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, employee, or member because of such act performed by him or her in the enforcement of any provision of this Article shall be defended by the department of law until the final termination of the proceedings.

J. Expiration of Floodplain Construction Permit

A floodplain construction permit, and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within one hundred and eighty (180) calendar days from the date of its issuance by the Floodplain Administrator.

**1004 Provisions for Flood Hazard Reduction**

**1004.1 General Construction Standards** - In all Special Flood Hazard Areas the following provisions are required:

- A. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or fame ties to ground anchors. This standard shall be in

addition to and consistent with applicable state requirements for resisting wind forces.

- C. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- D. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- E. Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
- F. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- G. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- H. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- I. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- J. Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this Article;
- K. Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this Article, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

**1004.2 Specific Standards** - In all special flood hazard areas where base flood elevation data have been provided, as set forth in Section 1002.2, the following provisions are required:

- A. Residential Construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than 1 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 1004.2.C.
  - 1. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

2. In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated 1 foot above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, states as a part of the technical requirements for a State Floodplain Permit: The applicant shall provide cross sections for determining floodway boundaries (and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.
  
  3. In all other Zones, elevated 1 foot above the base flood elevation. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
- B. Non-residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with Section 1004.2.A or together with attendant utility and sanitary facilities:
1. Be flood proofed below an elevation 1 foot above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;
  2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  3. Have the lowest floor, including basement, mechanical equipment, and ductwork, elevated no lower than 1 foot above the level of the base flood elevation, or;
  4. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 1003.2.A.3.
  5. Manufactured homes shall meet the standards in Section 1004.2.D.
  6. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials below an elevation 1 foot above the base flood elevation,

and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:

- a. Be certified by a registered professional engineer or architect;  
or
  - b. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- C. Elevated Structures. New construction or substantial improvements of elevated structures on columns, posts, or pilings (e.g.) that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
1. Opening sizes for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - a. Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - b. The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and,
    - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  2. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,
  3. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms.
- D. Standards for Manufactured Homes and Recreational Vehicles.
1. All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:

- a. On individual lots or parcels,
  - b. In expansions to existing manufactured home parks or subdivisions,
  - c. In new manufactured home parks or subdivisions or
  - d. In substantially improved manufactured home parks or subdivisions, or
  - e. Outside of a manufactured home park or subdivision,
  - f. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,
  - g. All Manufactured homes must be: Elevated on a permanent foundation, and; Have its lowest floor elevated no lower than 1 foot above the level of the base flood elevation, and; Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
2. Except manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
- a. The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:
  - b. The lowest floor of the manufactured home is elevated no lower than 1 foot above the level of the base flood elevation, or
  - c. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.
3. All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must:
- a. Be on the site for fewer than 180 consecutive days, and
  - b. Be fully licensed and ready for highway use.
  - c. A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- E. Floodways - Located within areas of special flood hazard established in Section 1002.2, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:
- 1. Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is

provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge;

2. If Section 1004.2.E is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of Section 1004.

**1004.3 Standards for Streams Without Established Base Flood Elevation (Unnumbered A Zones) and/or Floodways** - Located within the special flood hazard areas established in Section 1002.2, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- A. No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- B. New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with Section 1002.2.

**1004.4 Standards for Shallow Flooding Zones** - Located within the special flood hazard areas established in Section 1002.2, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1 – 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- A. All new construction and substantial improvements of residential structures shall:
  1. Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
- B. All new construction and substantial improvements of non-residential structures shall:
  1. Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
  2. Together with attendant utility and sanitary facilities be completely flood proofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any

space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Section 1004.2.B.

#### **1004.5 Standards for Subdivision Proposals**

- A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
- D. In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall be provided.
- E. All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

#### **1004.6 Standards for Accessory Structures in All Zones Beginning With The Letter 'A'**

For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

- A. Structure must be non-habitable;
- B. Must be anchored to resist floatation forces;
- C. Will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;
- D. Built of flood resistant materials below a level 1 foot above the base flood elevation;
- E. Must elevate utilities above the base flood elevation;
- F. Can only be used for storage or parking;
- G. Cannot be modified for a different use after permitting.

**1004.7 Critical Facilities** - Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

## **1005 Appeals and Variance Procedures**

**1005.1 Nature of Variances** - The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Councils of the City of Versailles, the City of Midway, and the Fiscal Court of Woodford County to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood Article are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

**1005.2 Designation of variance and appeal board** - The Councils of the City of Versailles, the City of Midway and the Fiscal Court of Woodford County shall establish an Appeal Board consisting of the Board of Adjustments.

### **1005.3 Duties of variance and Board of Adjustments (Appeal Board)**

- A. The Board of Adjustments (Appeal Board) shall hear and decide requests for variances from the requirements of this Article and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this Article.
- B. Any person aggrieved by the decision of the Board of Adjustments (Appeal Board) or any taxpayer may appeal such decision to the local Circuit Court, as provided in Kentucky Revised Statutes.

### **1005.4 Appeals/Variance Procedures**

In passing upon such applications, the Board of Adjustments (Appeal Board) shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:

- A. Danger that materials may be swept onto other lands to the injury of others;
- B. Danger to life and property due to flooding or erosion damage;
- C. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- D. Importance to the community of the services provided by the proposed facility;
- E. Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;
- F. Availability of alternative locations which are not subject to flooding or erosion damage;
- G. Compatibility of the proposed use with existing and anticipated development;
- H. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- I. Safety of access to the property in times of flood for ordinary and emergency vehicles;
- J. Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- K. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

**1005.5 Conditions for Variances** - Upon consideration of the factors listed above and the purposes of this Article, the Board of Adjustments (Appeal Board) may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

- A. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.
  - 1. Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. In the instance of an historical structure, a determination shall be made that

the variance is the minimum necessary to afford relief and not destroy the historic character and design of the structure.

- C. Variances shall only be issued upon:
  - 1. A showing of good and sufficient cause;
  - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this ordinance); and
  - 3. A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under "Public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.
- D. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- E. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) upon request.
- F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Section 1005.4 (A-K) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

**1005.6 Variance Notification** - Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- A. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and;
- B. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Woodford County Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- C. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

**1005.7 Historic Structures** - Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic

structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

**1005.8 No Impact Certification within the Floodway** - Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result.

# ARTICLE XI

## LANDSCAPE AND LAND USE BUFFERS ORDINANCE

### 1100 INTENT

The intent of this article is to improve the appearance of vehicular use areas (VUAs) and property abutting public rights-of-way; to require buffering between incompatible land uses; to protect, preserve and promote the aesthetic appeal, character and value of the community, and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

### 1101 SITES AFFECTED

**1101.1 New Development** - No new site development, building, or structure shall hereafter be constructed, or vehicular use area created or used unless landscaping is provided as required by the provisions of this Article, excluding agricultural and residential uses in agricultural zoning districts. (See Article VII, Section 703.10E for Rural Residential Landscape requirements)

**1101.2 Change to Existing Development** - No building, structure, or vehicular use area (VUA) shall be expanded, moved, or reconstructed and no use shall be changed to another use or increased in intensity unless the minimum landscaping required by the provision of this Article is provided for the property, excluding agricultural and residential uses in agricultural zoning districts. Landscaping shall be provided only for any additional structures, parking or VUA over and above that of the existing development, except as follows. If the additional parking or VUA requirement is equal to or greater than the number of parking spaces or VUA area provided by the previous use, then perimeter landscaping shall be provided for the entire vehicular use area serving the property. (See Section 1105.3 concerning interior landscaping requirements when VUA is altered or expanded.) The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses.

**1101.3 Change of Zone** - No use of an existing building, structure, or vehicular use area shall be commenced subsequent to a change in zoning unless property perimeter landscaping as required herein has been provided.

**1101.4 Change of Use** - No use shall be changed to another use for which the Zoning Ordinance requires additional parking over and above that required for the previous use, unless vehicular use area perimeter landscaping as required by this Article is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses. Where new construction will not be necessary to meet the parking requirements, such additional required parking shall be deemed to be on the perimeter for as much as possible of the existing vehicular use area. Where the previous use had no required parking, perimeter landscaping shall be provided for the entire vehicular use area serving the new use. Interior landscaping shall not be required where only the use of the property is changed, and no new construction or reconstruction is proposed.

**1102 AUTHORITY**

The authority to administer these landscape regulations is granted to the Planning Commission under KRS Chapter 100, Sections 201, 203, and 281.

**1103 JURISDICTION**

The area for which these regulations apply shall coincide with the jurisdiction of the zoning ordinance of which they are made a part.

