AGENDA
August 11, 2022

Meeting Date: August 11, 2022

Roll Call

Approval of Minutes: July 14, 2022

Approval of Payment of Bills:

<table>
<thead>
<tr>
<th>Name</th>
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<tr>
<td>Ed Logan (Legal fee, August)</td>
<td>$1500.00</td>
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<tr>
<td>Dawn McDonald (BZA – 7/01/22)</td>
<td>$ 75.00</td>
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<td>Vickie Sewell (PC – 07/14/22)</td>
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STAFF ITEM(S)

1. Comprehensive Plan status report

REPORTS OF SPECIAL COMMITTEES:

OLD BUSINESS: None

PUBLIC HEARING:

1. **PUBLIC HEARING**: Proposed Text amendment to Article 4 and 19 of the City of Frankfort Zoning Ordinance related to the addition of Bourbon Barrel Warehouse as a sub-category of LUC 461 Farm Product Warehousing and Storage as a Conditional Use in the “AG” Zoning District and establishing conditions governing such land use in the “AG” zone.

2. **PUBLIC HEARING**: Proposed Text amendment to Article 4 and 19 of the Franklin County Zoning Ordinance related to the addition of Bourbon Barrel Warehouse as a sub-category of LUC 461 Farm Product Warehousing and Storage as a Conditional Use in the “AG” Zoning District and establishing conditions governing such land use in the “AG” zone.
3. **PUBLIC HEARING:** Moore Land Investments, LLC is requesting approval of a zone map amendment from Limited Commercial District “CL” to Two Dwelling District “RD” for 4.09-acres of property at the corner of Isaac Shelby Circle West and Metcalf Drive, being all of Lot 1, Parcel 2 as shown in Plat Cabinet M, Slide 131. The property is more specifically identified as PVA Map Number 086-30-11-001.00

**NEW BUSINESS:**

**ADJOURN**
SUMMARY OF PUBLIC HEARING

Moore Land Investments, LLC
Zone Map Amendment Request
FROM:
Limited Commercial District “CL”
TO:
Two Dwelling District “RD”
Corner of Isaac Shelby West and Metcalf Drive
PVA Map Number 086-30-11-001.00
July 14, 2022

Planning Commission Members Present:

David Boggs
Patti Cross
Keith Lee
Timothy Luscher
William May, Jr.
Darrell Sanderson
Brent Sweger
Sherron Jackson
Russell Wright, Chairman

Applicant’s Representative:
Charles Jones

Citizens:

Gwen Carter Cobb
Cheryl Thompson
Jay Thompson
Janie Staples
Joe Conway
Rick Cobb
Dallas W. Meek

The Secretary swore in all speakers.

Mr. Ben Judah, Planning Supervisor for the Franklin County Department of Planning & Building Codes presented the staff report. Under questioning by Mr. Logan, Mr. Judah stated that he had worked for Franklin County for three and one-half years and that he had a current Vita on file. He stated that he had no changes, additions or deletions to the staff report.

Mr. Logan asked Mr. Judah to provide a brief summary of the request. Mr. Judah stated that applicant’s request was to rezone the property from “CL” Limited Commercial to “RD” Two-Dwelling District. He stated that the original property had been subdivided into two lots and the request was for the
lot facing Metcalfe Drive, only. Mr. Judah stated that he had proposed three positive findings, as indicated within the staff report and was recommending approval of the request.

Under Commission questioning, Mr. Sweger asked what the proposed use would be. Mr. Judah stated that there would be townhomes with up to 30 or 40 homes and that use is consistent with the Comprehensive Plan.

Mr. Jackson asked if townhomes was considered single family. Mr. Judah stated that it could be.

Under Audience questioning, Ms. Cheryl Thompson asked if the units would be rental or owner occupied. Mr. Judah stated that he didn’t have an answer to the question.

Ms. Gwen Cobb asked if the townhomes would have to adhere to the subdivision restrictions. Mr. Judah stated that he was not aware of any restrictions.

Mr. Jay Thompson asked how the townhomes would be sited. Mr. Judah stated that no development plan had been provided.

Ms. Janie Staples asked if a traffic review had been conducted. Mr. Judah stated that the Traffic Engineer had reviewed the request and indicated that no additional study was necessary.

Ms. Staples asked if there would be a buffer between the homes on Metcalfe and the townhomes. Mr. Judah stated that matter would be addressed on the development plan.

Ms. Jenny Neat asked if there had been a study on water run-off. Mr. Judah stated that matter would be addressed on the development plan.

Ms. Joe Conway asked when the residents would be able to see the development plan. Mr. Judah stated that that would be after the zone change had been approved.

Mr. Eric Kennedy asked if the Planning Commission would require a development plan and if it would come before the Planning Commission. Mr. Judah stated that staff would review and approve the plan, unless the Planning Commission required the development plan to be brought back to the Commission for approval.

Mr. Kennedy asked if parking requirements could be varied. Mr. Judah stated that the Board of Zoning Adjustments would consider any variances being requested.

Ms. Staples stated that Frankfort and Franklin County have had minimal growth in the last ten years and asked where the need for more housing had come from.

Mr. Rick Cobb asked if parking would be required on site. Mr. Judah stated that it would.

Mr. Dallas Meek questioned the need for the townhome development.

Ms. Stacy Jacobs asked if the townhomes would each have their own driveway entrance, stating that thirty or forty entrances on Metcalfe would not be beneficial to the area.

Mr. Charles Jones, attorney for the applicant was present and stated that he had reviewed the Staff Report and his client was in agreement with the report. He stated that there is no actual proposal being considered by his client. He stated that his client has considered townhomes, but that it may also be
possible that his client would develop single family lots, as well. He stated that there could be up to 17 lots. He stated that his client is willing to enter into a Certificate of Land Use Restriction to restrict the use to single family lots.

Mr. Jones stated that his client did not intend to develop rental units. He stated that the property was not a part of the Governor's Place Subdivision and so is not subject to the subdivision restriction. Mr. Jones stated that each home will have garages and that his client did not want to encourage on-street parking.

Mr. Jones stated that townhomes and single-family residences will not reduce the value of the existing homes but will provide for a nice buffer to transition to the larger single-family residences along Metcalfe Lane. He stated that his client intended for the homes to face on to Metcalfe Lane.

Mr. Jones stated that the request is in compliance with the written text within the Comprehensive Plan.

Under Commission questioning, Mr. Lee asked if the applicant had done a stormwater review of the area. Mr. Jones responded that a stormwater review will be required with the development plan.

Mr. Sweger asked if his client had considered alley access instead of separate driveways along Metcalfe. Mr. Sweger asked Mr. Jones to explain how this development will fit with the existing subdivision. Mr. Jones stated that it will provide for more housing.

Under audience questioning, Ms. Cobb asked if the applicant was providing for a separate entrance instead of using Governor's Place. Mr. Jones stated that there were not.

Ms. Jennie Neat asked if the applicant would consider less than 17 lots. Mr. Jones stated that that was not a concession he was prepared to make.

Mr. Joe Conway stated that the development of the property would increase water runoff in the lower area of the subdivision.

Ms. Janie Staples asked when the concept plan would be ready to be viewed by the neighborhood. Mr. Jones responded that he expected that the plan would be ready in the new year.

Ms. Gwen Cobb asked if there was a copy of a conceptual plat that could be reviewed. Mr. Jones stated that there was not.

Ms. Cheryl Thompson asked Mr. Jones if he could talk to his client and relay the neighborhood's concerns of being more concerned with townhouses than single-family residences.

Mr. Joe Conway stated that he was against the request totally. He stated that he felt the Planning Commission should not give any approval until a traffic study and stormwater study had been provided and reviewed. He stated that all water runoff will go between Metcalfe Lane and Morehead Drive.

Mr. Conway stated that more townhomes are not needed. He stated that the existing roadways in the subdivision cannot handle the increased traffic.

Mr. Conway stated that he had lived in many subdivisions within the city and each one had been ruined by the eventual development of rental units within the subdivision. He stated that the developers needed to be made to do the right thing.
Mr. Dallas Meek stated the corner of Metcalfe and Isaac Shelby East is relatively low density with no sidewalks. He stated that traffic is a concern because of the people who walk within the subdivision.

There was no further testimony.

Mr. Luscher made a motion to close the Public Hearing and to table the item until a Summary of the Public Hearing could be prepared. The motion was seconded by Mr. Sanderson and passed unanimously.
The meeting was called to order at 5:30 p.m.

Chairman Wright asked the Secretary to Call the Roll.

MEMBERS PRESENT:

David Boggs
Patti Cross
Sherron Jackson
Keith Lee
Timothy Luscher
William May, Jr.
Darrell Sanderson
Brent Sweger
Russell Wright, Chairman

(9)

MEMBERS ABSENT:

Paul Looney
Charles Stewart

(2)

Also Present:

Edwin Logan, Commission Attorney
Eric Cockley, Director, Frankfort Department of Planning & Community Development
Jordan Miller, Senior Planner, Frankfort Department of Planning & Community Development
Robert Hewitt, Director, Franklin County Planning & Building Codes Department
Ben Judah, Planning Supervisor, Franklin County Planning & Building Codes Department

There being a quorum, the meeting was called to order.

Chairman Wright asked for a motion to approve the minutes of the June 9, 2022 meeting. Mr. Sanderson made a motion to approve the minutes of the June 9, 2022 Planning Commission meeting. The motion was seconded by Mr. Luscher and passed by a vote of seven unanimously.

