

## 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.

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

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

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

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

**AGRICULTURAL USE (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.

**AGRICULTURAL USE (ARTICLE VII):** ~~The growing and harvesting of crops including grass, legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, growing of mushrooms, nursery and forest planting stock, orcharding, forestry and the operation of greenhouses; the keeping, raising and feeding of livestock and poultry, swine, sheep, beef and dairy cattle, pony and horse productions; fur, game, fish and wildlife farm operation; farm buildings used for growing, harvesting and preparing crop products for market; roadside stands and signs pertaining to the sale or use of the premises or products produced thereon; farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock and poultry and preparing livestock and poultry products for market; farm dwellings including mobile homes occupied by farm owners, employees on the farm and members of the immediate family of the farm owner. Provided, however, that such dwellings for the farm owners, employees and members of the immediate family of the farm owner do not exceed a density of one dwelling for each five (5) acres, and shall comply with Section 711.2 of this Ordinance as it relates to employees of the farm on which the mobile home is located, and further it is provided that such dwellings can be subdivided from the farm if it is to be continuously occupied by an immediate family member. It shall be comprised of a lot no smaller than one (1) acre in size, with access to an existing public road through an existing private driveway, to be shared with the original residence, through a platted and recorded access easement of fifteen (15) feet; or, the in-family lot can be comprised of a lot no smaller than five (5) acres in size with frontage on an existing public road or if the nearest property line of any lot is within 400 feet of the centerline of an existing public road; with a limit of no more than two (2) in-family lots fronting on an existing public road and sharing a common entrance; and meets all health and sanitation regulations in effect and contained herein, and provided further that the number of lots be limited to one lot in Woodford County per each immediate family member's lifetime and that such family member shall hold title to the tract so conveyed for at least five (5) years, and if said conveyance is made to a minor, the five (5) year restriction for holding title begins when the minor turns eighteen (18), and should the family members within five (5) years re-convey the tract to anyone other than to the person or persons from whom it was received, then such deed of re-conveyance shall be void, and provided further, that all such deeds from a farm owner to a family member shall contain a restrictive covenant stating clearly the five (5) year restriction for holding title and stating that any conveyance prior to said five (5) year restriction shall be void, and any deed from a farm owner to a family member pursuant to this section that fails to contain said restrictive covenant shall be void ad initio. Provided further, that in the case of a judicial sale the restriction on re-conveyance shall not apply. On farms where in-family conveyances are permitted all lots shall be counted against the sliding scale of "Lots to be Sold" as defined in Section 703.11(A). In no case shall any farm of 100 acres or more be permitted to have more than fifteen (15) lots.~~

~~Mobile homes in Agricultural Districts: It is further provided that mobile homes may be the principal residential structures on farms at least five acres in size. Any additional mobile homes that are used on the farm shall contain a minimum density of one unit for each ten (10) acres~~

~~except when such is subdivided from the farm and is placed on a lot no less than five (5) acres in size and shall comply with Section 711.2 of this Ordinance as it relates to employees of the farm on which the mobile home is located. Mobile homes shall be provided the same yard requirements as for other types of dwelling units in the A-1 District. Mobile homes must obtain a conditional use permit in order to be placed on any existing lot less than five acres in size. In considering a conditional use permit the Board shall determine whether or not the mobile home will have a deleterious effect upon surrounding properties and that there is no objection from fifty percent (50%) of abutting property owners and provided that the mobile home is placed on a solid foundation and is underpinned.~~

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

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

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

**ASSISTED LIVING FACILITY:** A building, establishment, complex, or distinct part thereof which: (a) accepts primarily aged persons for domiciliary care, not nursing or medical care; and (b) provides on-site to its residents private lockable residential spaces; (c) provides onsite 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.

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

~~**BOARDING OR LODGING HOUSE:** A building other than a hotel which maintains a guest register and provides sleeping rooms and meals or cooking facilities for overnight guests, primarily not transients, for compensation for three (3), but not more than twenty (20) persons. A boarding or lodging house is distinguished from any other type of facility or use in that it is designed to~~

~~be occupied and used for long term residents who are registered guests for a minimum of three (3) consecutive days and provides no services for non overnight registered guests. Such a facility must provide off street parking for all guests. Where kitchen facilities are included in a sleeping room, such room shall be deemed a dwelling unit.~~

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

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

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

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

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

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

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

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

**CAMP OR CAMPGROUND:** Tracts of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary or movable nature, such as a cabin, hunting shelter, 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.

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

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

~~**CHURCH: (SEE 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 churches pursuant to this definition.~~

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

**CLUB, PRIVATE:** Buildings and facilities the purpose of which is to render a social, educational, or recreational service to members and their guests and not primarily to render a service

customarily carried on as a business or to render a profit. Private clubs shall include country clubs.

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

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

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

**COMMISSION** (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.

**DENSITY:** Number of dwelling units 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, ~~child-to-parent, spouse-to-spouse, sibling-to-sibling, and~~ grandparent to grandchild ~~and grandchild to grandparent. Unrelated individuals jointly owning property are not eligible to utilize the in-family conveyance ordinance.~~

**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) U.S. Department of Housing and Urban Development, a copy of which is on file in the planning department.

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

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

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

**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 singlefamily dwellings not more than two (2) rooms deep with access to a street as herein defined.