**1104 CONFLICTING REGULATIONS**

Should the requirements set forth in this section be found in conflict with other provisions of these regulations, the more stringent regulations shall apply. Any regulations adopted as part of a special landscape or urban design plan for particular areas (e.g., road corridor, downtown) shall supersede this ordinance.

**1105 WHERE LANDSCAPE MATERIALS REQUIRED**

This section describes the minimum requirements that shall be met in regard to interior and perimeter landscaping for vehicular use areas, perimeter landscaping for incompatible land uses, and landscaping for service areas.

**1105.1 Perimeter Landscaping Requirements** - Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty (50) percent winter opacity and a seventy (70) percent summer opacity, between one (1) foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four (4) years after installation. The required landscaping shall be provided along the property perimeter in designated landscape buffer areas (LBAs) as shown in the chart Section 1105.2 or adjacent to the vehicular use area as shown in the chart Section 1105.3. A Planting Manual and a Plant Materials List (Appendix B) shall be maintained by the Planning Office and available in the offices of the Building Inspection Office, to provide more detailed information on acceptable plant material.

**1105.2 Property Perimeter Requirements**

<b>A. When the following . . .</b>	<b>B. Adjoins the following . . .</b>	<b>C. A minimum buffer area *1 of this width is required *3 *4 *11</b>	<b>D. Which will contain this material, to achieve opacity required *4 *5 *7 *10</b>
1. Any mobile home park	Any other property	10' adjacent to all common boundaries, including street frontage	1 tree/40' of linear boundary, OFT *2, from Group A, B, C of Plant List plus continuous 6' high planting, hedge, fence, wall or earth mound
2. Any business or professional office zone	Any residential zone *9	15' adjacent to all common boundaries except street frontage *6	1 tree/40' of linear boundary OFT, from Group A or B only, plus 1) a double row of 6' high hedge, or 2) a 6' high fence, wall or earth mound
3. Any light industrial zone	Any residential, professional office or business zone *9	15' adjacent to all common boundaries except street frontage *6	Same as 2D

4. Any heavy industrial zone	Any residential, professional office or business zone *9	30' adjacent to all common boundaries except street frontage (may be reduced to 15' where VUA on subject property adjoins common boundary).	1 tree/30', OFT, Group A or B, plus continuous 6' high planting, hedge, wall, fence (not to exceed 8' in height at street grade) or earth mound. Such plantings are to be shown on a unified plan for the development
5. Any double frontage lot (as defined by the Subdivision Regulations) in any zone except A-1, unless the lot is used for a vehicle sales facility or a service station	Any freeway or arterial street not providing direct access to the property	20' for residential zones and 10' for all other zones adjacent to freeway or arterial	1 tree/30', OFT, Group A or B, plus continuous 6' high planting, hedge, wall, fence (not to exceed 8' in height at street grade) or earth mound. However, if the front of the building faces the arterial street or higher use street and the service area is not visible the continuous planting, hedge, wall fence or earth mound can be reduced to 3'. Such plantings are to be shown on a unified plan for the development.
6. Any zone except agricultural and industrial zones	Railroads (except spur tracks)	Same as 7C, adjacent to railroad boundaries *6	Same as 2D
7. Utility substation, landfills, sewage plants, sewage pump stations, or similar uses	Any property boundary, including street rights-of-way	15' adjacent to all boundaries, except only 5' for sewage pump stations measured adjacent to the enclosure	Same as 2D
8. Any R-2, R-3, R-4 zone except when developed as buildings for single family or two-family occupancy	Any single-family zone *9	10' adjacent to all common boundaries except street frontage	1 tree/40' of linear boundary, OFT *2, from Group A, B, or C of Plant List plus a continuous 6' high planting, hedge, fence wall, or earth mound
9. Any business, professional office or industrial zone	Any agricultural zone *8	15' adjacent to all common boundaries except street frontage *6	Same as 1D, except use only Group A or, 1) one evergreen tree/15' of linear boundary, OFT, planted 15' o.c.; or 2) one tree/20' of linear boundary, OFT, that is a combination of 50% deciduous trees from Group A and 50% small flowering trees or evergreen trees; or, 3) one small flowering tree/15' of linear boundary, OFT, planted 15' o.c.
10. Any residential, professional office, business, or industrial zone	Urban Service Boundary *12	50' buffer required *12	Same as 1D, except use only Group A

- \*1 Grass or ground cover shall be planted on all portions of the landscape buffer area not occupied by other landscape material.
- \*2 O.F.T. means "or fraction thereof." Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.
- \*3 To determine required area of landscape buffer area, multiply required width by length of common boundary. Through the plan review process, landscape buffer area width may be averaged as follows, if the Planning Commission determines such averaging to meet the intent of this ordinance: Using items 1C as an example, the 10' required width times an assumed 100' of common boundary equals 1,000 sq. ft. of required landscape area. Thus, if some sections of the landscape buffer area are only 5' in width, other sections will have to be greater than 10' in width in order to attain the required 1,000 sq. ft. of landscape area. Five (5) feet shall be the least dimension.
- \*4 A continuous planting of evergreen trees 15' o.c. shall be deemed to meet the requirements for trees and a continuous planting of shrubs provided the trees meet the requirements of Section 1105 and an opacity of seventy percent (70%) is achieved.
- \*5 No map amendment request, subdivision plat, or development plan shall be approved by the Planning Commission except in compliance with this section. However, the Planning Commission shall not require such landscaping adjoining the Urban Service Area boundary where any of the following conditions exist: major railroad lines, major water bodies (not including streams or farm ponds), public owned parks or open space, public property with a low intensity of use, or existing urban development along the Urban Service Area boundary.
- \*6 The 15' Landscape Buffer Area (LBA) may be reduced to 5' when used in conjunction with a 6' high opaque wall or fence if the Planning Commission determines such reduction to meet the intent of this ordinance.
- \*7 In situations where a slope occurs along a boundary, the required landscaping shall be placed (in relation to the slope) where it will most effectively screen the more intensive use from the adjoining property. The maximum allowed slope in a buffer area shall be 3 to 1.
- \*8 Screening may be waived with the written concurrence of the adjoining property owner.
- \*9 For the purposes of determining buffer easements, established single-family uses and public uses such as parks and schools may be considered by the Planning Commission to be equivalent to single-family residential zones.
- \*10 When a wall is used to buffer any zone or VUA from a residential zone, it is to be constructed of pre-cast concrete or constructed of/faced with natural stone or brick.
- \*11 Blue-line stream corridors and streamside buffers should be established along each side of each blue-line stream. These buffers should be at least fifty feet in width beginning at the top of bank along each side of the stream and existing riparian and upland vegetation retained and preserved within the buffer area. The determination of the status of a stream, either blue-line (continuous flow) or intermittent flow should be made at the time when a development proposal for the subject proposed is submitted and may be based on USGS designations or other competent information or evidence. Streamside buffers may also be required for intermittent streams and will be determined on a case-by-case basis.

\*12 Where the Urban Service Boundary abuts any portion of the Rural Service Area (Rural or Equine-Preserve Use District as defined Chapter V of the Comprehensive Plan), a 50-foot-wide buffer shall be provided and maintained. The permanent buffer shall be extensively landscaped with any proposed development project as outlined in Section 1105 above. The landscaped buffer area shall not include any right-of-way or required setback yard unless the Urban Service Boundary is shifted or amended.

**1105.3 Vehicular Use Area Perimeter Requirements**

<b>A. When the following . . .</b>	<b>B. Adjoins the following . . .</b>	<b>C. A minimum landscape buffer area of this width is required *1</b>	<b>D. Which will contain this material, *3 to achieve opacity required.</b>
1. Any vehicular use area *2 (VUA) on any property	Any property in any zone except industrial or agriculture	5' to edge of paving where vehicles overhang, 4' minimum from edge of paving and 3' (that prohibits any vehicular overhang) for other areas, on boundary of portion of vehicular use area that faces adjacent property	1 tree/40' of boundary of vehicular use area OFT *4, from Group A, B, or C, plus a 3' average height continuous planting, hedge, fence, wall or earth mound or a 3' decrease in elevation from the adjoining property to the vehicular use area *5
2. Any vehicular use area in any zone except vehicular sales facilities or service stations *6	Any public or private street right-of-way, access road or service road (except expressways)	Same as 1C above, except applies to VUA portion facing public or private street right-of-way, access road, or service road	Same as 1D, except use only Group A or B
3. Any vehicular sales facility or service station	Any public or private street right-of-way, access road or service road, expressway or arterial street	Same as 2C above	1 tree/50' OFT from Group A or B, plus an 18" average height continuous planting, hedge, fence or wall
4. Financial institutions with drive-in facilities or night depositories	Same as 2B	Same as 1C	1 tree/40' of boundary OFT from Group A or B (deciduous only) with 5' of clear trunk, plus an 18" average height continuous planting, hedge, fence, or wall adjoining a public or private right-of-way and a 3' average height planting, hedge, fence or wall adjacent to all other property

- \*1 These provisions may be included within the property perimeter landscaping required by Section 1105.2 where landscaping buffer areas are also applicable.
- \*2 A vehicular use area (V.U.A.) is any open or unenclosed area containing more than 1,800 sq. ft. of area and/or used by five or more of any type of vehicle, whether moving or at rest, including but not limited to parking lots, loading and unloading areas, mobile home parks, and sales and service areas. Driveways are considered to be vehicular use areas.
- \*3 Grass or ground cover shall be planted on all portions of the landscape buffer areas not occupied by other landscape material.
- \*4 OFT means "or fraction thereof."
- \*5 When a wall is used to buffer any zone or VUA from a residential zone, it is to be constructed of pre-cast concrete or constructed of/faced with natural stone or brick.
- \*6 Service Station is defined as a facility providing fuel, service, and repair for vehicles. Fuel/food stores are not service stations.