Chairman Wright asked for a motion to approve the payment of bills from the Amended Agenda. Mr. Luscher made a motion to approve the following bills:

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<th>Description</th>
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<tr>
<td>Ed Logan (Legal fee, July)</td>
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<td>Logan Burch &amp; Fox (Re: Duckers)</td>
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<td>James Terrell (1 - PC 21/22 Meetings)</td>
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Timothy Luscher (9 – PC 21/22 Meetings) $ 675.00
David Boggs (9 - PC 21/22 Meetings) $ 675.00
Keith Lee (9- PC 21/22 Meetings) $ 675.00
Charles Stewart (6- PC 21/22 Meetings) $ 450.00
Russell Wright (9- PC 21/22 Meetings) $ 675.00
Darrell Sanderson (10- PC 21/22 Meetings) $ 750.00
Paul Looney (9- PC 21/22 Meetings) $ 675.00
William May Jr (9- PC 21/22 Meetings) $ 675.00
Brent Sweger (10- PC 21/22 Meetings) $ 750.00
Mitch Buchanan (9 – BZA 21/21 Meetings) $ 450.00
Ashley Kennedy (3– BZA 21/21 Meetings) $ 150.00
Johnny Keene (7– BZA 21/21 Meetings) $ 350.00
Brandon White (9– BZA 21/21 Meetings) $ 450.00
Margaret Townsley (7– BZA 21/21 Meetings) $ 350.00
Barry Holder Jr (9– BZA 21/21 Meetings) $ 450.00
Lauren Coltrane (2– BZA 21/21 Meetings) $ 100.00
Jim Roberts (CUP Refund) $ 150.00

The motion was seconded by Mr. Jackson and passed unanimously.

Chairman Wright made a motion to suspend the Planning Commission Bylaws to allow for the Commission to hold three public hearings and to amend the agenda to be changed to allow for New Business first and that New Frankfort Development’s Public Hearing would be the first public hearing and that Johnson Browning Investments’ Public Hearing would be the second public hearing. The motion passed unanimously. The motion was seconded and passed unanimously.

Keith Lee and Patti Cross entered the meeting.

Under Staff Items, Eric Cockley, gave an update on the Comprehensive Plan update. He stated that the first of the two kick-off meetings had been held. He stated that the next kick-off meeting would be on July 27th at Franklin County High School. He stated that the consultant would be moving into the next phase after that meeting.

Under New Business, Mr. Luscher stated that he had spoken with the Planning Commission Attorney and, given recent legal clarifications regarding agricultural storage in the AG zone, he made a motion to ask the City to prepare a text amendment to move the storage of the Agricultural product “Distilled Spirits” into a Conditional Use category and leaving all other agricultural product storage as currently permitted. The motion was seconded by Mr. Lee.

During discussion, it was brought up that there was an existing text amendment that was similar in nature and had had not yet been acted upon. After further discussion, it was decided that the Franklin County Zoning Ordinance should also be amended at the same time if the applicant for the existing Text Amendment would agree to remove their application for the text amendment. Mr. Charles Jones was present and stated that, if the motion passed, he would send a letter on behalf of the applicant to remove their application for the text amendment.

Under voice vote, the motion passed unanimously.

Chairman Wright asked the Secretary to introduce the next item on the agenda:
PUBLIC HEARING: New Frankfort Development LLC is requesting approval of a zone map amendment from “SG” Special Government to “UM” Urban Mixed Use for 11.88 acres of property located on the corner of Wilkinson Blvd and W. Broadway Street and on Wilkinson Blvd between St. Clair Street and Mero and Clinton Streets respectively. The properties may be more specifically described as PVA Map #061-00-00-103,18, PVA Map #061-00-00-104.00 and PVA Map #061-00-00-103.18. (City Item)

The Secretary swore in all speakers.

Under questioning by Mr. Logan, Mr. Cockley stated that he was the Director of the City of Frankfort’s Department of Planning & Community Development and had been in that position for four years. He stated that he had a vita on file. He stated that there were no changes, additions or deletions to the staff report.

Mr. Logan asked Mr. Cockley to provide a brief summary of the staff report. Mr. Cockley stated that the zone change being requested was for what is commonly known as Parcels B & C of the area where the Civic Center and YMCA and Parking Garage had been. He stated that the request was to change the zoning from Special Government to the Urban Mixed zone district and that the Urban Mixed zone district allowed for a mix of residential, office and retail uses, which is what the applicant is proposing. Mr. Cockley stated that the staff had recommended positive findings of fact within the Staff Report and that he was also recommending approval of the Zone Map Amendment. Mr. Logan asked that the Staff Report be entered into the Record, in lieu of additional testimony. Without objection, the Staff Report was entered.

Under Commission questioning, Mr. Jackson stated that, in looking at the City’s website, there is no Urban Mixed zone district and asked Mr. Cockley to explain what the Urban Mixed zone district is. Mr. Jackson stated that the City had developed a downtown master plan which provided for the provision of land uses similar to those found in the Urban Mixed zone district. He stated that the Urban Mixed zone could be utilized as an infill development tool for the subject area, but also for other areas that could be redeveloped. He stated that there are design standards provided for within the district that will add to and not detract from historic properties within the area. There were no further questions of Mr. Cockley.

Mr. Craig Turner with CRM Engineering Services was present to represent the applicant. He stated that he had reviewed the staff Report and was in agreement with it. He stated that his client was proposing to provide a mixture of housing, retail and limited office uses on the property. He stated that Washington Street would be extended under this proposal. He stated that, if the zoning were approved, a market study and housing needs analysis would be completed to determine the exact needs for the area.

Mr. Sweger asked if any of the housing would include rental properties. Mr. Turner stated that it would, but the applicant will rely on the study to determine the uses.

There was no one else to speak on the matter.

Mr. Lee made a motion to close the public Hearing, to adopt the Staff Report as the Summary of the Public Hearing and to adopt findings of facts one through eight, as contained in the Staff Report and to recommend to the Frankfort City Commission that New Frankfort Development, LLC’s request for zone map amendment from “SG” Special Government to “UM” Urban Mixed Use for 11.88 acres of property located on the corner of Wilkinson Boulevard and West Broadway and on Wilkinson Boulevard between St. Clair Street and Mero and Clinton Streets and identified by the PVA as being Map Numbers 061-00-00-103.18, 061-00-00-104.00 and 061-00-00-013.18 be approved. The motion was seconded by Mr. Sanderson and passed unanimously.
Chairman Wright asked the Secretary to introduce the next item:

PUBLIC HEARING: Johnson Browning Investments is requesting approval of a zone map amendment from “IC” Industrial Commercial and “CG” General Commercial to “IC” Industrial Commercial for .326 acres of property located at the corner of Holmes Street and Barrett Avenue. The properties may be more specifically identified as PVA Map #061-44-04-008.00, PVA Map #061-44-04-007.00, PVA Map #061-44-04-006.00, PVA Map #061-44-04-010.00 and PVA Map #061-44-04-009.00. (City Item)

The Secretary swore in all speakers.

Mr. Jordan Miller presented the Staff Report for the request. Under questioning by Mr. Logan, he stated that he had been employed by the City of Frankfort for seven years and that he had a Vita on file with the Commission. He stated that he had reviewed the application and prepared the staff report for the request. He stated that he had made positive findings of fact and had recommended approval of the request. He stated that there were no changes, additions or deletions to the staff report. Mr. Miller stated that the request was in agreement with the Comprehensive Plan.

Mr. Logan asked that the Staff Report be entered into the Record, in lieu of additional testimony. Without objection the Staff Report was entered.

Under Commission questioning, Mr. Sweger stated that the property is designated in the Comprehensive Plan as Suburban Business Center and that the land use guidelines of the Comprehensive Plan do not include warehousing. Mr. Miller stated that self-storage facilities are not warehousing uses. Mr. Sweger stated that the property would need to provide landscape buffering.

There were no further questions of staff.

The owners, Mr. Joe Johnson and Mr. Rick Browning were present and stated that they had read the staff report and were in agreement with staff’s recommendation.

Under Commission questioning, Mr. Sweger asked if they were still proposing the plan contained within the staff report. Mr. Johnson stated that they were. Mr. Sweger stated that self-storage facilities require screening and that no screening is being proposed.

There was no one else to speak on the matter.

Mr. Jackson made a motion to close the Public Hearing, to adopt the Staff Report as the Summary and to adopt the four findings of fact recommended within the Staff Report and to recommend to the Frankfort City Commission that the request by Johnson Browning Investments for a zone map amendment from “IC” Industrial Commercial and “CG” General Commercial to “IC” Industrial Commercial for .326 acres of property located at the corner of Holmes Street and Barrett Avenue and identified by the PVA as Map Numbers 061-44-04-008.00, 061-44-04-007.00, 061-44-04-006.00, 061-44-04-010.00 and 061-44-04-009.00 be approved. The motion was seconded by Mr. Lee and passed by a vote of eight to one. Those voting in favor were Mr. Boggs, Ms. Cross, Mr. Jackson, Mr. Lee, Mr. Luscher, Mr. May, Mr. Sanderson and Chairman Wright. Mr. Sweger voted against the motion.

The Chairman asked the Secretary to introduce the next item:
PUBLIC HEARING: Moore Land Investments, LLC is requesting approval of a zone map amendment from Limited Commercial District “CL” to Two Dwelling District “RD” for 4.09 acres of property at the corner of Isaac Shelby Circle West and Metcalf Drive, being all of Lot 1, Parcel 2 as shown in Plat Cabinet M, Slide 131. The property is more specifically identified as PVA Map Number 086-30-11-001.00 (County item)

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Mr. Logan asked Mr. Judah to provide a brief summary of the request. Mr. Judah stated that applicant’s request was to rezone the property from “CL” Limited Commercial to “RD” Two-Dwelling District. He stated that the original property had been subdivided into two lots and the request was for the lot facing Metcalf Drive, only. Mr. Judah stated that he had proposed three positive findings, as indicated within the staff report and was recommending approval of the request.