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

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

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

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

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

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

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

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

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

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

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

**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 (See Motel)**

**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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**LOT:** A piece, parcel, tract or plot of land occupied or to be occupied by one principal building

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

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

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

**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.**

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

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

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

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

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

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

**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) ~~Wrecking Permit~~ (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 ~~stripping, cutting, filling, stockpiling of earth or land~~ 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, beauty and barber shops, shoe repair, dressing making and tailoring.

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

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

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

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

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

**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 CHURCH:** A facility used primarily for religious worship services of an assembly nature that may secondarily provide social or community services such as counseling, childcare, senior services, and educational programs. For the purposes of this ordinance, synagogues, temples, and other places of religious assembly for worship, regardless of the terminology used by a specific faith or denomination, are considered Religious Institutions churches 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. ~~Note: A restaurant may only include drive-through facilities (where food is served to patrons while in their motor vehicle through a window or other facilities and consumption on the premises in motor vehicles is not encouraged) as permitted and regulated in the zone in which the restaurant is located.~~

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

**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 ~~and within an A-2 Agricultural district; the number of building lots on any individual property is based on a sliding scale approach which considers the total size of the parcel owned. Eighty percent (80%) of the land in this farm shall be residual farmland or open space utilized for those permitted uses within an A-2 Agricultural District other than single family dwelling units and their accessory structures, except that if there is one existing farm dwelling (as of April 1, 1999) it can remain on the residual farmland and not be subject to Section 803. In the event the residual farmland or open space is thirty acres (30) or less and one farm residence exists or is proposed on the residual, then in that event, the residual farmland or open space shall remain as one undivided parcel; if no farm residence exists or is proposed on the residual farmland, or in the event, that more than thirty (30) acres of residual farmland exists, where a farm residence exists or is proposed, then, in that event, the residual farmland or open space, or in the case when a farm residence exists or is proposed, the excess of the residual farmland over thirty (30) acres may be owned jointly or in common by the owners of the building lots, or an association of the owners of the subdivision or a person or entity who does not necessarily own a dwelling unit within the rural residential subdivision, but who makes a binding commitment to utilize the land for permitted uses other than the construction or maintenance of any dwelling units except one existing farm dwelling as noted above. If one farm dwelling exists or one is proposed on the residual farmland one "Lot to be Sold" shall be reduced from the sliding scale established in 703.11 (A), and all residual farmland acreage up to and including thirty (30) acres of the designated residual farmland shall remain as one undivided parcel.~~

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

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

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

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

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

**TEMPORARY 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.

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

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

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

- ~~a. A use or operation must be operated by and located in an existing structure located on land which is occupied by the owner, lessee, or owner's agent.~~
- ~~b. Property must be at least 30 acres in size and have road frontage on a State or Federal Highway.~~
- ~~c. Overnight accommodations to guests are allowed but the number of guest rooms is limited to 10 rooms.~~
- ~~d. A restaurant is allowed and may serve registered overnight guests and/or the public, with the number of seats for patrons limited to 75.~~
- ~~e. Public tours of the structure(s) and grounds are allowed.~~
- ~~f. Gift shops, open to the public, are allowed but must be accessory to other allowed uses.~~
- ~~g. Special events, including charitable events, receptions, parties, corporate picnics, weddings, or any other events/activities which are determined by the Agricultural Advisory Review Committee to be of the same general character as those listed herein, are allowed but the number of such events is limited to 7 per week with no more than 2 held on any one day.~~
- ~~h. Special events and activities must be located at least 300 feet from an adjoining property line.~~
- ~~i. All food preparation must take place in a kitchen inspected, approved, and licensed by the County Health Department.~~
- ~~j. In order to not create noise or lighting conditions detrimental to the surrounding area amplified music shall be prohibited after 11:00 p.m. and outdoor lighting shall be shielded.~~

- ~~k. A current guest register including names, addresses and dates of occupancy of all guests shall be kept on site at all times if overnight accommodations are provided.~~
- ~~l. All business licenses and revenue collection ordinances of Woodford County, Versailles and Midway shall be complied with.~~
- ~~m. The Kentucky Building Code and other applicable local/state laws shall be adhered to.~~
- ~~n. Parking requirements will be as set forth herein in Article VI.~~
- ~~o. All parking areas will be buffered with trees, shrubs, walls, or fences per Article XI-1105.3D.~~
- ~~p. No parking will be allowed for any guest or those attending special events on public road right-of-ways.~~
- ~~q. Overflow parking areas shall remain grass and buffered as provided in section O above.~~
- ~~r. Access to the subject property shall be approved by the appropriate local, state, or federal agency having jurisdiction.~~
- ~~s. Signs shall be limited to one externally illuminated on premise sign on each existing contiguous public road not to exceed twenty-four (24) square feet in area.~~
- ~~t. Additions to the existing structure and/or additional structures if constructed past the date specified herein shall not be used for operations specified herein but rather used as otherwise allowed.~~
- ~~u. The owner, owner's agent, or lessee shall cooperate with the Woodford County Tourist Commission to display, without charge, information on other tourist destinations within Woodford County.~~
- ~~v. A site plan drawn to scale as specified in Article III, Section 301.3 (B) is required for review and approval prior to establishing uses specified herein.~~

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

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

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

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

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

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

~~A. Yard, Front The yard extending across the entire width of the lot between the principal building and the right of way line or street line which the building faces.~~

~~B. Yard, Rear The yard extending across the entire width of the lot between the rear lot line and the nearest part of the building.~~