**1105.4 Location of Landscape Buffer Area (LBA)** - The LBA described in Section 1105.2- 1, 2, 3, 4, 5, 7, 8, 9, & 10 shall apply to all common boundaries. The LBA described in 1105.2.6 shall apply to the property line adjacent to the railroad right-of-way. The LBA described in 1105.2.12 shall apply to the property line adjacent to the USB. The LBA described in 1105.3.1 shall apply to all common boundaries. The LBA described in 1105.3.2, 3, & 4 shall apply to the property line adjacent to the freeway or public right-of-way.

**1105.5 Relationship to Yard Requirements** - Where there are requirements for LBAs and minimum yards, the more stringent requirement shall be complied with.

**1105.6 Responsibility for Providing LBAs** - The LBA set forth in Sections 1105.2 and 1105.3 shall be provided as a condition of development by the person in charge of or in control of the property, whether as owner, lessee, tenant, occupant, or otherwise, which creates the incompatible situation, or shall be placed on the activity or parcel being processed when the adjoining property is already developed with the exception of freeways and railroads. An owner securing a change in zone which creates an incompatible situation shall be deemed the one who creates such situation and shall immediately provide the buffer area as a condition of the zone change. If the incompatible situation already exists or is created by a general zone change not sponsored by the property owner, the buffer area shall be provided as a condition of the approval of any future subdivision or development plan of the affected land.

- A. Inclusion of Subdivision Plat - Areas to be set aside for LBAs shall be shown on preliminary subdivision plats and development plans. Illustrations including trees, shrubs, ground covers, and barriers shall be shown on preliminary subdivision plats and development plans.
- B. Easement Conflicts - Where LBAs are required in the same location as utility easements, the two may be combined providing that the total width and screening requirements of sections 1105.2 and 1105.3 are met. However, where existing trees are to be preserved, the two may not be

combined. Trees planted in easements containing overhead lines shall be small (S) trees that will not conflict with the utilities.

- C. Provision of Planting Materials and Barriers - Such trees, shrubs, ground covers, and barriers as shall be required and/or shown on the final subdivision plat or development plan shall be provided by the owner or developer and considered as any other site improvement. (See Section 1105.16.C concerning bonding of landscaping.)
- D. Trees on Right of Way - Trees required as a part of the vehicular use area perimeter landscaping may be placed on the right-of-way adjoining such vehicular use area when approved by the Planning Commission and governing agency responsible for right-of-way maintenance with maintenance agreement.

**1105.7 Requirement Conflicts** - Whenever a parcel or activity falls under two or more of the landscape requirements listed in Sections 1105.2 and 1105.3, the most stringent requirements will be enforced.

**1105.8 Landscaping at Driveway and Street Intersections** - To assure that landscape materials do not constitute a driving hazard, a "sight triangle" will be observed at all street intersections or intersections of driveways with streets. At street intersections, the sight triangle shall be formed by measuring from the intersection of the curb lines at least 35' in each direction along the curb lines and connecting these points. At driveway intersections, the sight triangle shall be formed by measuring at least 15' back into the driveway and 20' in each direction along the curb line (forming two triangles). No landscape material shall be placed within the sight triangle that is greater than 18" in height. Trees having at least 5' of clear trunk (no limbs) or otherwise not presenting a traffic visibility hazard shall be permitted within the sight triangle.

**1105.9 Joint Driveways and Common Vehicular Use Areas** - Vehicular use area screening shall not be required between a vehicular use area and the adjoining property where a property line divides a driveway used for common access to two (2) or more properties nor when both of the following conditions exist: a) the vehicular use areas are for the required parking for the properties or the common use of the properties (as substantiated by a reciprocal parking and access agreement), b) a final development plan for the properties has been approved by the Planning Commission.

**1105.10 Existing Landscape Material** - Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Landscape Inspector such material meets the requirements and achieves the objectives of this article. Existing healthy trees from the Plant List may be substituted for trees required for property or vehicular use area perimeter landscaping, or for interior landscaping by using the following criteria: a 6" to 12" caliper tree surrounded by a minimum of 150 square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a 12" to 24" caliper tree surrounded by a minimum of 250 square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a 24" or greater caliper tree surrounded by a minimum of 300 square feet of

landscape area may be substituted for four (4) new trees of the required minimum size.

**1105.11**

**Interior Landscaping for Vehicular Use Areas** - Any open vehicular use area (excluding loading, unloading, and storage areas in an industrial zone) containing 6,000 or more sq. ft. of area, or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall be peninsular or island types. Where a vehicular use area is altered or expanded to increase the size to 6,000 or more square feet of area, or twenty or more vehicular parking spaces, interior landscaping for the entire vehicular use area shall be provided and not merely to the extent of its alteration or expansion.

- A. Landscape Area - For each 100 sq. ft., or fraction thereof, of vehicular use area, five (5) sq. ft. of landscaped area shall be provided.
- B. Minimum Area - The minimum landscape area permitted shall be sixty-four (64) sq. ft. with a 4' minimum dimension to all trees from edge of pavement where vehicles overhang.
- C. Maximum Contiguous Area - In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than 350 sq. ft. in vehicular use areas under 30,000 sq. ft. in size, and no required area shall be larger than 1,500 sq. ft. in vehicular use areas over 30,000 sq. ft. In both cases, the least dimension of any required area shall be 4' minimum dimension to all trees from edge of pavement where vehicles overhang. The maximum distance between landscape areas shall be 120' measured from the closest perimeter landscape area curb edge or the closest curb edge of each required interior area. Landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum.
- D. Minimum Trees - A minimum of one (1) tree shall be required for each 250 sq. ft. or fraction thereof of required landscape area. Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs or ground cover, not to exceed two (2) feet in height.
- E. Vehicle Overhang - Parked vehicles may hang over the interior landscaped area no more than two and a half feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area.

**1105.12**

**Landscaping for Service Structures** - All service structures shall be fully screened except when located in industrial zone or when located more than 35' above the established grade (roof-top structures). Service structures in an industrial zone shall be fully screened when located within 100' of any zone except industrial or when within 100' of a public right-of-way or private access easement. For the purpose of this Article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.

- A. Location of Screening - A continuous planting, hedge, fence, wall, or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count toward the fulfillment of required interior or perimeter landscaping if location is appropriate. No interior landscaping shall be required within an area screened for service structures.
  
- B. Protection of Screening Material - Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.
  
- C. Screening of Outdoor Storage Areas - All outdoor storage areas in industrial zones shall be screened by a solid wall or fence not less than six (6) feet in height.

**1105.13**

**Landscape Materials** - The landscaping materials shall consist of the following and are described in more detail in the Planting Manual and Plant Materials List (Appendix B).

- A. Walls and Fences - Walls shall be constructed of natural stone, brick or other weatherproof materials; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings (See also notes #10 and #5, Section 1105.2 and 1105.3). Fence posts shall be structurally stable based on the material used, and shall have a maximum spacing of 8' o.c. If wood is used, the posts shall be 4" x 4" minimum. Posts shall be set in or anchored to crowned concrete footers at least 6" larger in each direction than the post it supports. The base of the footer shall be at least 24" below finished grade. If wood is used for any member, it shall be softwood treated with water-borne preservative to the American Wood Preservers Institute standard LP-2 for above ground use or LP-22 for ground contact use, or all heart redwood, or all heart cedar. All cut surfaces of pressure treated lumber shall be waterproofed. If another material is used, it shall be weatherproof. Slats are to be minimum 1/2" in thickness and are to be placed on the outside of the fence unless the design is two-sided (shadowbox, etc.). All hardware is to be galvanized or otherwise rust proofed. Wood horizontal

members shall be installed bark-side up. Chain link fencing may not be used to meet the requirements of this Article. Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous planting, hedge, fence, wall or earth mound. In industrial zones, there shall be no height limitation on walls or fences; in all other zones, however, there shall be a six (6) foot height restriction for walls or fences in front yards and side street side yards, and an eight (8) foot height restriction inside and rear yards. All walls or fences shall have a minimum opacity of eighty (80) percent. Walls and fences allowed to meet the requirements of this Article shall not be used for the erection or display of any sign or other advertising device.