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Mr. Jackson asked if townhomes was considered single family. Mr. Judah stated that it could be.

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Ms. Gwen Cobb asked if the townhomes would have to adhere to the subdivision restrictions. Mr. Judah stated that he was not aware of any restrictions.

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Ms. Janie Staples asked if a traffic review had been conducted. Mr. Judah stated that the Traffic Engineer had reviewed the request and indicated that no additional study was necessary.

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Mr. Eric Kennedy asked if the Planning Commission would require a development plan and if it would come before the Planning Commission. Mr. Judah stated that staff would review and approve the plan, unless the Planning Commission required the development plan to be brought back to the Commission for approval.
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Mr. Dallas Meek stated the corner of Metcalfe and Isaac Shelby East is relatively low density with no sidewalks. He stated that traffic is a concern because of the people who walk within the subdivision.

There was no further testimony.

Mr. Luscher made a motion to close the Public Hearing and to table the item until a Summary of the Public Hearing could be prepared. The motion was seconded by Mr. Sanderson and passed unanimously.

There being no further business, a motion was made by Mr. Sanderson and seconded by Mr. Luscher to adjourn the meeting.

Russell Wright, Chairman

Vickie Sewell, Recording Secretary
REPORT AND RECOMMENDATION

TO: FRANKFORT-FRANKLIN COUNTY PLANNING COMMISSION

FROM: Eric Cockley, Director, Planning & Community Development

SUBJECT: PUBLIC HEARING: Proposed Text amendment to Article 4 and 19 of the City of Frankfort Zoning Ordinance related to the addition of Bourbon Barrel Warehouse as a sub-category of LUC 461 Farm Product Warehousing and Storage as a Conditional Use in the “AG” Zoning District and establishing conditions governing such land use in the “AG” zone.

DATE: August 4, 2022

MEETING DATE: August 11, 2022

Background/Analysis:

The Planning Commission requested at their July 14, 2022 meeting for staff to prepare respective text amendments for the City and County Zoning Ordinances to add Distilled Spirits Barrel Warehousing as a sub-category to the Farm Product Warehousing and Storage Land Use Code. The Planning Commission also requested that staff add the Distilled Spirits Barrel Warehousing land use as a Conditional Use in the “AG” Zoning District and to draft conditions by which the Conditional Use would operate in that zone.

ZONING ORDINANCE UPDATE COMMITTEE RECOMMENDATION:

Planning Staff has reviewed similar standards for this use in similar zones in other Kentucky Counties and has drafted the attached language for the Commission’s consideration.
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The table details the storage and warehousing industries, with codes and specific categories.
19.16 Distilled Spirits Barrel Warehousing

19.161 Purpose. This section provides standards for the use of land zoned “AG” for Distilled Spirits Barrel Warehousing. The regulations are in intended to create standards which will allow Distilled Spirits Warehousing land uses to consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected.

19.162 Standards

1. Warehouse Use Restricted: Other than tours and the associated accessory buildings/infrastructure necessary to support the warehouse use (i.e. security shack, fire protection pump house) there shall be no distillery operation on site.

2. Warehouse Density: Distilled Spirits Barrel Warehouses on properties zoned “AG” shall be developed with a maximum density of 1 warehouse per 8 acres.

3. Minimum Area: Distilled Spirits Barrel Warehouse on properties zoned “AG” shall not be constructed on tracts smaller than 200 acres.

4. Planning Commission Review: Conditional Use Permit requests for Distilled Spirits Barrel Warehouses on properties zoned “AG” shall be reviewed by the Planning Commission and shall have their Development Plans reviewed by the Planning Commission.

5. Agricultural Activities: Distilled Spirits Barrel Warehouses on properties zoned “AG” must also include other agricultural activities in conjunction with the warehouse use (i.e. growing corn or other plant crops, cattle or other livestock, etc.). At least twenty-five percent (25%) of the property shall be dedicated to agricultural uses as defined in KRS Chapter 100 and/or preserved as a conservation area.

6. Primary Access: The property shall have access to a State/County/City road with a minimum typical pavement width of eighteen feet.

7. Secondary Access: Distilled Spirits Barrel Warehouses on properties zoned “AG” must have secondary access if greater than 5 warehouses.

8. Setback from Adjacent Principal structure: All warehouse structures shall be located at least 750 feet from any principal structure on an adjoining property; this may be waived if the applicant provides a sworn affidavit from the owner of said structure that they are agreeable to the waiver.

9. Tree/View shed Preservation: Every effort shall be made to preserve view sheds and existing tree stands. Distilled Spirits Warehouses shall first be constructed on non-wooded portions of the proposed site.
10. **Spill Containment:** Each Distilled Spirits Barrel Warehouse shall have a containment area to contain potential spills in accordance with the requirements of State and Federal regulations.

11. **Warehouses in Floodplains:** Distilled Spirits Barrel Warehouses shall not be constructed within the 1% Annual Chance Special Flood Hazard Areas as depicted in the most up to date FEMA FIRM Maps.

12. **Proximity to major arterial roadways:** Any site proposed for Distilled Spirits Barrel Warehousing shall be within a minimum of 1.5 linear road miles from a major arterial roadway.
4.10 Agricultural District "AG"

4.101 Purpose. This district is intended to recognize agricultural land to establish regulations which emphasize agricultural production and preserve a rural character.

4.102 General Uses Intended are the raising of agricultural crops or livestock, forestry and hunting or game preserves. Ancillary services inherent to farming are also permitted (see use table). Single dwelling residences, churches, elementary and secondary schools.

4.103 Accessory Uses. More than one dwelling may be permitted on each agricultural lot, providing additional dwellings are required for family members or employees who farm the land.

4.104 Conditional Uses may be permitted by the Board of Zoning Adjustments. Uses which may be so permitted are indicated in the use table.

4.105 Bulk Density and Height

A) Minimum lot size 1 ½ acres
B) Minimum lot frontage 200 feet
C) Minimum front yard 50 feet
D) Minimum side yard 25 feet
E) Minimum rear yard 25 feet
F) Minimum spacing between any two dwellings on same tract 30 feet
G) Maximum height 35 feet

Except barns, silos, steeples, water towers, windmills, Communication tower, Distilled Spirits Barrel Warehouses and other structures excepted general height exceptions.

* For additional requirements, see Section 4.08, Bulk Density and Height Table.

4.107 **Agricultural Land Use Exemptions**. Notwithstanding any other provision of this Zoning Regulation, land which is used solely for agricultural, farming, dairying, stock raising or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings except that setback may be required for the protection of existing and proposed roads, streets and highways and that all buildings in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.
REPORT AND RECOMMENDATION

TO:               FRANKFORT-FRANKLIN COUNTY PLANNING COMMISSION

FROM:          Eric Cockley, Director, Planning & Community Development

SUBJECT:      PUBLIC HEARING: Proposed Text amendment to Article 4 and 19 of the City of Frankfort Zoning Ordinance related to the addition of Bourbon Barrel Warehouse as a sub-category of LUC 461 Farm Product Warehousing and Storage as a Conditional Use in the “AG” Zoning District and establishing conditions governing such land use in the “AG” zone.

DATE:     August 4, 2022

MEETING DATE: August 11, 2022

Background/Analysis:

The Planning Commission requested at their July 14, 2022 meeting for staff to prepare respective text amendments for the City and County Zoning Ordinances to add Distilled Spirits Barrel Warehousing as a sub-category to the Farm Product Warehousing and Storage Land Use Code. The Planning Commission also requested that staff add the Distilled Spirits Barrel Warehousing land use as a Conditional Use in the “AG” Zoning District and to draft conditions by which the Conditional Use would operate in that zone.

ZONING ORDINANCE UPDATE COMMITTEE RECOMMENDATION:

Planning Staff has reviewed similar standards for this use in similar zones in other Kentucky Counties and has drafted the attached language for the Commission’s consideration.
<table>
<thead>
<tr>
<th>STORAGE AND WAREHOUSING INDUSTRIES</th>
<th>CODE</th>
<th>AG</th>
<th>RE</th>
<th>RA</th>
<th>RB</th>
<th>RC</th>
<th>RS</th>
<th>RD</th>
<th>RL</th>
<th>RH</th>
<th>RM</th>
<th>PO</th>
<th>CL</th>
<th>CG</th>
<th>CH</th>
<th>CB</th>
<th>UM</th>
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</thead>
<tbody>
<tr>
<td>Farm product warehousing and storage</td>
<td>461</td>
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<tr>
<td>Distilled Spirits Barrel Warehousing</td>
<td>461 (A)</td>
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</tr>
</tbody>
</table>
19.16 Distilled Spirits Barrel Warehousing

19.161 Purpose: This section provides standards for the use of land zoned “AG” for Distilled Spirits Barrel Warehousing. The regulations are intended to create standards which will allow Distilled Spirits Warehousing land uses to consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected.

19.162 Standards

1. Warehouse Use Restricted: Other than tours and the associated accessory buildings/infrastructure necessary to support the warehouse use (i.e. security shack, fire protection pump house) there shall be no distillery operation on site.

2. Warehouse Density: Distilled Spirits Barrel Warehouses on properties zoned “AG” shall be developed with a maximum density of 1 warehouse per 8 acres.

3. Minimum Area: Distilled Spirits Barrel Warehouse on properties zoned “AG” shall not be constructed on tracts smaller than 200 acres.

4. Planning Commission Review: Conditional Use Permit requests for Distilled Spirits Barrel Warehouses on properties zoned “AG” shall be reviewed by the Planning Commission and shall have their Development Plans reviewed by the Planning Commission.