~~C. Yard, Side – The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.~~

**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 VII

## ZONING DISTRICTS

### 700 Zoning District Regulations Schedule of Zones

Section	Zone	District Title
701	A-1	Agricultural
702	<del>CO-1</del> <del>A-2</del>	<del>Conservation District Agricultural</del>
703	RR / <del>RF</del>	Rural Residential / <del>Residual Farmland</del>
704	<del>SC</del> <del>A-4</del>	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/ <del>Manufactured</del> Home District
712	P-1	Professional Office
713	B-1	Neighborhood Business District
714	B-2	Central Business District
716	B-4	Highway Business District
717	B-5	Highway Interchange Service
718	I-1	Light Industrial
719	I-2	Heavy Industrial
720	HD	Historic Overlay District
721	<del>CO-1</del>	<del>Conservation District</del>

**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:

<u>OLD</u>	<u>BASE DISTRICT</u>	<u>NEW</u>	<u>PAGE</u>
<u>A-2</u>	<u>Agriculture District</u>	<u>A-1</u>	<u>7-11</u>
<u>A-4</u>	<u>Small Community District</u>	<u>SC</u>	<u>7-28</u>

**701 AGRICULTURAL (A-1)**

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

**701.1 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. ~~Public~~ Parks, Playgrounds, ~~public or privately owned~~ Golf Courses, Forests and Conservation Areas;
- D. Single Family Detached Dwellings;
- E. ~~Tourist Destinations (See Article II, Definitions)~~
- F. Greenhouses and Nurseries;
- G. Safety Services;
- H. 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 ~~therewith such as agricultural structures, tenant homes, private garages, private stables or parking areas, not including any business, trade or industry.~~
- 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. Office of a resident physician, architect, or similar professional person when located within this dwelling.
- 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.

~~Airport, cemeteries, art or antique shops, quarries and gravel pits, and horse sales.~~

~~Schools for academic instruction.~~

~~Public buildings and properties.~~

~~Commercial golf and driving ranges on a temporary and revocable certificate provided adjacent areas are predominantly undeveloped.~~

~~Garbage or refuse disposal by City or County.~~

~~Animal Hospitals & Clinics.~~

~~Research Facilities.~~

~~Sportsmen Farms and Kennels.~~

~~Agritourism Uses (KRS 247.801), (based on findings and recommendations from the Agricultural Advisory Review Committee).~~

~~Bed and Breakfast Home, Bed and Breakfast Inn, and Bed and Breakfast Farmstay Establishments.~~

~~Short Term Rental Establishments: Hosted Home Sharing and Dedicate Short Term Rental Establishments.~~

~~Churches (Amended November 2003)~~

~~Plant Nursery (Amended December 2005)~~

~~Tourist Destination Expanded (Amended February 2013)~~

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

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

**701.5 Prohibited Uses**

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

**701.6 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><u>Lot Area</u></b> (minimum)	<u>30 Acres</u>
<b><u>Lot Width</u></b> (minimum at 75-foot front setback line)	<u>200 ft</u>
<b><u>Lot Frontage</u></b> (minimum)	<u>150 ft</u>
<b><u>Lot Coverage</u></b> (maximum)	<u>25%</u>

<b><u>Setback (minimum)</u></b>	
<u>Front Yard</u>	<u>75 ft</u>
<u>Side Yard</u>	<u>25 ft</u>
<u>Rear Yard</u>	<u>50 ft</u>
<b><u>Accessory Structure</u></b>	
<u>Front</u>	<u>25 ft</u>
<u>Rear</u>	<u>10 ft</u>
<u>Side</u>	<u>10 ft</u>
<b><u>Height (max Principal Structure)</u></b>	<u>42 ft</u>
<b><u>Off-Street Parking Spaces</u></b>	<u>2</u>

**701.7 — Lot, Yard and Height Requirements**

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

**701.8 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.

	<b>A-1</b>
<u>Freestanding Signs Allowed?</u>	<u>Yes</u>
<u>Maximum Number</u>	<u>1</u>
<u>Maximum Face Area</u>	<u>24 sf</u>
<u>Maximum Height</u>	<u>8 ft</u>
<u>Structure Type</u>	<u>Monument</u>
<u>Wall Signs Allowed?</u>	<u>Yes</u>

Maximum Face Area	12 sf
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- 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. ~~Farm uses need only to comply with the front yard requirements.~~ All other nonagricultural 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. So long as land remains in this district it shall not be eligible for subdivision, except as provided by the definition of "Agricultural Uses" in Article II of the Ordinance.
- C. 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. Accessory Dwellings are 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. An Agricultural Use Affidavit shall be submitted as part of an In Family Conveyance Plat Application.
2. All In-Family Conveyance Lots shall be at least one (1) acres in size.
3. Two (2) In-Family Conveyance Lots may be created for existing parcels 31 acres 32-49 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.
4. In-Family Conveyance Lots are required to meet all other District Dimensional Standards (Lot Frontage, Lot Width, Lot Setbacks and Lot Coverage).
5. The primary parcel shall be held for at least 5 years and the conveyed parcel shall be held for at least 10 5 years after recordation of the deed conveying the In-Family Conveyance Lot., with said period to commence only after the grantee has established residency in a primary residence constructed on the conveyed property.
6. 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. Applicability and Enforcement of Restrictions:
  - a. Enforcement Mechanism: The commencement of the five (5) year holding period and the activation of associated deed restrictions shall be formally triggered by the issuance of a Certificate of Occupancy by the Woodford County Planning Commission.
  - b. Legal Tools: To ensure compliance, the property shall be subject to a Restrictive Covenant recorded with the deed along with a note of ineligibility for further in-family conveyance. This covenant shall include a Reverter Clause, stipulating that if the property is transferred or the residency requirement is vacated prior to the completion of the five (5) year post-occupancy period, title shall revert to the original grantor.
  - c. 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.
  - d. Water Service Capacity and Development Condition: Prior to the approval of an In-Family Conveyance Plat, the applicant must provide written certification from the applicable water district confirming that the district is functionally able to provide the necessary service and water pressure to the proposed lot. This certification must state that the additional demand will not result in a reduction of service levels or pressure below the minimum regulatory standards for existing customers in the vicinity. If the water district determines that upgrades are necessary to serve the additional demand, the cost of such upgrades shall be the responsibility of the applicant.