- B. Earth Mounds - Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an earth mound. Maximum slope shall be 3 in 1.
- C. Plants - All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements:
  - 1. Quality - Plant materials used in conformance with provision of this Ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Bare root plants, with the exception of shrubs and hedges, vines and ground covers shall be prohibited.
  - 2. Deciduous Trees - (Trees which normally shed their leaves in the Fall) Shall be species having an average mature crown spread of greater than fifteen (15) feet in Woodford County and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet, may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured six (6) inches above ground for trees up to 4 inches caliper) of at least 1-3/4 inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.
  - 3. Evergreen Trees - Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1-1/2) inches immediately after planting.
  - 4. Shrubs and Hedges - Shall be at least 12" with three (3) canes for Section 1105.3 lines 3 and 5, at least 2' with three (3) canes for all

other lines of Section 1105.3 and, and 3' with four (4) canes for Section 1105.2 in average height when installed. After approval by the Landscape Inspector and with the exception of the 12" plants, shrubs and hedges may be pruned to one-half the height in accordance with accepted horticultural practices. All plants shall conform to opacity, mature height, and other requirements of the final approval of each planting or replanting. Privet, Ligustrum species, cannot meet the opacity requirements and may not be used to satisfy the requirements of this Article. The height of the planting shall be measured from the level of the surface of the vehicular use area at the edge closest to the screening.

5. Vines - Shall be at least 15 inches high at planting and are generally used in conjunction with walls or fences.
6. Grass or Ground Cover - Grass of the fescus (Gramineak) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Woodford County, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic materials shall be planted not more than 15" on center and in such a manner as to present a finished appearance and have 75% of complete coverage after two complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar approved materials.

**1105.14 Vehicle Overhang** - Parked vehicles shall not be permitted to overhang a landscape buffer area or an interior landscaping area more than two and one-half feet. Curbs or wheel stops shall be provided to permit no greater overhang.

**1105.15 Maintenance and Installation** - All landscaping materials shall be installed in a sound, workmanship-like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this Article at the time of installation shall be removed and replaced with acceptable materials. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this Article. Violation of these installation and maintenance provisions shall be grounds for the Building Inspection Department to refuse a building occupancy permit, require replacement of landscape material or institute legal proceedings to enforce the provisions of this Article.

**1105.16**

**Plan Submission and Approval** - Whenever any property is affected by these landscape requirements, the property owner or developer shall submit a landscape plan to the Planning Office. For any property where a vehicular use area for twenty (20) or more vehicles or 6,000 or more square feet is provided, the landscape plan shall be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Kentucky. The requirements of this Article shall be followed in approving or disapproving any landscape plan required by this Article.

**A. Plan Content**

The contents of the plan shall include the following: (a) plot plan, drawn to an easily readable scale, showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, etc.) water outlets and landscape material (including botanical name and common name, installation size, on center planting dimensions where applicable, and quantities for all plants used); (b) existing and proposed contours at two (2) foot intervals; (c) typical elevations and/or cross sections as may be required; (d) title block with the pertinent names and addresses (property owner, person drawing plan), scale, date, north arrow (generally orient plan so that north is to top of plan); (e) zone of site and adjacent properties; (f) the location and drip line of any existing significant trees or tree stands, including those in fence rows and drainage areas, a general description of type and size of trees, and any proposed provisions for preserving trees, and (g) calculation of vehicle use area, required and provided interior landscape area.

**B. Building Permit and Certificate of Occupancy**

Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved, and no Certificate of Occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Landscape Inspector. In instances where the State will issue the Certificate of Occupancy, the development plan shall not be certified until the required landscaping is bonded as outlined below. If the required landscaping has not been completed and a Temporary Certificate of Occupancy is issued, a full cash certificate of deposit or irrevocable letter of credit from a banking institution with offices in Woodford County, Kentucky shall be posted at that time and submitted to the Planning Director in the name of the appropriate legislative body. The amount of the certificate of deposit or letter of credit shall be based upon the cost of the proper installation of the uninstalled landscape material shown in the submitted plan with the cost certified by a landscape contractor. The amount of the certificate of deposit or letter of credit shall also include an inflation factor and/or administrative contingency cost of 25% of the base cost to complete the work in the event of the foreclosure of the certificate of deposit or letter of credit. Where landscaping is required for a subdivision plat, certification or bonding is required prior to approval of Final Plat.

C. Posting of a Full Cash Certificate of Deposit or Irrevocable Letter of Credit

After a full cash certificate of deposit or irrevocable letter of credit has been posted with the appropriate legislative body, the landscaping material required in the approved landscaping plan shall be installed within three (3) months after the date of posting the full cash certificate of deposit or irrevocable letter of credit for Final Development Plans, or 12 months after the same date for Final Plats. Extensions of the planting period may be granted by the Planning Director upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three (3) such one (1) month extensions may be granted. The full cash certificate of deposit or irrevocable letter of credit shall be called if the required landscaping has not been installed by the end of the approved planting period and the appropriate legislative body shall apply the proceeds of the certificate of deposit or letter of credit to have the work completed.

**1105.17 Planting Manual and Plant Materials List** - Developers shall refer to the Planting Manual and Plant Materials List (Appendix B) which are available at the Planning Office for minimal requirements to use in meeting the provisions of this Article. Any materials which are not on the Plant Materials List shall be considered on an individual basis to determine the suitability of the specific plant in the proposed location. A plant not on the Plant Materials List shall be permitted only upon the expressed approval of the Landscape Inspector.

**1106 ADMINISTRATION**

The enforcement of this ordinance shall be carried out as set forth on the following section.

**1106.1 Enforcement** - The requirements of this ordinance will be administered by the Planning Commission and their staff with the assistance of a Consulting Landscape Examiner and enforced by the appointed zoning enforcement officer. It shall be unlawful to occupy any premises unless the required landscaping has been installed or bonded in accordance with the final subdivision plat or development plan.

- A. Violations - In cases where the property owner or developer fails to install required landscaping, or where the property owner/tenant fails to properly maintain required landscaping, the officer of the Planning Commission shall notify the responsible party of such violation and order correction of same. If necessary, the City or County Attorney or any other appropriate authority shall institute appropriate action in court to eliminate the violation.
- B. Penalties - Fines and other penalties may be imposed upon violators according to Article III of the Zoning Ordinance. After notification of the responsible party, each day of continued violation shall constitute a separate violation.

## **APPENDIX A & B OTHER EXHIBITS**

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- Exhibit A1      Historic Overlay Standards
- Exhibit A2      Historic Overlay Standards
- Exhibit B        Woodford County Landscape Master Plant List

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

The Versailles-Midway-Woodford County Board of Architectural Review, hereby and through action at a properly called and conducted meeting, adopted, the Secretary of the Interior's Standards for Rehabilitation & *Illustrated Guidelines for Rehabilitating Historic Buildings* (excluding those regulations that deal with the interior of structures) as part of its guidelines. The ten standards here are a summary of the complete text. The complete text may be obtained from:

U.S. Department of the Interior  
National Park Services  
Heritage Preservation Services  
Washington, D.C.

Or you may look at a reference copy any business day at the Planning Commission Office or at the Woodford County Library.

The Standards for Rehabilitation are as follows:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical,

architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

10. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

## **APPENDIX A2 Design Guidelines (Amended July 2017)**

These Design Guidelines are not intended in any way to contradict or supersede the provisions of the Kentucky Building Code, unless more restrictive.

The Design Guidelines set forth in this Appendix may from time to time be amended, supplemented, changed, or repealed as needed by the Board of Architectural Review.

### **A. Construction of New Building, Additions or In-fill**

1. New construction should try to enhance the surrounding old buildings but should look new while reflecting the basic design components of the surrounding existing buildings.
2. New buildings or additions should be constructed to a height within 10% of the average height of the existing adjacent buildings.
3. Facade setback lines should be maintained.
4. Floor heights should match those of the surrounding buildings.
5. Windows and doors should be compatible with historical structures in the district.
6. Additions should be planned so as to not upset the original building style, visibility and neighbors.
7. Additions should be planned for areas not within the public view.
8. Roof shapes should be compatible to others found in the area.
9. Conceptual/Schematic Design Phase Plans required with an outline of specifications listing all exterior materials is required.
10. Design Development Phase with outline specifications including proposed materials (95% designed).
11. Site Plan and Building Elevation Plans, both to a legible scale, are required for what is visible from the street. Scaled floor Plans are encouraged and may be required.