5. Agricultural Activities: Distilled Spirits Barrel Warehouses on properties zoned “AG” must also include other agricultural activities in conjunction with the warehouse use (i.e. growing corn or other plant crops, cattle or other livestock, etc.). At least twenty-five percent (25%) of the property shall be dedicated to agricultural uses as defined in KRS Chapter 100 and/or preserved as a conservation area.

6. Primary Access: The property shall have access to a State/County/City road with a minimum typical pavement width of eighteen feet.

7. Secondary Access: Distilled Spirits Barrel Warehouses on properties zoned “AG” must have secondary access if greater than 5 warehouses.

8. Setback from Adjacent Principal structure: All warehouse structures shall be located at least 750 feet from any principal structure on an adjoining property; this may be waived if the applicant provides a sworn affidavit from the owner of said structure that they are agreeable to the waiver.

9. Tree/View shed Preservation: Every effort shall be made to preserve view sheds and existing tree stands. Distilled Spirits Warehouses shall first be constructed on non-wooded portions of the proposed site.
10. **Spill Containment:** Each Distilled Spirits Barrel Warehouse shall have a containment area to contain potential spills in accordance with the requirements of State and Federal regulations.

11. **Warehouses in Floodplains:** Distilled Spirits Barrel Warehouses shall not be constructed within the 1% Annual Chance Special Flood Hazard Areas as depicted in the most up to date FEMA FIRM Maps.

12. **Proximity to major arterial roadways:** Any site proposed for Distilled Spirits Barrel Warehousing shall be within a minimum of 1.5 linear road miles from a major arterial roadway.
4.10  **Agricultural District “AG”**

4.101 **Purpose.** This district is intended to recognize agricultural land to establish regulations which emphasize agricultural production and preserve a rural character.

4.102 **General Uses Intended** are the raising of agricultural crops or livestock, forestry and hunting or game preserves. Ancillary services inherent to farming are also permitted (see use table). Single dwelling residences, churches, elementary and secondary schools.

4.103 **Accessory Uses.** More than one dwelling may be permitted on each agricultural lot, providing additional dwellings are required for family members or employees who farm the land.

4.104 **Conditional Uses** may be permitted by the Board of Zoning Adjustments. Uses which may be so permitted are indicated in the use table.

4.105 **Bulk Density and Height**

A) Minimum lot size 1 1/2 acres
B) Minimum lot frontage 200 feet
C) Minimum front yard 50 feet
D) Minimum side yard 25 feet
E) Minimum rear yard 25 feet
F) Minimum spacing between any two dwellings on same tract 30 feet
G) Maximum height 35 feet

Except barns, silos, steeples, water towers, windmills, Communication tower. Distilled Spirits Barrel Warehouses and other structures excepted general height exceptions.

* For additional requirements, see Section 4.08, Bulk Density and Height Table.

4.106 **Off Street Parking.** Determined by use in Article 12.
4.107 Agricultural Land Use Exemptions - Notwithstanding any other provision of this Zoning Regulation, land which is used solely for agricultural, farming, dairying, stock raising or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings except that setback may be required for the protection of existing and proposed roads, streets and highways and that all buildings in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.
STAFF REPORT

TO: FRANKFORT-FRANKLIN COUNTY PLANNING COMMISSION

FROM: Robert Hewitt, Director

SUBJECT: Proposed text amendment - Zoning Ordinance: Distilled Spirits Barrel Warehousing

MEETING DATE: August 12, 2022

On July 14, 2022, The Planning Commission directed County staff to draft a text amendment relating to Distilled Spirits Barrel Warehousing as a conditional use in the Agricultural District "AG". Staff suggested amendments to the Zoning Ordinance are attached for your review.
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Code</th>
<th>AG</th>
<th>RR</th>
<th>RA</th>
<th>RB</th>
<th>RC</th>
<th>RS</th>
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<tbody>
<tr>
<td>WAREHOUSING, PUBLIC AND PRIVATE</td>
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<tr>
<td>Farm product warehousing and storage</td>
<td>461</td>
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<tr>
<td>Distilled Spirits Barrel Warehousing</td>
<td>461 A</td>
<td>C</td>
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<tr>
<td>Food lockers, with or without food preparation facilities</td>
<td>463</td>
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</table>
155.150 Distilled Spirits Barrel Warehousing

(A) Purpose. This section provides standards for the use of land zoned Agriculture “AG” for Distilled Spirits Barrel Warehousing. The regulations are intended to create standards which will allow Distilled Spirits Warehousing land uses to consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected.

(B) Conditions

1. Warehouse Use Restricted: Other than tours and the associated accessory buildings/infrastructure necessary to support the warehouse use (i.e., security shack, fire protection pump house) there shall be no distillery operation on site.

2. Warehouse Density: Distilled Spirits Barrel Warehouses on properties zoned “AG” shall be developed with a maximum density of 1 warehouse per 8 acres.

3. Minimum Area: Distilled Spirits Barrel Warehouse on properties zoned “AG” shall not be constructed on tracts smaller than 200 acres.

4. Planning Commission Review: Conditional Use Permit requests for Distilled Spirits Barrel Warehouses on properties zoned “AG” shall be reviewed by the Planning Commission and shall have their Development Plans reviewed by the Planning Commission.

5. Agricultural Activities: Distilled Spirits Barrel Warehouses on properties zoned “AG” must also include other agricultural activities in conjunction with the warehouse use (i.e., growing corn or other plant crops, cattle or other livestock, etc.). At least twenty-five percent (25%) of the property shall be dedicated to agricultural uses as defined in KRS Chapter 100 and/or preserved as a conservation area.

6. Primary Access: The property shall have access to a State/County/City road with a minimum typical pavement width of eighteen feet.

7. Secondary Access: Distilled Spirits Barrel Warehouses on properties zoned “AG” must have secondary access if greater than 5 warehouses.
8. **Setback from Adjacent Principal structure:** All warehouse structures shall be located at least 750 feet from any principal structure on an adjoining property; this may be waived if the applicant provides a sworn affidavit from the owner of said structure that they are agreeable to the waiver.

9. **Tree/View shed Preservation:** Every effort shall be made to preserve view sheds and existing tree stands. Distilled Spirits Warehouses shall first be constructed on non-wooded portions of the proposed site.

10. **Spill Containment:** Each Distilled Spirits Barrel Warehouse shall have a containment area to contain potential spills in accordance with the requirements of State and Federal Regulations.

11. **Warehouses in Floodplains:** Distilled Spirits Barrel Warehouses shall not be constructed within the 1% Annual Chance Special Flood Hazard Areas as depicted in the most up to date FEMA FIRM Maps.

12. **Proximity to major arterial roadways:** Any site proposed for Distilled Spirits Barrel Warehousing shall be within a minimum of 1.5 linear road miles for a major arterial roadway.
155.135 Agricultural District "AG"

4.101 **Purpose.** This district is intended to recognize agricultural land to establish regulations which emphasize agricultural production and preserve a rural character.

4.102 **General Uses Intended** The raising of agricultural crops or livestock, forestry and hunting or game preserves. Ancillary services inherent to farming are also permitted (see use table); single dwelling residences, churches, elementary and secondary schools.

4.103 **Accessory Uses.** More than one dwelling may be permitted on each agricultural lot, providing additional dwellings are required for family members or employees who farm the land.

4.104 **Conditional Uses** may be permitted by the Board of Zoning Adjustments. Uses which may be so permitted are indicated in the use table.

4.105 **Bulk Density and Height**

| Maximum height, except barns, silos, steeples, water towers, windmills, communication towers and other structures excepted general height exceptions | 35 ft. |
| Minimum front yard | 50 ft. |
| Minimum lot frontage | 200 ft. |
| Minimum lot size | 5 acres |
| Minimum rear yard | 25 ft. |
| Minimum side yard | 25 ft. |
| Minimum spacing between any 2 dwellings on same tract | 30 ft. |
| Minimum street side yard | 30 ft. |

(F) **Off-street parking.** Determined by use in §§ 155.330 through 155.339 of this chapter.

G) **Agricultural land use exemptions.** Notwithstanding any other provision of this chapter, land which is used solely for agricultural, farming, dairying, stock raising or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings; except that, setback may be required for the protection of existing and proposed roads, streets and highways and that all buildings in a designated floodway or floodplain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.
On July 14, 2022, The Planning Commission directed County staff to draft a text amendment relating to Distilled Spirits Baller Warehousing as a conditional use in the Agricultural District “AG”. Staff suggested amendments to the Zoning Ordinance are attached for your review.
| Land Use                                      | Code | AG | RR | RA | RB | RC | RS | RD | RL | RH | RM | PO | CL | CG | CH | IC | IG |
|----------------------------------------------|------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| WAREHOUSING, PUBLIC AND PRIVATE              |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Farm product warehousing and storage         | 461  | P  |    |    |    |    |    |    |    |    |    |    | P  |    |    | P  | P  |
| Distilled Spirits Barrel Warehousing         | 461 A| C  |    |    |    |    |    |    |    |    |    |    | P  |    |    | P  | P  |
| Food lockers, with or without food preparation facilities | 463  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | P  | P  |
155.150 Distilled Spirits Barrel Warehousing

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(B) Conditions

1. Warehouse Use Restricted: Other than tours and the associated accessory buildings/infrastructure necessary to support the warehouse use (i.e. security shack, fire protection pump house) there shall be no distillery operation on site.

2. Warehouse Density: Distilled Spirits Barrel Warehouses on properties zoned “AG” shall be developed with a maximum density of 1 warehouse per 8 acres.

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4. Planning Commission Review: Conditional Use Permit requests for Distilled Spirits Barrel Warehouses on properties zoned “AG” shall be reviewed by the Planning Commission and shall have their Development Plans reviewed by the Planning Commission.