~~8. 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.~~

~~9. 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.~~

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

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

~~Agri-tourism enterprise—Refers to a commercial enterprise at a working farm, ranch or agricultural plant conducted for the enjoyment of visitors that generates supplemental income for the owner.~~

~~Agricultural tourism—Refers to the act of visiting a working farm or any agricultural, horticultural, or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation.~~

- 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.

~~Agricultural plant—A facility where the value added processing of agricultural and/or other natural resources occurs.~~  
~~Commercial enterprise—A formal business or an activity that involves the buying and selling of goods and services.~~

## 702 CONSERVATION DISTRICT (CO-1)

### 702.1 Purpose and Intent **Preamble**

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

### 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.

**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: 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 apartment may not exceed 25 percent of the floor area of the principal structure. Accessory Dwellings are 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. ~~Mobile Homes of a temporary, seasonal nature.~~
- D. Bed and Breakfast Home, Bed and Breakfast Inn, and Bed and Breakfast Farmstay Establishments.
- E. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.
- F. Marinas.

**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	<del>5</del> 30 Acres
Minimum ROW Frontage	150 feet
Minimum Width at Building Line	200 feet
	<del>(minimum at 75-foot front setback line)</del>
Minimum Front Yard	<del>75</del> 80 feet
Minimum Each Side Yard	25 feet
Minimum Rear Yard	50 feet
Maximum Height of Building	<del>42 feet 1-2 stories or 35 feet</del>
Maximum Density	<del>1 dwelling per 5 acres</del>

~~\*A tract of land that is at least a minimum of 5-30 acres in size, and that is partially zoned A-1 (Agricultural) and partially zoned CO-1 (Conservation), is also considered to meet the minimum lot size requirements of this zone.~~

**Permitted Residential Unit Types**

The following residential unit types 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-MidwayWoodford 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.

~~It shall be provided that in-family conveyances shall be permitted at a density that shall not exceed one (1) dwelling for each five (5) acres. In-family conveyance shall be defined as a tract to be continuously occupied by an immediate family member. It shall be comprised of a lot no smaller than one (1) acre in size, with access to an existing public road through an existing private driveway to be shared with the original residence, through a platted and recorded access easement of fifteen (15) feet, or, the in-family lot can be comprised of a lot no smaller than five (5)~~

~~acres in size with frontage on an existing public road or if the nearest property line of any new lot is within four hundred (400') feet of the centerline of an existing public road; with a limit of no more than two (2) in-family lots fronting on an existing public road and sharing a common entrance; and which meets all health and sanitation regulations in effect contained herein, and provided further that the number of lots be limited to one lot in Woodford County per each immediate family member's lifetime and that such family member shall hold title to the tract so conveyed for at least five (5) years, if said conveyance is made to a minor, the five (5) year restriction for holding title begins when the minor turns eighteen (18), and should the family member, within five (5) years, re-convey the tract to anyone other than to the person or persons from whom it was received, then such deed of re-conveyance shall be void, and provided further, that all such deeds from a farm owner to a family member shall contain a restrictive covenant stating clearly the five (5) year restriction for holding title and stating that any conveyance prior to said five (5) years shall be void, and any deed from a farm owner be provided further that in the case of a judicial sale the restriction on re-conveyance shall not apply. On farms where in-family conveyances are permitted, all lots shall be counted against the sliding scale of "Lots to be Sold" as defined in Section 703.11 (A). In no case shall any farm of 100 acres or more be permitted to have more than fifteen (15) in-family conveyance lots.~~

**702.1 Intent**

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

~~702.2 Principal Uses — Same as A-1 (See 701.2)~~

~~702.3 Accessory Uses — Same as A-1 (See 701.3)~~

~~702.4 Conditional Uses — Same as A-1 (See 701.4)~~

~~702.5 Prohibited Uses — 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 — Thirty (30) acres (except with zone change as provided in "Other Provisions" of this chart, and except those tracts platted on the "Bishop" property on Scotts Ferry Road, (which tracts need a road frontage of only one hundred thirty five (135) feet) and all other deeds of record for tracts less than thirty (30) acres filed prior to February 9, 1989, (which tracts shall have no minimum road frontage), or tracts that were platted and the plats recorded prior to February 9, 1989 (which tracts need a road frontage of only one hundred thirty five (135) feet), and any ten (10) acre tracts deeded or platted and recorded after February 9, 1989, and before the effective date of this amendment, September 20, 1990 (which tract needs a road frontage of only one hundred thirty five (135) feet).~~

