

# ARTICLE V

## GENERAL PROVISIONS

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

#### **500.1 Official Zoning Map**

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

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

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

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedure set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 304.

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

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

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

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

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

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

- A. Where a zoning district boundary follows a street, highway, alley, or railroad, the center line of the street, highway, alley, or railroad right-of-way, is the boundary of the district.

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

**500.4 Annexed Lands**

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

**501 Planned Unit Development**

A PUD (planned unit development) project may be permitted in any district so long as it conforms to standards and provisions of this ordinance and is deemed appropriate by the Planning Commission.

**501.1 Purpose of Planned Unit Development Projects**

In general the purpose of PUD's are as follows:

- A. To encourage a more creative approach in land and building site planning.
- B. To encourage an efficient, aesthetic, and desirable use of open space.
- C. To encourage variety in physical development pattern.
- D. To achieve flexibility and incentives for development which will produce a wider range of choice in satisfying the changing needs of the developing area.
- E. To encourage renewal of older sections of the region where new development and restoration are needed to revitalize the area.
- F. To permit special consideration of property with unique features, including, but not limited to, historical significance, unusual topography, landscape amenities, and size and shape.
- G. To convert land so poorly developed as to be a public liability.
- H. To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvement and sighting considerations.

**501.2 Procedure**

- A. **Plats:** All proposed PUD's follow the procedure for plat preparation and subdivision approval as set forth in the Woodford County Subdivision Regulations. In addition, the Planning Commission shall hold a public hearing on the preliminary plat of the proposed PUD to aid them in deciding the merits of the proposed project. (Nothing herein should be construed to mean that the landowner has the inherent right to develop a PUD. The Planning Commission has the power to decide whether or not to allow the PUD based on the experience, knowledge, public hearing and the standards set forth herein). Accompanying all preliminary plats shall be calculations for overall density, parking requirements and other material the Commission may reasonably require. If the planning commission approves the preliminary plat the developer may proceed with activities leading to final plat approval providing that the project shall be developed in conformance with the approved preliminary plat.
- B. **Permits:** Building permits and certificates of zoning compliance shall be required for each building in accordance with Article III of this ordinance.
- C. **Expiration of Approval:** Approval of a PUD shall expire if no substantial work on the site has begun within one year of original approval and if the project is abandoned for more than twenty-four (24) consecutive months. (Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved PUD plat.)
- D. **Recording:** All approved PUD plats shall be recorded in the County Clerk's office.

### **501.3 Uses and Densities**

The uses of premises and development densities in a planned unit development project shall conform with the permitted uses and densities of the zoning district in which it is located. A PUD in a residential zone may contain non-residential uses which are an integral part of a residential development, logically oriented to and coordinated with the total planned unit. This situation would normally arise in higher density areas. An integrated development of this type shall follow amendment procedures and be approved as an "integrated planned unit development" by the appropriate legislative bodies.

### **501.4 Standards**

- A. Although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no diminution of total-equivalent-lot-area, parking area, and loading-unloading-area-requirement that would be necessary for the equivalent amount of individual lot development. However, the Planning Commission may allow reductions in these requirements if the developer can satisfactorily prove that large-scale development may permit such reductions without destroying the intent of these regulations.
- B. A twenty (20) acre minimum size is required for any PUD.
- C. It is desirable that access points to all arterial streets shall be located no more frequently than one every 1,200 feet. The Planning Commission may approve the platting of temporary access points in conformance with Section 503 of the Zoning Ordinance.
- D. Wherever there is an abrupt change in uses, e.g., residential to commercial -- it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects of the other.
- E. Parking and other areas used by the public at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.

### **501.5 Special Conditions**

Because a PUD is inherently more complex than individual lot development and because every such project must be tailored to the topography and neighboring uses all standards for such projects cannot be strictly set.

Therefore, the Planning Commission may impose special conditions and/or require the recording of covenants for any reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Unit Development. Such development standards may include, but are not limited to, requirements as to the following:

- A. Lot area
- B. Floor area
- C. Ratios of floor space to land area
- D. Area in which structures may be built (Buildable area)
- E. Open space
- F. Setback lines and minimum yards
- G. Building separations.
- H. Height of structures
- I. Signs
- J. Off-street parking and loading space
- K. Design standards
- L. Phasing of development