5. Agricultural Activities: Distilled Spirits Barrel Warehouses on properties zoned “AG” must also include other agricultural activities in conjunction with the warehouse use (i.e. growing corn or other plant crops, cattle or other livestock, etc.). At least twenty-five percent (25%) of the property shall be dedicated to agricultural uses as defined in KRS Chapter 100 and/or preserved as a conservation area.

6. Primary Access: The property shall have access to a State/County/City road with a minimum typical pavement width of eighteen feet.

7. Secondary Access: Distilled Spirits Barrel Warehouses on properties zoned “AG” must have secondary access if greater than 5 warehouses.
8. **Setback from Adjacent Principal structure:** All warehouse structures shall be located at least 750 feet from any principal structure on an adjoining property; this may be waived if the applicant provides a sworn affidavit from the owner of said structure that they are agreeable to the waiver.

9. **Tree/View shed Preservation:** Every effort shall be made to preserve view sheds and existing tree stands. Distilled Spirits Warehouses shall first be constructed on non-wooded portions of the proposed site.

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11. **Warehouses in Floodplains:** Distilled Spirits Barrel Warehouses shall not be constructed within the 1% Annual Chance Special Flood Hazard Areas as depicted in the most up to date FEMA FIRM Maps.

12. **Proximity to major arterial roadways:** Any site proposed for Distilled Spirits Barrel Warehousing shall be within a minimum of 1.5 linear road miles for a major arterial roadway.
155.135  **Agricultural District “AG”**

4.101 **Purpose.** This district is intended to recognize agricultural land to establish regulations which emphasize agricultural production and preserve a rural character.

4.102 **General Uses Intended** The raising of agricultural crops or livestock, forestry and hunting or game preserves. Ancillary services inherent to farming are also permitted (see use table); single dwelling residences, churches, elementary and secondary schools.

4.103 **Accessory Uses.** More than one dwelling may be permitted on each agricultural lot, providing additional dwellings are required for family members or employees who farm the land.

4.104 **Conditional Uses** may be permitted by the Board of Zoning Adjustments. Uses which may be so permitted are indicated in the use table.

4.105 **Bulk Density and Height**

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
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<tbody>
<tr>
<td>Maximum height, except barns, silos, steeples, water towers, windmills, communication towers and other structures excepted general height exceptions</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Minimum front yard</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Minimum lot frontage</td>
<td>200 ft.</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td>5 acres</td>
</tr>
<tr>
<td>Minimum rear yard</td>
<td>25 ft.</td>
</tr>
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<td>Minimum side yard</td>
<td>25 ft.</td>
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<tr>
<td>Minimum spacing between any 2 dwellings on same tract</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Minimum street side yard</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

(F) **Off-street parking.** Determined by use in §§ 155.320 through 155.339 of this chapter.

G) **Agricultural land use exemptions.** Notwithstanding any other provision of this chapter, land which is used solely for agricultural, farming, dairying, stock raising or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings; except that, setback may be required for the protection of existing and proposed roads, streets and highways and that all buildings in a designated floodway or floodplain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.
Section 650  Agricultural Districts

The intent of the Agricultural District is to preserve, promote and protect the rural character of the land, including agricultural uses, significant natural features, wooded areas, the water courses, and to minimize erosion of soil, siltation and pollution of streams and lakes.

Section 652  Agricultural District (A)

The purpose of the Agricultural District (A) is to maintain the agricultural endeavors within the unincorporated areas of Shelby County.

1. Principal Permitted Uses
   a. Land used exclusively for agricultural endeavors
   b. Agricultural use services
   c. Hunting, trapping, wildlife refuge, forestry
   d. Single family detached dwelling
   e. One mobile home as principal residence on a tract of land of at least fifteen (15) acres minimum, maximum one (1) mobile home per farm (see Section 910)
   f. Agricultural Home Occupations (As defined)
   g. Production and/or storage of distilled spirits for human consumption

1) At least twenty-five percent (25%) of the property shall be dedicated to agricultural uses as defined in KRS Chapter 100 and/or preserved as a conservation area.

2) The total combined lot area shall be not less than 100 acres.

3) The site shall have direct access to a state or county road with a minimum pavement width of eighteen (18) feet.

4) The maximum building footprint for any single structure shall not exceed 60,000 square feet, excluding stairwells and open docks.

5) The maximum allowed building height shall be 72 feet.

6) All structures associated with distillation and storage of distilled spirits shall be setback a minimum of 200 feet from all property lines.

7) Facility tours, visitor centers, food service operations, restaurant, and the sale of products produced on site and complementary products directly to consumers are permitted.

8) Festivals or similar public gatherings which serve to promote the sale of locally-produced products are permitted, provided any single event shall not exceed fifty-six (56) continuous hours in length.

9) Development Plan Approval:

Prior to issuance of a zoning permit for any structure, the applicant shall submit a development plan for review in accordance with the Planning Commission requirements for development plan approval.
10) Spill and runoff protection

Earthen dykes and/or containment trenches shall surround each barreled spirit storage building to contain spills and any fire protection water run-off.

2. **Conditionally Permitted Uses**

   a. Schools, churches, cemeteries

   b. Private landing strips for the land owners use only

   c. Veterinarian clinics

   d. Agricultural Community Farm

      1) Farmers Market – refers to any activity where the farmer sells agricultural, value added agricultural products, and complementary products primarily in Shelby County directly to consumers at a stand located on or near the farm.

      2) Farm tours with the primary activity of promoting, educating, and selling to the public, agricultural, value added agricultural products, and complimentary products produced primarily in Shelby County and Kentucky.

      3) A restaurant owned and operated/managed by the farm owner who resides thereon and sells to the public agricultural, value added agricultural products, and complimentary products produced primarily in Shelby County and Kentucky.

      4) Rental of booths or similar space owned and operated/managed by the farm owner who resides thereon and is actively involved in the farming operation. The space rented shall be of a short term nature and be used to substantially promote the agricultural operation. The assembly shall also be subject to any pertinent local and state regulations.

      5) Festivals or similar public gatherings held on an Agricultural Community Farm shall which serve to promote the sale of locally produced agricultural and/or Agricultural value-added products. Such events shall be permitted event-by-event. The event shall not exceed fifty-six (56) continuous hours in length.

   e. Recreational facilities, including playgrounds, golf courses, country clubs, sportsman's farms, riding stables, fishing lakes, private clubs, and RV parks (See Article IX) but not including amusement parks and other commercial endeavors which require large amounts of construction or equipment or which are incompatible with a rural atmosphere.

   f. Bed and breakfast occupied by the owner or manager serving only breakfast to guests only.

3. **Permitted Accessory Uses**

   a. Accessory uses in connection with agriculture, such as tenant homes and single-family dwellings, for occupancy by full-time employees of the farm operation, agriculture structures, stables, and parking areas
Section 650  Agricultural Districts

The intent of the Agricultural District is to preserve, promote and protect the rural character of the land, including agricultural uses, significant natural features, wooded areas, the water courses, and to minimize erosion of soil, siltation and pollution of streams and lakes.

Section 652  Agricultural District (A)

The purpose of the Agricultural District (A) is to maintain the agricultural endeavors within the unincorporated areas of Shelby County.

1. Principal Permitted Uses
   a. Land used exclusively for agricultural endeavors
   b. Agricultural use services
   c. Hunting, trapping, wildlife refuge, forestry
   d. Single family detached dwelling
   e. One mobile home as principal residence on a tract of land of at least fifteen (15) acres minimum, maximum one (1) mobile home per farm (see Section 910)
   f. Agricultural Home Occupations (As defined)
   g. Production and/or storage of distilled spirits for human consumption

   1) At least twenty-five percent (25%) of the property shall be dedicated to agricultural uses as defined in KRS Chapter 100 and/or preserved as a conservation area.

   2) The total combined lot area shall be not less than 100 acres.

   3) The site shall have direct access to a state or county road with a minimum pavement width of eighteen (18) feet.

   4) The maximum building footprint for any single structure shall not exceed 60,000 square feet, excluding stairwells and open docks.

   5) The maximum allowed building height shall be 72 feet.

   6) All structures associated with distillation and storage of distilled spirits shall be setback a minimum of 200 feet from all property lines.

   7) Facility tours, visitor centers, food service operations, restaurant, and the sale of products produced on site and complementary products directly to consumers are permitted.

   8) Festivals or similar public gatherings which serve to promote the sale of locally-produced products are permitted, provided any single event shall not exceed fifty-six (56) continuous hours in length.

   9) Development Plan Approval:

      Prior to issuance of a zoning permit for any structure, the applicant shall submit a development plan for review in accordance with the Planning Commission requirements for development plan approval.
10) Spill and runoff protection

Earthen dykes and/or containment trenches shall surround each barreled spirit storage building to contain spills and any fire protection water run-off.

2. Conditionally Permitted Uses

a. Schools, churches, cemeteries

b. Private landing strips for the land owners use only

c. Veterinarian clinics

d. Agricultural Community Farm

1) Farmers Market – refers to any activity where the farmer sells agricultural, value added agricultural products, and complementary products primarily in Shelby County directly to consumers at a stand located on or near the farm.

2) Farm tours with the primary activity of promoting, educating, and selling to the public, agricultural, value added agricultural products, and complimentary products produced primarily in Shelby County and Kentucky.

3) A restaurant owned and operated/managed by the farm owner who resides thereon and sells to the public agricultural, value added agricultural products, and complimentary products produced primarily in Shelby County and Kentucky.

4) Rental of booths or similar space owned and operated/managed by the farm owner who resides thereon and is actively involved in the farming operation. The space rented shall be of a short term nature and be used to substantially promote the agricultural operation. The assembly shall also be subject to any pertinent local and state regulations.