<del>Minimum Lot Size</del>	<del>—</del>	<del>—30 acres</del>
<del>Minimum ROW Frontage</del>	<del>—</del>	<del>100-150 feet</del>
<del>Minimum Width at Building Line</del>	<del>—</del>	<del>200 feet</del>
<del>Minimum Front Yard</del>	<del>—</del>	<del>—75-80 feet</del>
<del>Minimum Each Side Yard</del>	<del>—</del>	<del>—25 feet</del>
<del>Minimum Rear Yard</del>	<del>—</del>	<del>—50 feet</del>
<del>Maximum Height of Building</del>	<del>—</del>	<del>—42-35 feet</del>
<del>Maximum Density</del>	<del>—</del>	<del>One Dwelling (See 702.7.C below)</del>

**702.7 Special Provision**

~~A. Rural Residential shall only be allowed in an A-2 zone provided rezoning application has been made to, and approved by, the Versailles-Midway Woodford County Planning and Zoning Commission. (See Section 703)~~

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

### 703.1 Purpose and Intent Preamble

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.

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

### **703.2 Definitions**

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

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

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

~~in family conveyance consolidated back with the parent farm which has a residential structure on it shall be counted as a Lot to be Sold).~~

### 703.3 Principal Uses

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

### 703.4 Prohibited Uses

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

### 703.5 Accessory Uses

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

Roofmounted 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 standby 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.

**703.6 Conditional Uses**

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

**703.7 Property Development Standards**

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

**Rural Residential District (RR)**

<u>Lot Area (minimum)</u>	<u>≥ 1 Acres</u>
<u>Lot Width (minimum at 50-foot front setback line)</u>	<u>100 ft</u>
<u>Lot Frontage (minimum)</u>	<u>100 ft</u>
<u>Lot Coverage (maximum)</u>	<u>35%</u>

<b><u>Setback (minimum)</u></b>	
<u>Front Yard</u>	<u>50 ft</u>
<u>Side Yard</u>	<u>25 ft</u>
<u>Rear Yard</u>	<u>25 ft</u>
<b><u>Accessory Structure</u></b>	
<u>Front</u>	<u>25 ft</u>
<u>Rear</u>	<u>10 ft</u>
<u>Side</u>	<u>10 ft</u>
<b><u>Height (maximum)</u></b>	<u>42 ft</u>
<b><u>Off-Street Parking Spaces</u></b>	<u>2</u>

**703.7 Lot, Yard and Height Requirements**

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

**Permitted Residential Unit Types**

The following residential unit types 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

**703.8 Plats**

All plats for lots in the Rural Residential District shall state whether the lot fronts on a public or private road. ~~For purposes of Section 703.11A (a) below, any division of a~~

~~farm tract occurring after July 16, 1990, which fronts on an existing public road, shall be classified as a "lot on an existing public road".~~

### 703.9 Locational Standards

- A. Rural Residential District classification may be granted for parcels containing floodplains, slopes in excess of twelve percent (12%), high concentrations of sink holes, sinkhole drainage areas, areas of Karst topography and aquifers or aquifer recharge areas, lakes, wooded lands, stone (rock) fences or designated historic structures if these features are specifically designated to be a part of the non-dwelling unit portion of the subject property.
- B. Public water shall be available to the subject site, with the providing utility verifying in writing of its ability to provide sufficient water service and water pressure to ensure an adequate supply for private use.
- C. Complete individual onsite sewage treatment systems must be appropriate for the subject site, with the Woodford County Health Department verifying in writing the suitability of the site for such systems, while retaining final approval of the proposed sewage treatment system. ~~Furthermore, no proposed lot in the Rural Residential District containing less than five (5) acres shall be approved for a zone change under this section without first providing a subsurface septic system approved by the Woodford County Health Department. Surface, Wetland, or other experimental on-ground sewage treatment systems shall not meet this requirement on lots containing less than five (5) acres.~~
- D. Permitted development of rural residential should be in conformance with the Versailles-Midway-Woodford County Comprehensive Plan, ~~its population projections and land use plan.~~

### 703.10 Design Standards

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

- A. Privately owned streets may be permitted only with the dedication of a minimum right-of-way easement of thirty (30) feet, ~~provided; however, it may be less than thirty (30) feet upon good cause shown and approval by the Planning and Zoning Commission.~~ Any future streets prior to acceptance by the County must be upgraded to county standards at the expense of the homeowners or homeowners' association and any plat showing a street rightof-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 Driveway or new road~~ (whether private or publicly dedicated) access onto a publicly maintained road shall be spaced a minimum distance of five

hundred (500) feet from center to center of access, or as approved by the Woodford County Engineer or Kentucky Department of Transportation.

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

The screening/buffering shall occur in a platted landscape buffer area. The landscape screening/buffer area shall be located on each lot. The landscape screening/buffer area shall be a minimum of fifty (50) feet wide where any proposed lot adjoins any property that is not zoned R.R. (Rural Residential). When a R.R. (Rural Residential) property owner purchases an adjoining, nonR.R. tract prior to the required installation of the screening/buffering on the earlier-acquired tract, the Planning Director may allow for deviation from the normal standards, so that the screening/buffering meets the three objectives

with regard to public thoroughfares and neighboring properties yet allows for unfettered access by the owner across the contiguous tracts. When the acquisition of additional non-R.R. property occurs after the screening/buffering requirement has been met, the Planning Director may allow for partial removal or changes to the existing screening/buffering to allow access between the two contiguous tracts.