### **B. Demolition**

1. Demolition is allowed if:
  - a. Building Code Enforcement has ordered demolition.

- b. Demolition request is for an inappropriate addition or non-contributing building and will not affect significant parts of the building or character of the district.
  - c. Reconstruction must take place within six months of completion of demolition or penalties as set forth in Article III, Section 304 will be imposed.
2. Demolition, other than an inappropriate addition, non-contributing building or condemned structure, may be approved after the following criteria, prepared and presented in a report by an Architect or Architectural historian, has been met:
- a. Importance of the structure to the history of the area.
  - b. Physical condition and structural integrity.
  - c. The cost of demolition.
  - d. The cost of reasonable rehabilitation, renovation or restoration to allow the structure to continue in a useful function.
  - e. Existing or potential usefulness of the structure including economic return. This item is to be prepared by a Real Estate professional.
  - f. Applicant shall submit amount paid in sales for last five years and all appraisals.
  - g. If income producing, submit all gross income for past two years, operating expenses and annual cash flow.
3. If a demolition permit is granted then the applicant should complete the following items:
- a. Documentation of the structure by photograph, measured drawings and material listings shall be provided.
  - b. All valued architectural details should be salvaged where practical.
  - c. Schematic Design Phase (A-9 above) must be submitted to the Board of Architectural Review prior to demolition permit being issued.

**C. Awnings/Shading Devices**

- 1. Standard street level awning should be about 7'-0" above the sidewalk.
- 2. A maximum 12" valence flap is usually attached to the awning bar and can serve as a sign panel.
- 3. Awning materials may be canvas, vinyl coated canvas or acrilan, or equivalent.
- 4. Awning/Shading devices shape should be a standard shed form.
- 5. Awnings should complement the building proportion, style and scale.
- 6. Awnings should not be aluminum or fiberglass.

7. Awnings should not be back lit.
8. Textured materials are encouraged and glossy materials are discouraged.
9. The installation of canvas canopies and awnings is encouraged on both commercial and residential buildings. However, they should not obscure significant architectural features or require their removal.

**D. Cornices**

1. Original materials should be retained.
2. Stamped metal cornices should be painted. Cleaning should be by chemical paint remover, not dry grit blasting.
3. Replacement should replicate, match or complement existing details.
4. Lintels or cornices that separate the storefront from the upper floors should not be removed or covered.
5. No alterations to original design should be made to improve the design.
6. Additions of inappropriate or out of character features should not be used.

**E. Decks and Porches**

1. If a porch is beyond reasonable repair or is missing then the replacement should be designed to match the existing as closely as possible in size, scale, detail and material. If a porch is missing then documented evidence that supports the existence of a porch is required.
2. Porches or decks reflecting a later architectural style are often important to the buildings historical integrity and should be retained.
3. Total removal of a porch, which is important to the historical integrity of the structure should not be allowed.
4. Enclosure of an existing porch on a primary facade should not be allowed.
5. Vinyl or aluminum siding should not be used to cover original details.

**F. Doors**

1. Doors should be maintained and repaired with similar materials to maintain the historical content of the building. Maintenance includes cleaning, limited paint removal and the re-application of protective coatings. Original frames should be repaired versus replacement.
2. Doors that need to be replaced because they are beyond repair should match the historical content of the building in size, style, material; have the same number of panes and similar muntins, jamb, sill, rails and head.
3. Closing up, enlarging, or reducing the existing door openings is discouraged.

4. Door windows should have clear glazing.
5. If door glazing is to be broken into panes, then it should have true or simulated divided lights with mullions. Grill between glass or snap-on mullions should not be used.
6. Commercial door to window vertical height should be between 2/3rds and 3/4ths the height of the door.
7. Residential style doors should not be used on commercial buildings.

**G. Fences/Gates/Walls & Retaining Walls**

1. New fences in yards visible from the public right of way must have board approval.
2. New fences should be of wood, iron, or comparable material.
3. New fences should not obscure significant views.
4. Chain-link, concrete block, un-faced concrete, fiberglass, or plywood fences and walls are inappropriate and should not be used.
5. Solid, privacy fences, including stockade fences should not be used, except where they are necessary for screening or utility areas.
6. No approval required for rear-yard fencing not visible from any street within the district.

**H. Fire Escapes**

1. No approval required for repair of existing structure.
2. The addition of a fire escape structure to a historical building may be necessary to meet safety codes.
3. All newly constructed fire escapes visible from the street must have board approval.

**I. Gutters/Downspouts**

1. No approval is required for the repair of existing gutters.
2. Any new materials or design must have board approval.
3. Addition of gutters must have board approval.

**J. Landscaping**

1. Removal of existing trees, 10" in diameter and four feet off the ground requires Board approval and a professional recommendation from an arborist or county horticulture extension agent.

**K. Lighting**

1. Exterior lighting should be compatible with the overall design of the building.

2. Lighting fixtures that are compatible with the existing style, scale and design of the original building and character of the surrounding area, should be selected.
3. Harsh and colored light sources should be avoided.
4. Lighting fixtures and levels of light should not detract from the building and its surroundings.

**L. Masonry Cleaning**

1. Low-pressure water and detergents should be used to clean masonry.
2. Sandblasting and high-pressure water blasting and chemical cleaning should not be allowed.
3. Removal of damaged or deteriorated paint by hand scraping and/or use of a bristle brush is recommended.

**M. Masonry Tuck-pointing**

1. The repair of mortar or the tuck pointing of a building must have board approval.
2. Change of joint style, composition or mortar colors must have board approval.

**N. Painting**

1. Type of paint that is used should be compatible with the material and paint it will cover.
2. No approval is necessary for the colors of paint to be used on a historical structure.
3. The painting of any unpainted original materials must have board approval.

**O. Parking Lots, Paved Areas and Walkways**

1. New parking areas should be placed so as not to be in the public right of way view, preferred would be rear or screened sides of buildings.
2. Size and layout should be as minimal and un-obtrusive as possible.
3. Parking should be designed to minimize view of cars.
4. Green landscaped areas are encouraged.
5. Existing areas should be repaired or replaced with like material.

**P. Structural Elements & Building Ornamentation**

1. No permanent new ornamentation should be added.
2. Original ornamentation & structural elements including but not limited to shutters, brackets, cornice moldings, posts, and gable trim, should be left in place.

3. If one of these elements has deteriorated to the point that it must be replaced, care should be taken to replace it with a duplication of the same shape, style, and material.

**Q. Roofs, Dormers, Cupolas, and Chimneys. Etc.**

1. Retaining and preserving roofs and their functional and decorative features, as original, is most important not only to their definition of the overall architectural preservation of the building but is a necessity in protecting the entire integrity of the structure.
2. The roofs shape and roofing materials should be repaired or replaced with original type and style.
3. No original elements of the roof should be removed.

**R. Siding**

1. Siding should be made of solid wood or similar looking, solid material and have design and dimensions that is consistent with the existing.
2. Masonry brick should not be covered with wood siding.
3. When replacing existing siding, every effort should be made to retain the original design and dimensions.

**S. Signage**

1. Signs in order of preference of location:
  - a. Flush mounted signs.
  - b. Painted directly on glass windows.
  - c. Signs on awnings.
  - d. Projecting over sidewalk.
2. Flush mounted signs should never cover existing clerestory transom panels. (The space between the transom panels and upper windows was provided by early designers for signage).
3. Signs painted directly on the glass show windows draw attention to merchandise and is an effective way of merchandising.
4. Signs on awnings are colorful and relate well to turn of the century signage. Their disadvantage is in lighting them.
5. Indirect light sources that are shielded and shine on the sign are preferred. Their balance of light intensity between sign and display windows is better for pedestrian selling. Indirectly lit signs also give a more professional business image.
6. Illuminated signs are discouraged because of their unusual overwhelming light levels and typical bad design.

**T. Storm Windows/Doors**

1. Exterior storm windows should not damage or obscure the existing windows/doors and/or the existing window frames. Storm windows/doors should match the existing sash design or the window/door and be installed to the inside of the wood brick molding.
2. Exterior insulating storm windows/doors are a good idea to conserve heat and energy. However, they often look inappropriate on an older facade especially on the front of the building. Interior storm windows/doors are preferable.