5) Festivals or similar public gatherings held on an Agricultural Community Farm shall which serve to promote the sale of locally produced agricultural and/or Agricultural value-added products. Such events shall be permitted event-by-event. The event shall not exceed fifty-six (56) continuous hours in length.

e. Recreational facilities, including playgrounds, golf courses, country clubs, sportsman's farms, riding stables, fishing lakes, private clubs, and RV parks (See Article IX) but not including amusement parks and other commercial endeavors which require large amounts of construction or equipment or which are incompatible with a rural atmosphere.

f. Bed and breakfast occupied by the owner or manager serving only breakfast to guests only.

3. Permitted Accessory Uses

a. Accessory uses in connection with agriculture, such as tenant homes and single-family dwellings, for occupancy by full-time employees of the farm operation, agriculture structures, stables, and parking areas
### Article 5
Use Regulations

| Use Category                          | Page # | Specific Use Type                                      | AG | R | R | R | R | N | G | B | C | H | O | I | C | P | L | I | H | I | B | D | H |
| AG (Agriculture)                     |        |                                                        |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| RR (Rural Residential)               |        |                                                        |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| R1 (Single Family Residential)       |        |                                                        |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| RM-2 (Two Family Residential)        |        |                                                        |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| RM-3 (Multi-Family Residential)      |        |                                                        |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| RM-4 (Multi-Family Residential)      |        |                                                        |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| ICD (Institutional Campus Development)|        |                                                        |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|                                        |        | Retail Sales and Service (con’t)                       |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|                                        | 5-29   | Retail Shopping Center up to 50,000 s.f.               | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* |
|                                        |        | Retail Shopping Center over 50,000 s.f.                | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* |
|                                        |        | Other Retail Sales and Service                         | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* |
|                                        |        | Vehicle & Heavy Equip. Sales                           | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* |
|                                        |        | Manufactured & Mobile Home Sales                       | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* |
| Self-Service Storage                 | 5-32   |                                                        | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* |
| Vehicle Service, Limited             | 5-33   | Fuel Stations or Sales                                 | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* |
| INDUSTRIAL (See Section 5.2.5)       |        |                                                        |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|                                        |        | Fuel Stations Heavy (Truck Stop)                        | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* |
| Manufacturing and Production         | 5-35   | Light                                                  | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* |
|                                        |        | Heavy                                                   | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* |
|                                        | 5-40   | Storage of Explosives, Ammunition, etc                  | C* |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Waste-Related Use                    | 5-40   | Landfill, C & D Debris                                  | C   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
|                                        | 5-40   | Landfill                                                | C   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
|                                        | 5-40   | Recycling or Transfer Station                           | P   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
|                                        | 5-40   | Land Farming                                            | C* |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Wholesale Sales                      | 5-40   |                                                        | P   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |

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Boyle County/Joint Zoning Ordinance

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3. Examples.

a. **Light Industry.** Custom woodworking and cabinet making, printing, publishing, lithography, movie production, sign making, mulch and other wood products manufacturing, and other manufacturing processing, craft beverage or distilled spirit production; fabrication, packaging or assembly of goods (Light Industrial uses) where processes and equipment employed and goods processed are limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.

b. **Heavy Industry.** Processing of food and related products; craft beverage or distilled spirit production; slaughterhouses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys; and production of prefabricated structures, including manufactured homes.

4. Exceptions.

a. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service.

b. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

c. Printing, publishing and sign-making operations where there is no outdoor component or outdoor storage associated with such use are classified as retail sales and service and are permitted in the GB, and HB zones.

5. **Specific Uses Standard. Craft Beverage/ Distilled Spirit Production/Storage.** Craft beverage or distilled spirit production/storage, including breweries, distilleries, rickhouses and wineries are subject to the following Specific Use Standards:

a. Must adhere to all applicable local and state alcoholic beverage control license requirements;
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b. The use and any associated use on the property shall only serve alcohol by the drink or sell packaged alcohol in accordance with the underlying zoning requirements;

c. Production activities and the area devoted to such activities may be in conjunction with an on-site tasting room;

d. Parking shall be provided in accordance with the requirements for a restaurant as outlined in Section 4.6.8.E.1 of this Ordinance;

e. All processing, production, manufacturing, distilling, brewing, bottling associated with such distillery shall be located within a fully enclosed building;

f. Outdoor storage of materials, equipment, or supplies associated with such use is not allowed, unless otherwise allowed by the underlying zoning; and

g. All loading and unloading areas shall be oriented away from public streets.

h. Craft Beverage or Distilled Spirit Storage in the Unincorporated Area of Boyle County - A Conditional Use Permit is required in the Agriculture (AG) district for Craft Beverage or Distilled Spirit Storage prior to use or construction of the storage only structures. Craft Beverage or Distilled Spirit Storage facilities shall not be located on Agriculture tracts of property less than 20 acres in size. Prior to the approval of a Conditional Use Permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties so that the character of the area is protected. This type of establishment shall not alter the agricultural or residential character of the proposed area. Any Conditional Use Permit request shall meet the mandatory requirements set out in KRS 100.237, Section 3.8 of this Ordinance, as well as the following standards.

(1) Craft Beverage or Distilled Spirit Storage in the Unincorporated Area of Boyle County are permitted in the Agriculture District only after obtaining a Conditional Use Permit from the Board of Adjustments;

(2) The portion of the property to be developed shall not be located within a floodplain or naturally sensitive area;
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(3) Measures must be taken to ensure that all Craft Beverage or Distilled Spirit Storage in the Unincorporated Area of Boyle County is undertaken in a manner which minimizes increased traffic congestion on existing streets, roads and intersections. All developments shall be located on at least a collector road/street and have a pavement width of at least 18 feet and should be improved with shoulders at least three feet in width;

(4) At the time of the filing of any application for a Building Permit and/or Zoning Permit, public water lines and hydrants shall be available to the site sufficient to meet the fire protection standards in accordance with the following: All property located within the designated City of Danville Utility Service Area: 600 gallons per minute at 20 pounds of residual pressure. All property located outside the designated City of Danville Utility Service Area: 300 gallons per minute with 20 pounds of residual pressure. In lieu of meeting these requirements, an alternative fire protection plan, prepared by a professional engineer meeting the appropriate specifications of NFPA 13, 750 and/or 1142, may be approved by the appropriate Fire Department;

(5) The maximum size of any single structure shall not exceed a footprint of 40,000 square feet, excluding stairwells and open docks, and shall not exceed 60 feet in height;

(6) All structures shall be setback a minimum of 200 feet from property lines. All structures shall be at least 500 feet from any residential use or district;

(7) Craft Beverage or Distilled Spirit Storage in the Unincorporated Area of Boyle County shall not be located nearer than 1,000 feet from any church, synagogue, or other permanent place of worship, licensed day care center, public or private elementary, middle, or secondary school, institution of higher learning, or business college, or any park, mall, or park-like area of open space under the control of a governmental agency. The setback distance may be increased by the Board of Adjustments as determined to be necessary to assure compatibility with other land uses depending on case-specific factors;

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(8) At least 50 percent of the property shall be dedicated to agricultural uses as defined in KRS 100 and/or preserved as a conservation area; and

(9) Outdoor storage of materials, equipment, or supplies associated with such use is not allowed, unless otherwise allowed by the underlying zoning.

C. Above Ground Storage Tanks

1. Characteristics. All tanks consisting of at least 1,000 gallons located on site and above grade and containing either flammable or hazardous substances shall be included in this category.


3. Examples. Gasoline or diesel fuel tanks, crude oil tanks, or propane tanks.

4. Exceptions. Tanks containing only water are exempt.

5. Specific Use Standards. Any above ground storage tank must be located a minimum of 1,000 feet from any residential use or district.

D. Warehouse and Freight Movement

1. Characteristics. Warehouse and Freight Movement firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

2. Accessory Uses. Accessory uses may include offices, employee day care, truck fleet parking and maintenance areas.

3. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and train switch yards or freight yards.

4. Exceptions.
   a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

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### 8.2 ZONES AND USES TABLE

**P = PRINCIPALLY PERMITTED USES:** Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.

**C = CONDITIONALLY PERMITTED USES:** Uses which are permitted only with Board of Adjustment approval.

**A = ACCESSORY USES:** Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.

**NOTE:** Only those uses specifically permitted or substantially similar to permitted uses are permitted in each zone; all uses which lack substantial similarity to permitted uses in each zone are deemed prohibited (as per Article 3 of this Zoning Ordinance). Numbers following the "P", "C" or "A" in the table refer to special conditions, additional information, or detailed use listings which follow in numerical order in Section 8.4. Note: For all properties zoned B-2 within the Downtown Overlay District boundary, please refer to the Schedule of Uses in Article 21 of the Zoning Ordinance. Special requirements are also applicable to properties located within Downtown Overlay District relative to use, site development, and design standards. See Article 21 for specific requirements and Downtown Overlay District Regulating Plan.