### **502 Townhouses**

**502.1 Intent**

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

**502.2 General Provisions**

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

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

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

- A. Height - No building shall be erected or altered to a height of more than thirty-five (35) feet.
- B. Yards and Area
  - 1. Front Yard: There shall be a front yard of not less than twenty (20) feet at the building line or setback line.
  - 2. Rear Yard: There shall be a rear yard of not less than fifteen (15) feet.
  - 3. Side Yard: The minimum side yard shall be six (6) feet on each side yard of a row of attached townhouse units when no units or only one unit fronts on that side yard. On each corner lot, there shall be a side yard of not less than twenty (20) feet on the side of the building nearest the street.
  - 4. Lot Size: Each dwelling unit hereinafter erected or structure altered shall be on a lot having an area of not less than 1,900 square feet and not less than eighteen (18) feet wide.
  - 5. Usable Open Space: Ten percent (10%) of total lot for any townhouse shall be devoted to usable open space either on each lot or as common useable open space on land adjacent and directly accessible to each lot within the townhouse development.
  - 6. Minimum Width: No townhouse shall have a width of less than eighteen (18) feet from center to center of units or from center to exterior face for end units. Attached garages and porches shall not be included in measuring the width of the principal building.
  - 7. Accessory Buildings and Uses: No accessory building shall encroach on any required front yard. No accessory building on any corner lot shall encroach on any side yard adjacent to the street. Accessory buildings shall include but not be limited to play houses, storage buildings and garages. Accessory buildings shall not be used for dwellings. Home offices are permitted if approved by the Board of Adjustments.
  - 8. Lots Fronting on Interior Space: Townhouse units may be permitted to front on an interior space or access easement, with all maintenance provisions being borne by the property owner.
  - 9. Minimum Lot Width: Any existing lot of record in an R-3, or R-4 zone may be divided into townhouse lots. The lots shall have a minimum lot width at the front yard line of sixty (60) feet in the R-3 zone and fifty (50) feet in the R-4 zone.

10. Required Floor Area: Each single family residence in a townhouse development shall have a minimum floor area of not less than eight hundred ninety (890) square feet. The areas of garages, open porches, cellars and basements shall not be included.
11. Lot Coverage: Not more than sixty five percent (65%) of any lot shall be occupied by buildings of any kind.

C. Parking

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

D. Townhouse Density

1. R-3 District: Maximum townhouse density in a R-3 zone shall not exceed a density of eleven (11) units per net acre.
2. R-4 District: Maximum Townhouse Density in a R-4 zone shall not exceed a density of fifteen (15) units per net acre.
3. In calculating the number of units to be allowed, the administration shall round all units to the next highest number over .5, to the next lowest number under.5.

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

**502.4 Accessory Uses and Structures**

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

**503                    General Development Regulations**

**503.1                 Coordination with Subdivision Regulations**

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

As adopted by the Woodford Fiscal Court: Except as permitted by the definition of "Agricultural Uses" in Article II of this ordinance, land in District A-1 shall not be eligible for subdivision so long as it remains in District A-1. As used in this paragraph, "Subdivision" has the meaning given to it by KRS 100.111 and the Subdivision Regulations of the Planning Commission.

It is desirable that access points to the arterial street serving all zoning districts shall be located no more frequently than once every twelve hundred (1,200) feet. Topography and traffic volumes shall determine the exact locations. Heavy arterial traffic volumes demand greater access spacing. Along any arterial street where subdivided land and its minor streets are not sufficiently developed to permit acceptably spaced access points, the Planning Commission may approve the platting of temporary access points and may require that temporary access points shall be eliminated by the developer when minor streets or marginal access streets are extended to the approved permanent access points. Such requirement shall be listed as special final plat if applicable.

**503.2                 Certificate of Land Use Restriction**

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

**CERTIFICATE OF LAND USE RESTRICTION**

1. Name and Address of property owner (s)

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2. Address of Property

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3. Name of subdivision or development  
(if applicable)

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4. Type of Restriction (s)

(Check all that apply)

Zoning Map Amendment to  Zone

Conditional Zoning Condition

Development Plan

Other

Unrecorded Subdivision Plat

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

Variance

Conditional Use Permit

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTIONS.

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Signature of Completing Official

Name and title of Completing Officer  
(Please type of print)

**503.3 Development Plans**

**503.3**

**A. General Provisions**

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

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

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

**B. Planned Districts**

For the purpose of this regulation, R-4 High Density Residential, B-3 Planned Shopping Center District, B-4 Highway Business District, B-5 Highway Interchange Service, Planned Unit Developments, the Industrial Districts (I-1 and I-2), the Mobile Home District (M-1) and for the erection of more than one principal structure on a lot (See Section 504.5A), shall require Planning and Zoning Commission approval of a Final Development Plan prior to the issuance of any building permits. Building permits for said districts shall be approved only when in conformance with a Development Plan approved by the Planning and Zoning Commission.

**C. Preliminary Development Plan (Amended December 2005)**

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

**1. Procedure for a Preliminary Development Plan**

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

If the Preliminary Development Plan is accompanying a zoning map amendment a joint public hearing shall be held by the Planning Commission on the Plan and the re-zoning. Notice of the hearing shall be at least seven (7) days and no more than twenty-one (21) days prior to the date set for public hearings per KRS 424. After the hearing, the Planning Commission shall proceed to take action on the Zoning District Map

Amendment and the Preliminary Development Plan. If the Preliminary Development Plan is disapproved by the Commission or if the Commission fails to approve or disapprove the Plan and the Zoning District Map amendment is subsequently approved by the appropriate legislative body, the Commission shall take action upon the Preliminary Development Plan within ninety (90) days of the action of the legislative body. Preliminary Development Plans not accompanying a Zone District Map Amendment will not have a Public Hearing, but the Commission shall take action within forty-five (45) days of the Commission meeting at which the Plan is reviewed. If no action is taken within that time, the Plan stands approved as submitted.