**U. Windows**

1. Windows should be maintained and repaired with similar materials to maintain the historical content of the building. Maintenance includes cleaning, limited paint removal and the re-application of protective coatings. Original sashes and frames should be repaired versus replacement.
2. Windows that need to be replaced because they are beyond repair should match the historical content of the Building, original in size, style, material; have the same number of panes and similar muntins, jamb, sill, rails and head.
3. Closing up, enlarging, or reducing the existing window openings is discouraged.
4. Windows should have clear glazing.
5. If window unit is to be broken into panes, then should have true or simulated divided lights with mullions. Grill between glass or snap-on mullions should not be used.



# WOODFORD COUNTY LANDSCAPE MASTER PLANT LIST

VERSAILLES-MIDWAY-WOODFORD COUNTY ZONING ORDINANCE APPENDIX B  
JANUARY 2023

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VERSAILLES-MIDWAY-WOODFORD COUNTY ZONING ORDINANCE APPENDIX B  
JANUARY 2023

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### ***Versailles-Midway-Woodford County Planning Commission***

- Patty Perry (Chair) - Woodford County      Chad Wells (Vice-Chair) - City of Versailles      Jeri Hartley - City of Versailles
- Rich Schein - City of Midway      Randal Bohannon - Woodford County      Tim Parrott - City of Versailles
- Whitney Stepp - Woodford County      Floyd Greene - Woodford County      Lonnie Estes - City of Versailles

### ***Planning Commission Staff***

- Stephen Hunter, Director

# WOODFORD COUNTY LANDSCAPE MASTER PLANT LIST

VERSAILLES-MIDWAY-WOODFORD COUNTY ZONING ORDINANCE APPENDIX B  
JANUARY 2023

## MASTER PLANT LIST FOR THE LANDSCAPE REQUIREMENTS

(As specified in Article XI of the Zoning Ordinance)

The following list of plant material is to be used as a guide for the selection of plants for use on Landscape Plans submitted with Development Plans and Building Permit applications. This Master Plant List is not intended to be an all-inclusive list and other substitute plants may be used with the approval of the Versailles-Midway-Woodford County Planning Commission.

# WOODFORD COUNTY LANDSCAPE MASTER PLANT LIST

VERSAILLES-MIDWAY-WOODFORD COUNTY ZONING ORDINANCE APPENDIX B  
JANUARY 2023

*SHADE/DECIDUOUS TREES (Group A)*

*SMALL OR ORNAMENTAL TREES (Group B)*

*EVERGREEN TREES*

*SHRUBS*

*GROUNDCOVER*

**SHADE/DECIDUOUS TREES (Group A)**

<u>KEY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>MINIMUM SIZE</u>	<u>NATIVE SPECIES</u>
APL	Acer platanoides	Norway Maple	1- 3/4" Caliper	
ARU	Acer rubrum	Red Maple	1- 3/4" Caliper	
ARA	Acer rubrum 'Armstrong'	Columnar Red Maple	1- 3/4" Caliper	
ARF	Acer rubrum 'Autumn Flame'	Autumn Flame Maple	1- 3/4" Caliper	
ARB	Acer rubrum 'Bowhall'	Bowhall Columnar Red Maple	1- 3/4" Caliper	
ARA	Acer rubrum 'October Glory'	October Glory Maple	1- 3/4" Caliper	
ARU	Acer rubrum 'Red Sunset'	Red Sunset Maple	1- 3/4" Caliper	
ASA	Acer saccharum	Sugar Maple	1- 3/4" Caliper	✓
ASG	Acer saccharum 'Green Mountain'	Green Mountain Sugar Maple	1- 3/4" Caliper	
AXF	Acer x freemanii	Freeman Maple	1- 3/4" Caliper	✓
AGB	Aesculus glabra	Ohio Buckeye	1- 3/4" Caliper	✓
BLB	Betula lenta	Sweet Birch	1- 3/4" Caliper	✓
BNH	Betula nigra 'Heritage'	River Birch	1- 3/4" Caliper	✓
CCH	Carya cordiformis	Bitternut Hickory	1- 3/4" Caliper	✓
CIP	Carya illinoensis	Hardy Pecan	1- 3/4" Caliper	✓
COH	Carya ovata	Shagbark Hickory	1- 3/4" Caliper	✓
CSC	Catalpa speciosa	Catalpa	1- 3/4" Caliper	✓
CLS	Celtis laevigata	Sugarberry	1- 3/4" Caliper	✓
COH	Celtis occidentalis	Hackberry	1- 3/4" Caliper	✓
CJA	Cercidiphyllum japonicum	Katsuratree	6' - 8' Height	
CLD	Cladrastis lutea	American Yellowwood	1- 3/4" Caliper	✓
CCH	Corylus colurna	Turkish Hazel	1- 3/4" Caliper	✓
DVI	Diospyros virginiana	Common Persimmon	6' - 8' Height	✓
EUL	Eucommia ulmoides	Hardy Rubbertree	1- 3/4" Caliper	
FGR	Fagus grandifolia	American Beech	1- 3/4" Caliper	✓
FSY	Fagus sylvatica	European Beech	1- 3/4" Caliper	
GBI	Ginkgo biloba (Male Only)	Maidenhair Tree	1- 3/4" Caliper	
GTH	Gleditsia triacanthos 'Halka'	Halka Locust	1- 3/4" Caliper	

GTS	Gleditsia triacanthos 'Shade Master'	Thornless Honeylocust	1- 3/4" Caliper	
GTK	Gleditsia triacanthos 'Skyline'	Skyline Locust	1- 3/4" Caliper	
GTI	Gleditsia triacanthos var. inermis	Thornless Honeylocust	1- 3/4" Caliper	✓
GDI	Gymnocladus dioicus	Espresso	1- 3/4" Caliper	✓
LST	Liquidambar styraciflua	Happidaze	1- 3/4" Caliper	✓
LST	Liquidambar styraciflua	Rotundiloba	1- 3/4" Caliper	✓
LST	Liriodendron tulipifera	Tulip Poplar	1- 3/4" Caliper	✓
MAC	Magnolia acuminata	Cucumber Tree	1- 3/4" Caliper	✓
MGR	Magnolia grandiflora	Southern Magnolia	6' - 8' Height	
MGR	Metasequoia glyptostroboides	Dawn Redwood	1- 3/4" Caliper	
NSY	Nyssa sylvatica	Black Gum	1- 3/4" Caliper	
POC	Platanus occidentalis	Sycamore	1- 3/4" Caliper	✓
PAB	Platanus x acerifolia 'Bloodgood'	London Planetree	1- 3/4" Caliper	
QAL	Quercus alba	White Oak	1- 3/4" Caliper	✓
QBO	Quercus bicolor	Swamp White Oak	1- 3/4" Caliper	✓
QCO	Quercus coccinea	Scarlet Oak	1- 3/4" Caliper	✓
QMA	Quercus macrocarpa	Bur Oak	1- 3/4" Caliper	✓
QMO	Quercus michauxii	Swamp Chestnut Oak	1- 3/4" Caliper	✓
QMU	Quercus muehlenbergii	Chinkapin Oak	1- 3/4" Caliper	✓
QPH	Quercus phellos	Willow Oak	1- 3/4" Caliper	✓
QRU	Quercus rubra	Red Oak	1- 3/4" Caliper	✓
SBA	Salix babylonica	Weeping Willow	1- 3/4" Caliper	
SAL	Sassafras albidum	Common Sassafras	1- 3/4" Caliper	✓
SJA	Styphnolobium japonicum	Japanese Pagodatree	1- 3/4" Caliper	
SJR	Sophora japonica 'Regent'	Regent Scholar Tree	1- 3/4" Caliper	
TDI	Taxodium distichum	Bald Cypress	10'-12' Height	✓
TAR	Tilia americana 'Redmond'	Redmond Linden	1- 3/4" Caliper	✓
TCO	Tilia cordata	Littleleaf Linden	1- 3/4" Caliper	
TCG	Tilia cordata 'Greenspire'	Greenspire Linden	1- 3/4" Caliper	
TTO	Tilia tomentosa	Silver Linden	1- 3/4" Caliper	
UAE	Ulmus americana	American Elm	1- 3/4" Caliper	✓
UPA	Ulmus parvifolia	Chinese Elm	1- 3/4" Caliper	
ZSG	Zelkova serrata 'Green Vase'	Green Vase Zelkova	1- 3/4" Caliper	
ZSG	Zelkova serrata 'Village Green'	Village Green Zelkova	1- 3/4" Caliper	