<table>
<thead>
<tr>
<th>ZONES</th>
<th>USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-R A-U</td>
<td>R-1A R-1B R-1C R-1T R-2MF R-3MF R-4DT P-1 B-1 B-2</td>
</tr>
<tr>
<td>L Storage:</td>
<td>1 Storage, outdoor</td>
</tr>
<tr>
<td>A/44 A/44 A/44 A/44</td>
<td>A A A A</td>
</tr>
<tr>
<td>A/20 A/20 A/20 A/20</td>
<td>2 Storage (incidental) for retail sales establishment</td>
</tr>
<tr>
<td>A A A A A</td>
<td>3 Storage sheds</td>
</tr>
<tr>
<td>A/48 P/48 P/48 P/48</td>
<td>4 Storage for wholesale supply establishment</td>
</tr>
<tr>
<td>C/48</td>
<td>5 Storage yards for delivery vehicles</td>
</tr>
<tr>
<td>C</td>
<td>6 Individual Storage</td>
</tr>
<tr>
<td>C/56 P/56 P/56 P/56</td>
<td>7 Storage facilities, including outdoor storage for merchandise or operable, licensed, vehicles</td>
</tr>
<tr>
<td>C/56</td>
<td>8 Indoor Individual Storage</td>
</tr>
<tr>
<td>10 Storage of Distilled Spirits</td>
<td></td>
</tr>
</tbody>
</table>

3 Shall only apply to B-2 Zones outside the boundaries of the Downtown Overlay District.
/56. Indoor individual storage uses may be conditionally permitted in the B-3 and B-4 zones. Indoor individual storage uses are principally permitted in B-5, I-1 and I-2 zones.

The storage of items within any indoor individual storage structure shall conform to the limitations contained in the definition of "indoor individual storage" in Article 14 of this Zoning Ordinance.

In the B-3 and B-4 zones, conditionally permitted indoor individual storage uses also shall be subject to the following restrictions:

a. Indoor individual storage shall be limited to the adaptive reuse of an existing retail storefront of not less than 10,000 square feet in size.

b. Structures to be used as indoor individual storage units shall be fully conditioned and enclosed.

c. Screening and landscaping shall be required as per Article 17 of this Zoning Ordinance.

de. Outdoor storage shall be prohibited on the same property as the indoor individual storage structure(s). This shall include vehicles, boats, personal items, etc.

e. All uses other than indoor individual storage shall be prohibited within structures while those structures are being used for individual storage, except for those accessory uses that are clearly incidental to and would also be permitted in a B-4 zone.

f. The Owner of the indoor individual storage structure(s) shall be responsible for policing the material and/or items being stored. The Owner shall notify the Zoning Administrator upon discovering any storage not meeting the requirements set forth herein, providing the name, address and phone number of the renter whose storage is in question.

/57. Storage of distilled spirits shall be conditionally permitted in the A-R zone only on tracts of at least one hundred (100) acres in size.

Prior to the approval of a conditional use permit hereunder, the OMBAB must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This type of establishment shall not be considered as altering the agricultural or residential character of its particular area and shall not be justification for zoning map amendments.

In the A-R zone, conditionally permitted storage of distilled spirits also shall be subject to the following restrictions:

a. The construction type shall be limited to rack supported structures or pallet storage structures constructed in accordance with the requirements of the current edition of the Kentucky Building Code.

b. The size, height and separation of any single structure shall be in accordance with the requirements of the current edition of the Kentucky Building Code.

c. The structures shall be used for the storage of distilled spirits only; any change in the product/material stored shall deem the conditional use permit null and void.

d. All structures shall be set back at least 200 feet from all property boundaries.

e. All structures shall be located at least 750 feet from any principal structure on an adjoining property; this may be waived if the applicant provides a sworn affidavit from the owner of said structure that he/she is agreeable to the waiver.

f. At least twenty five (25) percent of the property shall be dedicated to agricultural uses as defined in KRS 100 and/or left as open natural space.

g. The perimeter of the subject property shall be screened with a single row of pine trees planted 20 feet on center unless a waiver is requested by the applicant and granted by the OMBAB.

h. As part of the application process, the property owner shall agree that if the use ever exceeds the conditions of an approved permit, the property owner must take the necessary steps to come into compliance, cease operations, and/or relocate to an appropriately zoned location.

/58. Agriculture, Horticulture and Silviculture Industries shall be Conditionally Permitted In A-R and A-U zones located outside of the Urban Service area on parcels of at least twenty five (25) acres in size but not to exceed fifty (50) acres in size. This type of use shall not be considered as altering the agriculture or residential character of its particular area and shall not be justification for zoning map amendments. Conditionally permitted agriculture, horticulture and silviculture industries shall be subject to the following restrictions:

a. Any structure associated with the use shall not exceed ten thousand (10,000) square feet in size.

b. The operation must not employ more than 5 persons.

c. The operation shall be limited to agriculture, horticulture or silviculture activities and their related accessory uses.

d. The applicant must submit a full scope of work along with the conditional use permit application showing the operation is limited in size and scope as to not cause a negative impact or nuisance to neighboring properties. If at any time that scope of work changes or any conditions set forth with the approved conditional use permit are not met, the conditional use permit shall be revoked and the operation shall cease.

e. All applicable building codes for commercial/Industrial structures shall be followed. The OMPC Building, Electrical, HVAC department shall be contacted regarding any required permits or inspections prior to any construction activity taking place.

/59. Solar Energy Systems (SES) shall comply with the following criteria:

a. The height of any ground mounted SES shall not exceed twenty (20) feet as measured from the highest natural grade below each solar panel (excludes utility poles and antennas constructed for the project)

b. Setback requirements for Level 1 and Level 2 SES shall be in compliance with the zoning classification for the parcel.

c. Setback requirements for Level 3 SES shall be as follows: (1) All equipment shall be at least fifty (50) feet from the perimeter property lines of the project area; (2) No interior property line setbacks shall be required if the project spans multiple properties, and; (3) All equipment shall be located at least one hundred (100) feet from any residential structure.
Section 6.1: Agriculture District (A-1)

Intent: The intent of this zoning district, when properly applied, is to provide areas for agricultural and related very low density development.

A. Principal Uses Permitted
Agricultural operations as defined in Article 5 (Definitions).
A Single Family Dwelling, including farm dwelling.
A single-wide manufactured home (mobile home) with one dimensional width, when finally installed, of 18 feet or less, on lots or parcels of one (1) acre or greater.
* Conservation Design Subdivision: See Section 8.4, Option 2.
Distilled spirits storage buildings. This use shall meet the following mandatory requirements: (1) the site shall be a minimum 100 acres; (2) the construction type shall be limited to rack supported structures protected throughout by an automatic fire suppression system (sprinklered); (3) the maximum size of any single structure shall not exceed a footprint of 40,000 square feet, excluding stairwells and open decks, and shall not exceed 60 feet in height; (4) all structures shall be set back a minimum of 200 feet from property lines; and, (5) at least 25 percent of the property shall be dedicated to agricultural uses as defined in KRS 100 and/or preserved as a conservation area.

B. Accessory Uses Permitted
Agricultural structures as defined in Article 5 (Definitions).
An accessory dwelling as defined in Article 5 (Definitions), on lots or parcels of two (2) acres or greater.
An accessory single-wide manufactured home (mobile) with one dimensional width, when finally installed, of 18 feet or less, on lots or parcels of two (2) acres or greater.
Home Occupations: Must obtain HO permit in City of Bardstown.
Garage or other accessory building
Private recreational facilities

C. Conditional Uses Permitted

(1) Agricultural enterprise as defined in Article 5 (Definitions). Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This type of establishment shall not be considered as altering the agricultural or residential character of its particular area and shall not be justification for zoning map amendments. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance as well as the following mandatory requirements: (1) the subject property must be a minimum five (5) acres and must be used as a working farm or agricultural operation, as defined in Article 5 of the Definitions; (2) the use must be owned and operated by the property owner and any resident employees; (3) the enterprise must use or add value to agricultural products grown or produced on the subject property and shall not involve products grown or produced off-site, unless the off-site property is owned by the conditional use permit applicant/owner; (4) the use shall have no more than five (5) non-resident employees solely employed in the agricultural enterprise; (5) the use shall have an approved entrance and meet parking standards, as forth in these Regulations; (6) the use shall have specific plan for noise mitigation; (7) the use shall be limited to an approved development plan, as defined in Article 5 of these Regulations; (8) the use shall be limited to one (1) structure, not exceeding 2,500 square feet in gross floor area, unless otherwise determined by the BOA, and such structures shall be constructed to blend with the rural character of the area; (9) the use must have specified hours/seasons of operation and maximum number of events and participants; (10) the use shall not involve the retail sale of any products grown, produced, or processed off-site; and (11) As part of the application process, the property owner shall agree that if the use ever exceeds the conditions of an approved permit, the property owner must take the necessary steps to come into compliance, cease operations, and/or relocate to an appropriately zoned location.

(2) Schools, Churches, Cemeteries. Conditions may be imposed that limit/control traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its unique surroundings.

(3) Commercial Greenhouses, Plant Nurseries. Conditions may be imposed that limit the size and type of structure, hours/seasons of operation, location of structures, number of employees, limitations on type of merchandise offered for sale, limitations on the storage of refuse and waste material. A conditional use granted under this section allows commercial greenhouses and plant nurseries only (other than permitted use) as the primary use.

(4) Pay Fishing Lakes, Riding and Boarding Pens and Stables, Commercial Kennels (as defined in Article 5), Animal Clinics/Hospitals. Conditions may be imposed that limit the size, type and location of any structures, that limit the number of animals accommodated at any one time, limit the number of employees, impose special requirements for screening and buffering, the number of clients served at any one time, limitations on hours or seasons of operation as well as any other condition that allows the use to blend in with it unique surroundings.

(5) Instructional/Research Facilities, Rehabilitation Centers. Conditions may be imposed that limit or specify the size and type of structure or structures, that impose a maximum number of employees and/or individuals to be accommodated on site at any one time, limit seasons or hours of operation, limit the specific area to be used for the particular use, impose specific
Section 6.1: Agriculture District (A-1)

screening and/or buffering requirements, as well as any other requirement or condition that allows the use to blend in with its particular surroundings.