### **Alternative Native Screening/Buffering**

When screening/buffering is required, the requirements of the design standards for screening/buffering will be considered to have been met by any conceptual development plan for a Rural Residential District so long as the conceptual development plan satisfies all three screening/buffering objectives listed above, and the following special conditions:

- Condition 1. All species planted must be native to Kentucky and need not be only trees. (Eastern Red-cedar, black locust, and blackberry briars have been proven effective on a wide variety of soils.) No one species shall be utilized for more than 25% of the proposed landscaping.
  
- Condition 2. The alternative screening/buffering must exist, and continue to exist, on a platted screening/buffering area, minimum width 50 feet, though not necessarily on each individual lot. The only required maintenance is whatever maintenance may be necessary to allow the planted species to survive and mature and achieve the objectives listed above.

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

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

1. **Plant Size and Spacing:** All plants shall equal or exceed the minimum acceptable size as required. Plant height shall be measured before pruning with branches in normal position. All measurements will be taken at the time of planting. All deciduous trees shall have a minimum height of five (5) feet or a minimum caliper of 1". Evergreen trees shall be a minimum of 5 feet in height with a minimum 1" caliper. Species which are native to Kentucky and designated as such on the Commission's species list (see item #6 below), may be planted as seedlings. No trees shall be planted within 30 feet of an adjoining property owner, other than the applicant. No one species shall be utilized for more than 25% of the proposed landscaping. Deciduous trees shall be spaced a maximum of 40 feet on center plus a continuous 6-foot-high planting, hedge, fence, or wall, or evergreen trees shall be spaced a maximum of 15 feet on center or fraction thereof and shall be deemed to meet the requirements for the above referenced trees and continuous planting.
2. **Quality:** All plant material shall be living plants and shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
3. **Maintenance and Installation:** All landscaping materials required under this section shall be installed in a sound, workmanship like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this Section at the time of installation shall be removed and replaced with acceptable materials. Landscape materials must be installed within six (6) months of occupancy. This time frame will allow the owner to choose the most appropriate time to plant trees and other landscaping to ensure the survival of the plants. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees. Violation of these installation and maintenance provisions shall be grounds for the Planning Director

to require replacement of landscape material or institute legal proceedings to enforce the provisions of this Ordinance as set forth in Article III, Section 304.

4. Plan Submission and Approval: Whenever any property is affected by these landscape requirements, the property owner or developer shall submit a landscape plan to the Planning Commission at the time the Zone Change Application is filed. For any property, the landscape plan shall be prepared and sealed by a landscape architect licensed to practice in the State of Kentucky. The landscape architect shall certify the following statement by notation on the sealed plat: "The selected species are appropriate for the site as pertaining to the soil depth, soil fertility, and other relevant site evaluation factors." The requirements of this Ordinance shall be followed in approving or disapproving any landscape plan required by this Ordinance.

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

5. Temporary Certificate of Occupancy and Certificate of Occupancy: A Temporary Certificate of Occupancy may be issued allowing the person responsible to install the required plant material during the next optimum planting period after initial occupancy. The period is to be determined by the Planning Director and shall not exceed six (6) months from the date of issuance of the Temporary Certificate of Occupancy. Where landscaping is required, no Certificate of Occupancy shall be issued until the required landscaping is completed as certified by an on-site inspection by the landscape contractor in the presences of the Planning Director.
6. Plant Material List: A list of acceptable species of plants to be utilized in the landscape and buffer area shall be located in the Planning and Zoning office for public inspection. Consideration should be given to the adjoining property use since some species can be toxic to livestock. Other species than those listed may be selected, but prior approval must be obtained from the Planning Director.

~~F. The submitted plan shall designate the location of those features identified in Section 703.10(A). The provisions of Article V, Section 503.4(F) shall apply to approved rural residential subdivisions.~~

~~G. For proposals containing four (4) or more dwelling units, a fire hydrant shall be provided for the subject property which shall comply with the design standards for fire hydrants established under the Subdivision Regulations adopted by the Versailles-Midway-Woodford County Planning and Zoning Commission, which hydrants shall be for the purpose of refilling tank trucks only, unless the Woodford County Fire Protection District and the appropriate water district states in writing that such fire hydrant is not needed nor would same be a benefit to the residence dwelling units proposed.~~

**703.11 Permitted Development - 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.~~

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

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

- ~~1. \*Any division of land from a farm in an A-1 or CO-1 zone after July 16, 1990, which has been deeded and recorded or platted and recorded, shall be charged as a lot to be sold against the balance of the farm owned by the person making such divisions.~~
- ~~2. When a farm shown as Planned A-2 and/or Rural Residential on an approved Comprehensive Plan Land Use map is, at any time, divided in such a manner that further development rights as permitted under this ordinance exist, it shall be presumed absent a provision in the deed conveying such land that the remaining development rights are to be divided in proportion to the tract size deeded or retained; such proportional division shall always be rounded to the lowest whole number for purposes of applying the sliding scale. Further, nothing herein shall be construed to allow more Rural Residential lots to be developed from a farm than permitted by the sliding scale.~~