**SMALL OR ORNAMENTAL TREES (Group B)**

<u>KEY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>MINIMUM SIZE</u>	<u>NATIVE SPECIES</u>
ACA	Acer campestre	Hedge Maple	12' - 14' Height	
AGI	Acer ginnala	Amur Maple	12' - 14' Height	
AGF	Acer ginnala 'Flame'	Amur Maple	12' - 14' Height	
APB	Acer palmatum 'Bloodgood'	Bloodgood Japanese Maple	7' - 8' Height	
APD	Acer palmatum 'Dissectum'	Japanese Maple	6' - 8' Height	
ACC	Aesculus x carnea	Red Horse Chestnut	6' - 8' Height	
AAS	Amelanchier arborea	Downy Serviceberry	10' - 12' Height	✓
ACA	Amelanchier canadensis	Serviceberry	10' - 12' Height	✓
ALS	Amelanchier laevis	Allegheny Serviceberry	10' - 12' Height	✓
ATP	Asimina triloba	Pawpaw	6' - 8' Height	✓
CBF	Carpinus betulus 'Fastigiata'	Upright European Hornbeam	12' - 14' Height	
CCA	Carpinus caroliniana	American Hornbeam	12' - 14' Height	✓
CCA	Cercis canadensis	Eastern Redbud	6' - 8' Height	✓
CVI	Chionanthus virginicus	Fringetree	5' - 6' Height	✓
CAD	Cornus alternifolia	Pagoda Dogwood	6' - 8' Height	✓
CFL	Cornus florida	Flowering Dogwood	6' - 8' Height	✓
CKO	Cornus kousa	Kousa Dogwood	8' - 10' Height	
CMD	Cornus mas	Cornelian Cherry Dogwood	8' - 10' Height	
COG	Cotinus coggygria	Common Smoketree	8' - 10' Height	
CPH	Crataegus phaenopyrum	Washington Hawthorn	10' - 12' Height	
CVW	Crataegus viridis 'Winter King'	Winter King Hawthorn	6' - 8' Height	
CLA	Crataegus x lavalleyi	Lavalle Hawthorn	8' - 10' Height	
HCA	Halesia carolina	Carolina Silver Bell	6' - 8' Height	✓
MSM	Magnolia soulangiana	Saucer Magnolia	6' - 8' Height	
MST	Magnolia stellata	Star Magnolia	5' - 6' Height	
MVI	Magnolia virginiana	Sweetbay	3' - 4' Height	
MVC	Malus (varieties) Crabapple	Donald Wyman Crabapple	6' - 10' Height	
MVC	Malus (varieties) Crabapple	Louisa Crabapple	6' - 10' Height	
MVC	Malus (varieties) Crabapple	Prairiefire Crabapple	6' - 10' Height	
MVC	Malus (varieties) Crabapple	Sargentii Crabapple	6' - 10' Height	
MVC	Malus (varieties) Crabapple	Sugar Thyme Crabapple	6' - 10' Height	
MVC	Malus (varieties) Crabapple	Royal Raindrops Crabapple	6' - 10' Height	

OVH	<i>Ostrya virginiana</i>	American Hop Hornbeam	6' - 8' Height	✓
PPI	<i>Parrotia persica</i>	Persian Ironwood	6' - 8' Height	
PCA	<i>Prunus cerasifera</i>	Cherry Plum	10' - 12' Height	
PSK	<i>Prunus serrulata</i> 'Kwanzan'	Kwanzan Cherry	8' - 10' Height	
PSU	<i>Prunus subhirtella</i> 'autumnalis'	Higan Cherry	8' - 10' Height	
PYE	<i>Prunus yedoensis</i>	Yoshino Cherry	10' - 12' Height	
RTY	<i>Rhus typhina</i>	Staghorn Sumac	6' - 8' Height	✓
SOV	<i>Stewartia ovata</i>	Mountain Stewartia	8' - 10' Height	✓
SPS	<i>Stewartia pseudocamellia</i>	Japanese Stewartia	8' - 10' Height	
SRE	<i>Syringa reticulata</i>	Japanese Tree Lilac	8' - 10' Height	

**EVERGREENS**

<u>KEY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>MINIMUM SIZE</u>	<u>NATIVE SPECIES</u>
ANF	Abies nordmanniana	Nordmann Fir	5' - 6' Height	
ACF	Abies concolor	White Fir	5' - 6' Height	
COC	Chamaecyparis obtusa	Hinoki Cypress	5' - 6' Height	
CPC	Chamaecyparis pisifera	Sawara Cypress	5' - 6' Height	
IOP	Ilex opaca	American Holly	5' - 6' Height	
IAF	Ilex X attenuata 'Fosteri'	Foster Holly	5' - 6' Height	
JVI	Juniperus virginiana	Eastern Red Cedar	5' - 6' Height	✓
JVC	Juniperus virginiana 'Canaertii'	Eastern Red Cedar	5' - 6' Height	
JVI	Juniperus virginiana 'Nova'	Nova Eastern Red Cedar	5' - 6' Height	
POM	Picea abies	Norway Spruce	5' - 6' Height	
PBU	Pinus bungeana	Lacebark Pine	5' - 6' Height	
PEP	Pinus echinata	Short-Leaf Pine	5' - 6' Height	✓
PNI	Pinus nigra	Austrian Pine	5' - 6' Height	
PPP	Pinus parviflora	Japanese White Pine	5' - 6' Height	✓
PST	Pinus strobus	White Pine	5' - 6' Height	
PST	Pinus sylvestris	Scotch Pine	5' - 6' Height	
PST	Pinus taeda	Loblolly Pine	5' - 6' Height	
PTH	Pinus thunbergii	Black Pine	5' - 6' Height	
PVP	Pinus virginiana	Virgina Pine	5' - 6' Height	✓
TON	Thuja occidentalis	Arborvitae	5' - 6' Height	✓
TPC	Thuja plicata	Western Red Cedar	5' - 6' Height	
TCA	Tsuga canadensis	Canadian Hemlock	5' - 6' Height	✓

**SHRUBS**

<u>KEY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>MINIMUM SIZE</u>	<u>NATIVE SPECIES</u>
ADF	Abeliophyllum distichum	White Forsythia	18"-24" Height	
AAR	Aronia arbutifolia	Red Chokeberry	18"-24" Height	✓
AMC	Aronia melanocarpa	Black Chokeberry	18"-24" Height	✓
AARB	Amelanchier arborea	Downy Serviceberry	18"-24" Height	✓
AGR	Abelia x grandiflora	Glossy Abelia	18"-24" Height	
APA	Aesculus parviflora	Bottlebrush Buckeye	18"-24" Height	✓
BDA	Buddleia davidii	Butterfly Bush	24" - 30" Spacing	
BDA	Buddleia davidii	White Bouquet Butterfly Bush	24" - 30" Spacing	
BSS	Buxus sempervirens	American Boxwood	18"-24" Height	
BSS	Buxus sempervirens 'Suffruticosa'	English Boxwood	18"-24" Height	
BMK	Buxus microphylla 'Koreana'	Korean Little Leaf Boxwood	18"-24" Height	
CAN	Ceanothus americanus	New Jersey Tea	18"-24" Height	✓
CFL	Calycanthus floridus	Common Sweetshrub	18"-24" Height	✓
COC	Cephalanthus occidentalis	Common Buttonbush	18"-24" Height	✓
CSE	Chanomeles speciosa	Flowering Quince	18"-24" Height	
CAL	Clethra alnifolia	Sweet Pepper Bush	18"-24" Height	✓
CAM	Cornus amomum	Silky Dogwood	18"-24" Height	✓
CSE	Cornus sericea	Redtwig Dogwood	18"-24" Height	✓
CDS	Cotoneaster dammeri 'Skogholm'	Bearberry Cotoneaster	15" - 18" Spacing	
CDI	Cotoneaster divaricata	Spreading Cotoneaster	18"-24" Height	
DGD	Deutzia gracilis	Slender Deutzia	18"-24" Height	
FIL	Forsythia x intermedia 'Lynwood Gold'	Lynwood Gold Forsythia	18"-24" Height	
FSS	Forsythia suspensa Var. sieboldii	Weeping Forsythia	18"-24" Height	
FMA	Fothergilla major	Large Fothergilla	3' - 4' Height	✓
HIA	Hamamelis X intermedia 'Arnold Promise'	Common Witchhazel	4' - 5' Height	
HVH	Hamamelis vernalis	Ozark Witch Hazel	4' - 5' Height	✓
HVI	Hamamelis virginiana	Common Witchhazel	4' - 5' Height	✓
HAH	Hydrangea arborescens	Smooth Hydrangea	18"-24" Height	
HQU	Hydrangea macrophylla	Big Leaved Hydrangea	18"-24" Height	
HPH	Hydrangea paniculata	Panicle Hydrangea	18"-24" Height	
HQU	Hydrangea quercifolia	Oak-leaved Hydrangea	18"-24" Height	✓