(6) Owner-Operated, Specially Skilled Shop. The intent of this section is to permit the resident craftsman to benefit from his specialty skill at his residence. Examples of the type of uses so permitted are welders, mechanics, wood workers, sawmills, re-upholsters, appliance repair persons, sign painters, etc. Conditions which may be imposed or which shall be mandatory (*) include: the business may be operated by the resident owner and immediate family members residing at the location; no outside employees are allowed (*); no person may own or operate more than one such business (*); no more than one structure be permitted for such operation (*); such structure shall not exceed 2,500 sq. ft. in area (*); storage of any equipment, necessities, or accessories to said business which incidents to the business must be completely and entirely stored and contained within said structure (*); limits may be placed on hours of operation; impose special screening and buffering requirements; as well as any other requirement that allows the use to blend in with its unique surroundings.

(7) Distilled Spirits Storage on tracts between 50 and 100 acres in size. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This type of establishment shall not be considered as altering the agricultural or residential character of its particular area and shall not be justification for zoning map amendments. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237, Section 4.3C of this Ordinance, as well as the following mandatory requirements: (1) the property shall be located within the Rural or Naturally Sensitive Areas as shown on the Future Land Use Maps of the adopted Comprehensive Plan; (2) the construction type shall be limited to rack supported structures protected throughout by an automatic fire suppression system (sprinklered); (3) The maximum size of any single structure shall not exceed a footprint of 40,000 square feet, excluding stairwells and open docks, and shall not exceed 60 feet in height; (4) All structures shall be set back a minimum of 200 feet from property lines; (5) At least 25 percent of the property shall be dedicated to agricultural uses as defined in KRS 100 and/or preserved as a conservation area; and (6) As part of the application process, the property owner shall agree that if the use ever exceeds the conditions of an approved permit, the property owner must take the necessary steps to come into compliance, cease operations, and/or relocate to an appropriately zoned location. (Not applicable in the Cities of Bardstown, Bloomfield, Fairfield & New Haven)

(8) Contracting Businesses (electrical, general, plumbing excavation, concrete, etc.) at the contractor's place of residence: Conditions that may be imposed or that are mandatory (*) include: that the lot or parcel on which the business is located must be at least five (5) acres in size (*); no activity related to the business shall occur within 100 feet of any adjoining property (*); that the use involve one building only being no more than 2,500 square feet in size (*); that the area of the lot or tract to be used for the purposes of the conditional use, excluding a driveway, is to be no more than 25,000 square feet (*); that there are no more than three (3) employees, including the landowner and other resident employees, employed or associated with the business on-site (*); that there are no more than four (4) pieces of business equipment or vehicles (trailer to carry a piece of equipment not counting as a separate piece of equipment) allowed on-site (*); special screening or buffering may be required; as well as any other condition that allows the particular use to blend with its unique surroundings.

(9) Home Occupations (as defined in Article 5) with special allowance: with a conditional use permit granted under this section an otherwise allowed home occupation may employ up to 2 non-resident employees. Conditions that be imposed include: special provisions for parking may be required and otherwise allowed signage may be restricted. (N/A in City of Bardstown)

(10) Bed and Breakfast Establishments or Short-Term Rentals: Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria: (1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short-term rental. (2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be the owner of the real property upon which the B&B or short-term rental use is to be permitted. (3) The BOA may limit the number of rooms and maximum occupancy. (4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy. (5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members. (6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes. (7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection. (8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations. (9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance. (10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection. (11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of
Section 6.1: Agriculture District (A-1)

these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use: (a) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short-term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock. (b) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. (c) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short-term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(11) Automobile and agricultural equipment sales and service at the residence of the owner/operator: The Board of Adjustment when approving a Conditional Use Permit for an establishment for the sales and service of automobiles and/or agricultural equipment may consider the impact of the proposed use on the surrounding area, in particular to the properties adjacent. This type of establishment shall not be considered as altering the agricultural or residential character of its particular area and shall not be justification for zoning map amendments. Conditions may be impose by the Board addressing the area to be used for sales or service; parking; screening and buffering; hours of operation or any other restriction required to allow the establishment blend with its particular environment. In addition the Board may put a time limit or expiration date on the permit after which the applicant may reapply for extension of the permit. In the case of automobile sales, no more than five (5) automobiles may be displayed for sale at any one time. When appropriate the Board of Adjustment may limit the number of automobiles displayed to less than five (5). All automobiles displayed for sale must be operative.

(12) Event facilities allowing meetings, weddings, receptions, and other related events or gatherings on private property. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This type of establishment shall not be considered as altering the agricultural or residential character of its particular area and shall not be justification for zoning map amendments. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance as well as the following mandatory requirements: (1) the facility shall involve one structure not exceeding 4,500 square feet in size; (2) no more than one event per day shall be allowed, and frequency of events on monthly and annual basis shall be based on the capacity of the site and shall be specified in the application; (3) the maximum number of guests shall be based on the capacity of the site and structure and shall be specified in the application, but the maximum number of guests shall be limited to 300 guests at any one event; (4) if a facility is located within 100 feet from the property line of an adjoining residential use, no event shall take place outside the hours of 7:00 a.m. and 12:00 a.m.; (5) all driveways must be approved for commercial use through an entrance/encroachment permit by the appropriate agency; (6) parking areas must comply with the standards set forth in the Zoning Regulations, and these areas must be set back a minimum of 100 feet from any adjoining residential structures and must be buffered by solid screening; (7) the design of the facility shall include features that acoustically shield any noise from the surrounding property; (8) all exterior structure and site lighting shall be limited to full-cutoff fixtures and light intensity shall not exceed 0.5 foot candles at the property line adjoining agricultural and residential use and zoning or 1.0 foot candles adjoining any non-residential zoning or use to minimize glare and trespass onto adjoining properties; (9) the facility shall be allowed to serve wine, beer, and alcohol by the drink, but the Owner must provide evidence of approved liquor licenses and comply with all applicable laws, regulations, and rules; (10) As part of the application process, the property owner shall agree that if the use ever exceeds the conditions of an approved permit, the property owner must take the necessary steps to come into compliance, cease operations, and/or relocate to an appropriately zoned location. (not applicable in the Cities of Bardstown, Bloomfield, Fairfield & New Haven)

(13) Child Care-Daycare Facilities, Type II: Conditions that may be imposed or that are mandatory (*) include: that a fenced play yard be provided (*); and that special screening or buffering may be required.

(14) Intentionally omitted

(15) Non-profit social service organizations (only allowed in unincorporated areas of Nelson County): A conditional use permit may be approved for qualified non-profit organizations established under Section 501(c)(3) of the United States Internal Revenue Code to provide social services for charitable purposes. The use must meet the following criteria: (a) the use must be located on property within the unincorporated areas of Nelson County; (b) the use must be located on a minimum
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lot of one (1) acre in size; (c) The maximum number of structures is two (2), with the total gross floor area of both structures not exceeding 7,500 square feet; (d) the type of activities, number of clients, volunteers, and employees on site at any one time, and the hours of operation must be clearly identified; (e) the use may not employ more than three (3) employees; (f) the use must comply with applicable parking requirements, must have adequate ingress/egress, and must provide internal circulation; (g) All outdoor storage must be completely screened and comply with applicable outdoor storage requirements; and, (h) The use must be served by adequate utilities, and if not served by public sanitary sewer, written approval of an individual on-site septic system must be provided (adopted June 5, 2007, published June 8, 2007, Nelson County Fiscal Court).

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 of these Regulations)

(1) Cluster Residential Development: yielding lots no smaller than 1 acre (43,560 sq. ft.) in size, providing that: the net density of the development be no more than recommended in the zoning district; a subdivision plat, meeting all the requirements for a preliminary plat, as contained in the Subdivision Regulations for All of Nelson County, is submitted and approved per requirements in Section 8.2 of these regulations; and that the remnant parcel be protected from future division by a deed restriction recorded and running in favor of the Planning Commission, stating that the property may not be further divided. Provisions for lot widths and setbacks may be altered by the Planning Commission as a condition to or result of approval of a planned unit development granted under this section. View-shed must be preserved.

(2) Golf Courses, Recreational Facilities and similar uses: providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.

(3) Private Airports, Landing Strips, and Helipads: providing that: the use is developed in such a way as to minimize the impact of the use and its naturally attendant noise on noise sensitive uses that are adjacent; and that no permitted activities or facilities shall occur within 100 feet of adjoining properties with the exception of permitted glide or landing paths overhead.

B. Dimension and Area Requirements

(1) Dimensional & Area. Unless otherwise allowed herein, the following dimension and area requirements apply:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height (maximum)</td>
<td>35 feet</td>
</tr>
<tr>
<td>Lot Area (minimum)</td>
<td>217,800 square feet</td>
</tr>
<tr>
<td></td>
<td>Note: Subject to the provisions of Sections 6.1B(2) below and D(1) above.</td>
</tr>
<tr>
<td>Lot Width (minimum)</td>
<td>1/5 of lot depth</td>
</tr>
<tr>
<td></td>
<td>Note: The absolute minimum lot width required is 200 feet with the maximum required lot width of 250 feet.</td>
</tr>
<tr>
<td>Front Yard Setback (minimum)</td>
<td>50 feet</td>
</tr>
<tr>
<td>Side Yard Setback (minimum)</td>
<td>15 feet</td>
</tr>
<tr>
<td>Rear Yard Setback (minimum)</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

(2) Minimum Lot Area Exception. The minimum lot area may be reduced to one (1) acre (43,560 square feet) for no more than one (1) lot being subdivided from a parent tract as defined in Article 5: Definitions of these Regulations. This division must meet the following minimum standards:

(a) The residual or remaining portion of the parent tract must meet the minimum dimension and area requirements above, unless otherwise rezoned to an appropriate zoning divisions that allows such divisions, and,

(b) The proposed division does not adjoin, along a public roadway, a lot less than 5 acres in size in order to maintain the rural character.

F. Parking Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.


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