3. At the time a zoning map amendment is requested, for every proposed Rural Residential Lot, Rural Residential / Residual Farmland shall be reserved in accordance with a ratio of eighty percent (80% residual farmland) to twenty percent (20%) (residential lot) and the residual farmland so designated shall also be rezoned to Rural Residential; for example, for every one (1) acre contemplated to be developed as a residential lot, four (4) acres must also be rezoned to Rural Residential (Residual Farmland, **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 ~~and shall be utilized only in such manner as is permitted within the A-2 zoning classification as principal uses other than single family detached dwellings and their accessory structures. However, one existing farm dwelling or one proposed farm dwelling may be located on the residual farmland. If an existing farm dwelling, as of April 1, 1999 is to remain, which includes remodeling or rebuilding, or if a farm dwelling is to be constructed on the residual farmland that has not previously existed then one Lot to be Sold must be reduced from the sliding scale designated in 703.11 (A). In either case, it must be so noted and designated on the development plan, preliminary plan and final plat. If a farm residence (existing or proposed) is to be utilized on the residual farmland all residual farmland acreage up to and including thirty acres of the residual farmland must remain as one undivided parcel. Only one farm residence on the residual farmland will be permitted per application.~~ The Rural Residential / Residual Farmland may be sold or transferred provided that the use restrictions for Residual Farmland continues to apply; ~~except that, in those instances where an existing farm dwelling or proposed farm dwelling has been selected in lieu of a lot to be sold, such would also become a permitted use.~~ Rural Residential / Residual Farmland shall be clustered whenever possible to maximize its agricultural use. The residual farmland must be maintained in a single, contiguous, and regularly shaped tract to facilitate the use of industrial farm machinery.
4. Water Service Capacity and Development Condition: Prior to the approval of a Rural Residential / Residual Farmland Development, the applicant must provide written certification from the applicable water district confirming that the district is functionally able to provide the necessary service and water pressure to the proposed lot. This certification must state that the additional demand will not result in a reduction of service levels or pressure below the minimum regulatory standards for existing customers in the vicinity. If the water district determines that upgrades are necessary to serve the additional demand, the cost of such upgrades shall be the responsibility of the applicant.
5. Property zoned ~~to A-2 but not zoned to Rural Residential or~~ and designated as Rural Residential / Residual Farmland may be utilized in any manner consistent with Agriculture Uses (KRS 100.111 & Article

~~II, Section 201) the uses allowed for A-1 property, excluding including residential uses; provided however, that the proper density required under the ordinance is maintained.~~

~~6. In the event any division is sought for a tract of land which contains thirty (30) acres or less for the purpose of creating a Rural Residential lot, the entire tract of land must be rezoned to Rural Residential to avoid creation of a non-conforming lot in the A-1 or A-2 districts. Further, no Rural Residential zone change shall result in a tract of land remaining in the A-2 zone which is less than thirty (30) acres.~~

~~7. Rural Residential development as set forth in this section shall not be permitted for any farm on which a Small Community (A-4) District has been previously approved.~~

~~B. No more than two new lots to be sold per farm may front on an existing public road; provided, however, that an existing residence which fronts on an existing road shall be allowed as a separate lot in addition to such new lots. These two lots to be sold must be a minimum of five (5) acres each. If the nearest property line of any new lots is within 400 feet of the centerline of an existing public road it shall be considered as "fronting on an existing public road" and must be a minimum of five acres.~~

~~C. All Rural Residential lots developed under this schedule shall share a common entrance onto the prior existing public road and shall contain no more than one single family dwelling unit per lot.~~

~~D. Where the acreage in the farm to be divided is one hundred (100) acres or more, then no more than eight (8) lots may receive a building permit in any one calendar year calculated from the date the plat of the lots is recorded in the Office of the Woodford County Clerk.~~

~~E. The owner of the balance of any farm divided under this schedule shall be precluded from utilizing the in-family exception in Article II, Section 203, Agricultural Uses, or utilizing this schedule for the division of any of the remaining property in the farm.~~

### ~~703.12 Procedure~~

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

~~1. The size in acres of the farm tract as of July 16, 1990, for which the zone change request is made.~~

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

~~B — If, at a later date, additional tracts are subdivided from the original tract from which lots are approved pursuant to this section, then such additional tracts may not be approved pursuant to this section.~~

~~C — For any prima facie application, the applicant shall submit a conceptual development plan that will indicate the applicant's intentions regarding further Rural Residential development including location of such Rural Residential lots and R.R./Residual Farmland. In the event that such a conceptual development plan is not submitted for a proposal containing two or less lots and the request is approved, the applicant shall be precluded from submitting another application for Rural Residential development for twelve (12) months from the date such prima facie application was approved by the Fiscal Court.~~

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

### 704.1 Purpose and Intent Intent Preamble

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

### 704.2 Small Community Districts

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

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

~~Land designated for Agricultural Preservation as recognized in the Rural Policy Plan adopted June 13, 1991, shall not be permitted to be rezoned to A-4. Small community (A-4) development as set forth in this section shall not be permitted for any farm, as defined in Section 703.2 of this ordinance, on which a Rural Residential (Rural Residential) development has been previously approved.~~

### 704.3 Principal Uses

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

D. Public Parks

~~704.3 Principal Uses~~

~~A. Single family detached dwellings.~~

~~B. General horticultural and non-commercial uses.~~

**704.4 Accessory Uses**

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

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 apartments dwelling, 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. 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 apartment may not exceed 25 percent of the floor area of the principal structure. Accessory Dwellings are 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 standby 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. Churches.~~

~~B. Parks~~

~~C. Home Occupations.~~

~~D. Bed and Breakfast Home, Bed and Breakfast Inn, and Bed and Breakfast Farmstay Establishments.~~