HFR	Hypericum frondosum	Golden St. Johnswort	18"-24" Height	
IAF	Ilex x attenuata 'Fosteri'	Foster's Holly	18"-24" Height	
ICB	Ilex cornuta 'Bufordii Nana'	Dwarf Burford Holly	18"-24" Height	
ICC	Ilex crenata 'Compacta'	Compact Japanese Holly	24" - 30" Spacing	
IDP	Ilex decidua	Possumhaw	24" - 30" Spacing	
IGL	Ilex glabra	Inkberry	18"-24" Height	
ICN	Ilex cassine 'Nellie R. Stevens'	Nellie R. Stevens Holly	18"-24" Height	
IMB	Ilex meserveae 'Blue Princess'	Blue Angel Holly	18"-24" Height	
IPE	Ilex pendulacosa	Longstalk Holly	18"-24" Height	
IVE	Ilex verticillata	Winterberry	18"-24" Height	
JCP	Juniperus chinensis 'Pfitzeriana'	Pfitzer Juniper	24" - 30" Spacing	
JPC	Juniperus chinensis 'Pfitzeriana'	Compact Chinese Juniper	24" - 30" Spacing	
JCS	Juniperus chinensis 'Sargentii'	Sargent Juniper	24" - 30" Spacing	
JCS	Juniperus chinensis 'Sea Spray'	Sea Spray Juniper	24" - 30" Spacing	
JCS	Juniperus conferta 'Blue Pacific'	Blue Pacific Juniper	18" - 24" Spacing	
JHB	Juniperus horizontalis 'Bar Harbor'	Bar Harbor Juniper	18" - 24" Spacing	
JSB	Juniperus sabina 'Broadmoor'	Broadmoor Juniper	24" - 30" Spacing	
JST	Juniperus sabina var. tamariscifolia	Tam Juniper	18" - 24" Spacing	
LBS	Lindera benzoin	Spicebush	18"-24" Height	✓
MLG	Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	18"-24" Height	
MPE	Myrica pensylvanica	Northern Bayberry	18"-24" Height	
NDO	Nandina domestica 'Firepower'	Heavenly Bamboo	18"-24" Height	
NDN	Nandina domestica 'nana'	Dwarf Heavenly Bamboo	18"-24" Height	
PLE	Philadelphus x lemoinei	'Avalanche' Mock-orange	18"-24" Height	
PMU	Pinus Mugo	Mugo Pine	18"-24" Height	
PFA	Potentilla fruticosa 'Abbottswood'	Abbottswood White Potentilla	18"-24" Height	
PLA	Prunus laurocerasus	Cherry Laurel	18"-24" Height	
PLO	Prunus laurocerasus 'Otto Luyken'	Cherry Laurel	18"-24" Height	
RCA	Rhododendron catawbiense 'album'	Album White Rhododendron	18"-24" Height	✓
RMK	Rhododendron mucronulatum	Korean Rhododendron	18"-24" Height	
RPR	Rhododendron x 'P.J.M.'	Rhododendron PJM Group	18"-24" Height	
REK	Rosa 'Earth-Kind'	Rose Earth-Kind Cultivars	18"-24" Height	
RKR	Rosa 'Radrazz'	Knockout Rose	18"-24" Height	
RCB	Rhamnus caroliniana	Carolina Buckthorn	18"-24" Height	✓

RAS	Rhus aromatica	Fragrant Sumac	18"-24" Height	✓
RAC	Ribes alpinum	Alpine Currant	18"-24" Height	
SBA	Spirea x bumalda 'Anthony Waterer'	Bumald Spirea	18"-24" Height	
SLP	Spirea x 'Little Princess'	Little Princess Spirea	18"-24" Height	
SVA	Spirea x vanhouttei	Vanhouttei Spirea	18"-24" Height	
SIC	Stephanandra incisa 'Crispa'	Cutleaf Stephanandra	18"-24" Height	
SVL	Syringa vulgaris 'Lucie Baltet'	Lucie Baltet Common Lilac	18"-24" Height	
SVS	Syringa vulgaris 'Ludwig Spaeth'	Ludwig Spaeth Common Lilac	18"-24" Height	
SVE	Syringa vulgaris 'Ellen Willmott'	Ellen Willmot Common Lilac	18"-24" Height	
SVL	Syringa vulgaris 'Victor Lemoine'	Victor Lemoine Lilac	18"-24" Height	
TBA	Taxus baccata 'Rependens'	Dwarf Spreading English Yew	18"-24" Height	
TCD	Taxus cuspidata 'Densa'	Densa Yew	18"-24" Height	
TCN	Taxus cuspidata nana erecta 'Hilli'	Hilli Yew	18"-24" Height	
TMD	Taxus media 'Densiformis'	Spreading Yew	18"-24" Height	
TMH	Taxus media 'Hicksii'	Hicks Yew	18"-24" Height	
TMH	Taxus media 'Hatfieldii'	Hatfield Yew	18"-24" Height	
TMW	Taxus media 'Wardi'	Wardi Yew	24" - 30" Spd.	
VCA	Viburnum carlessii	Koreanspice Viburnum	18"-24" Height	
VBU	Viburnum x burkwoodii	Burkwood Viburnum	18"-24" Height	
VDE	Viburnum dentatum	Arrowwood Viburnum	18"-24" Height	✓
VJU	Viburnum judii	Judii Viburnum	18"-24" Height	
VON	Viburnum opulus nanum	Dwarf cranberry Viburnum	18"-24" Height	
VPT	Viburnum plicatum tomentosum 'Mariesii'	Doublefile Viburnum	18"-24" Height	
VPE	Viburnum x pragense	Pragense Viburnum	18"-24" Height	
VPR	Viburnum prunifolium	Blackhaw Viburnum	18"-24" Height	✓
VSI	Viburnum sieboldii	Siebold Viburnum	18"-24" Height	

**GROUNDCOVER**

<u>KEY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>MINIMUM SIZE</u>	<u>NATIVE SPECIES</u>
ARE	Ajuga reptans	Bugleweed		
AML	Alchemilla mollis	Lady's Mantle	N/A	
ACG	Asarum canadense	Wild Ginger	N/A	
AEG	Asarum europaeum	European Wild Ginger	N/A	
BMB	Brunnera macrophylla	Siberian Bugloss	N/A	
CCS	Carex cherokeensis	Cherokee Sedge	N/A	
CPS	Carex pensylvanica	Pensylvanica Sedge	N/A	
CID	Carex 'Ice Dancer'	Ice Dance Sedge	N/A	
CGS	Carex grayii	Gray Sedge	N/A	
CPL	Ceratostigma plumbaginoides	Leadwort	N/A	
CVG	Chrysogonum virginianum	Golden Star	N/A	
CFA	Cyrtomium falcatum	Holly Fern	N/A	
	Dryopteris erythrosora 'Brilliance'	Autumn Fern	N/A	
EVB	Epimedium versicolor	Bicolor Barrenwort	N/A	
ERB	Epimedium x rubrum	Red Barrenwort	N/A	
EYN	Epimedium x youngianum 'Niveum'	Snowy Epimedium	N/A	
GOD	Galium odoratum	Sweet Woodruff	N/A	
GSG	Geranium spp	Geranium	N/A	
HSD	Hemerocallis spp	Daylily	N/A	
HSH	Hosta spp	Hosta	N/A	
HSC	Heuchera spp	Coral Bells	N/A	
HAP	Hydrangea anomala petiolaris	Climbing Hydrangea	N/A	
HCA	Hypericum calycinum	Aaron's-Beard Hypericum	N/A	
HFS	Hypericum frondosum 'Sunburst'	Sunburst St. John's-wort	N/A	
ISE	Iberis sempervirens	Evergreen Candytuft	N/A	
LMB	Liriope muscari 'Big Blue'	Liriope	N/A	
LMB	Liriope spicata	Creeping Lilyturf	N/A	
	Origanum	Marjoram	N/A	
PTE	Pachysandra terminalis	Japanese Pachysandra	N/A	
PPS	Pachysandra procumbens	Allengheny Spurge	N/A	
PSP	Phlox subulta	Creeping Phlox	N/A	
PAF	Polystichum acrostichoides	Christmas Fern	N/A	

PLW	Pulmonaria	Lungwort	N/A
SSS	Sedum spp	Stonecrop	N/A
TSG	Teucrium spp	Germander	N/A
TST	Thymus spp	Creeping Thyme	N/A



## NEED ADDITIONAL INFORMATION?

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