~~E. Short Term Rental Establishments: Hosted Home-Sharing and Dedicated Short Term Rental Establishments.~~

~~F. 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.~~

- G. Health Care Facility, Dental Offices and Clinic provided that the stores gross square footage floor area does not exceed four thousand (2500) square feet.
- H. Schools for Academic Instruction
- I. Private Clubs and Lodges.
- J. Eating Establishment (No Drive-Through) provided that the stores gross square footage floor area does not exceed four thousand (2500) square feet.
- K. Day Care Center, Child
- L. Day Care Center, Adult

**704.6 Property Development Standards**

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

**Small Community District (SC)**

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

**704.6 Lot, Yard and Height Requirements**

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

**Permitted Residential Unit Types**

The following residential unit types 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 **A-4** Small Community Zoning District shall be contingent upon, but not limited to the following:
  - 1. If utilizing a public water source, certification by the Water District of its ability to provide sufficient water service and pressure to ensure an adequate supply for private use and fill-up for fire trucks; or, If utilizing a private water source, certification approving the water supply by the Woodford County Health Department in accordance with Woodford County Board of Health regulations;

2. Certification that a site evaluation for each of the lots has been completed by the Woodford County Health Department in accordance with Woodford County Board of Health regulations to ensure that individual on-site sewage treatment systems can be installed and used safely and efficiently for wastewater treatment. ~~Furthermore, no proposed lot in the A-4 District containing less than five (5) acres shall be approved for a zone change under this section without first providing a sub-surface septic system approved by the Woodford County Health Department. Surface, Wetland, or other experimental on-ground sewage treatment systems shall not meet this requirement on lots containing less than five (5) acres.~~
- B. Each lot occurring within the Small Community ~~(A-4)~~ zone shall be required to have frontage on county or state roads which exist as of the effective date of this amendment.
- C. Approved encroachment permit(s) for each lot proposed ~~within the A-4 zone~~ shall be required prior to the approval of the zoning district to ensure that entrances can be installed and used safely and efficiently for vehicular ingress and egress.
- D. ~~In cases where portions of the property fall outside the radius, eighty percent (80%) of the property must lie within the radius.~~
- E. ~~It shall be provided that in family conveyances shall be permitted at a density that shall not exceed one (1) dwelling for each five (5) acres. In family conveyance shall be defined as a tract to be continuously occupied by an immediate family member. It shall be comprised of a lot no smaller than one (1) acre in size, with access to an existing public road through an existing private driveway to be shared with the original residence, through a platted and recorded access easement of fifteen (15) feet, or, the in family lot can be comprised of a lot no smaller than five (5) acres in size with frontage on an existing public road or if the nearest property line of any new lot is within four hundred (400') feet of the centerline of an existing public road; with a limit of no more than two (2) in family lots fronting on an existing public road and sharing a common entrance; and which meets all health and sanitation regulations in effect contained herein, and provided further that the number of lots be limited to one lot in Woodford County per each immediate family member's lifetime and that such family member shall hold title to the tract so conveyed for at least five (5) years, if said conveyance is made to a minor, the five (5) year restriction for holding title begins when the minor turns eighteen (18), and should the family member, within five (5) years, re-convey the tract to anyone other than to the person or persons from whom it was received, then such deed of re-conveyance shall be void, and provided further, that all such deeds from a farm owner to a family member shall contain a restrictive covenant stating clearly the five (5) year restriction for holding title and stating that any conveyance prior to said five (5) years shall be void, and any deed from a farm owner be provided further that in the case of a judicial sale the restriction on re-conveyance shall not apply. On farms where in family~~

~~conveyances are permitted, all lots shall be counted against the sliding scale of "Lots to be Sold" as defined in Section 703.11 (A). In no case shall any farm of 100 acres or more be permitted to have more than fifteen (15) in-family conveyance lots.~~

## ~~721~~ ~~CONSERVATION DISTRICT (CO-1)~~ (MOVED TO SECTION 702)

### **721.1 Preamble**

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

### **721.2 Permitted Uses**

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

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

### **721.3 Accessory Uses**

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

### **721.4 Conditional Uses**

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

- ~~A. Public utility substations, booster stations, radio and television relay towers, repeater stations, etc., but not including power generation or gas manufacturing plants.~~
- ~~K. Private Camps/ Campgrounds~~
- ~~L. Mobile Homes of a temporary, seasonal nature.~~
- ~~M. Bed and Breakfast Home, Bed and Breakfast Inn, and Bed and Breakfast Farmstay Establishments.~~

~~N. Short Term Rental Establishments: Hosted Home Sharing and Dedicated Short Term Rental Establishments.~~

~~O. Marinas.~~

### **721.5 Prohibited Uses**

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

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

Minimum Lot Size	30 Acres*
Minimum ROW Frontage	100-150 feet
Minimum Width at Building Line	150-200 feet
Minimum Front Yard	75-80 feet
Minimum Each Side Yard	25 feet
Minimum Rear Yard	50 feet
Maximum Height of Building	2 stories or 35 feet
Maximum Density	1 dwelling per 5 acres

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

### **721.7 Special Provisions**

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

~~Woodford County per each immediate family member's lifetime and that such family member shall hold title to the tract so conveyed for at least five (5) years, if said conveyance is made to a minor, the five (5) year restriction for holding title begins when the minor turns eighteen (18), and should the family member, within five (5) years, re-convey the tract~~

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