## 2. Content of a Preliminary Development Plan

A Preliminary Development Plan shall contain the following information at a minimum:

- a. A title block containing the plan name, development plan type, name and address of developer and plan preparer, and written and graphic scale.
- b. The boundary of the subject property, its record plan designation (if available), and the record plan name or owner's name of all adjoining property.
- c. A vicinity sketch, oriented in the same direction as the design scheme.
- d. Topography with contour intervals as shown on the available USGS sheets or local GIS.
- e. Location, arrangement, and approximate dimensions of existing and proposed driveways, walk-ways, parking areas and arrangement of spaces, points of ingress and egress (including all gates restricting vehicular access), access points for construction vehicles, and other vehicular and pedestrian rights-of-way.
- f. Location and cross-sections of any proposed or existing streets within or abutting the subject property.
- g. Screening, landscaping and buffering, recreational and other open space areas.
- h. Approximate size, location, height, floor area, area arrangement and use of proposed and existing buildings and signs.
- i. Storm drainage areas, floodplains, conceptual drainage controls and storm water retention and any other designated environmentally sensitive or geologic hazard area.
- j. Proposed and existing easements for utilities or other purposes.
- k. General areas of substantial existing trees including those located along fence rows and drainage areas along with a general description of the type and size of such trees.
- l. Location of any existing burial grounds and, if required, provisions for their protection, maintenance and accessibility.
- m. A statistical summary of all pertinent site data, including site area, zoning, building coverage and floor area, parking, open space, etc.
- n. A note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan.
- o. A note stating that no building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
- p. Conformance of the development plan with the Comprehensive Plan and Zoning District Regulations.
- q. An owner's certification, signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, do fully agree to all graphic and textual representations shown hereon, and do adopt this as my (our) development plan for the property."
- r. A Commission's certification to be signed by the Commission's Secretary if and when the plan is fully approved, as follows: "I do hereby certify that this development plan was approved by the Urban County Planning Commission at its meeting held on (date)."

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

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

#### 1. Procedure for a Final Development Plan

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

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

## 2. Content of a Final Development Plan

A final development plan shall contain the following information at a minimum:

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

## E. Amendments to Development Plans

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

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

1. Procedures for Minor Amendments - Shall be as set forth in Section D (1) above, except that the Minor Amended Plan will be forwarded to the Chairman of the Commission for signature.

2. Content and Format of Minor Amendments - Minor amendments shall have the same content and format requirements as the original development plan, except that 1) the title shall indicate the plan is a minor amendment, 2) a note shall be added listing the exact nature of the requested changes (no plan change shall be considered in effect unless it is referenced in this note), and 3) the following will be the required language for the

Commission's certification: "I do hereby certify that this development plan amendment complies with the provisions of Article V, Section 503.3 of the Zoning Ordinance."

3. Procedures for Major Amendments - The procedure for a major amendment to a development plan shall be the same as for the original submission as specified in Section D (1) above. However, in addition to the standards listed in Section D (1), the Commission may also disapprove or modify the requested amendment if it finds that such amendments will adversely affect the public health, safety and welfare, or alter the essential character of the development as originally approved.

4. Content and Format of Major Amendment Requirements - Major amendments to development plans shall have the same content and format requirements as the original development plan, except that 1) the title shall indicate the plan is an amended development plan, and 2) a note shall be added listing the exact nature of the requested changes. No plan change shall be considered in effect unless it is referenced in this note.

#### **F. Deviation from Development Plan**

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

**(Amended December 2005)**

#### **503.4 Water Supply and Sewage Disposal**

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

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

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

- A. Intent: The following provisions are primarily intended to allow the construction of isolated, rural, large lot homes. The demand for this type of development is recognized but is not encouraged because of the difficulty and efficiency of providing necessary public services.
- B. Lots for single family residences utilizing a septic tank disposal system shall be at least forty three thousand five hundred sixty (43,560) square feet with a minimum frontage of one hundred fifty (150) feet. In-family conveyances as permitted in the agricultural zone shall be considered exempt from the one hundred fifty (150) feet minimum road frontage requirement. **(Amended November 2006)**
- C. Multi-Family and Non-Residential Uses: Lot areas and types of sewage treatment (septic tank, aeration or other) for multi-family residences and non-residential uses shall be determined by the Planning Commission on an individual basis. The Planning Commission shall make their determination based upon site evaluations, estimated quantity and quality of effluent, possible pollution of adjacent lands, future possibility of serving the area and other factors. The Planning Commission may require the developer to submit technical data and opinions from various professional sources to aid them in their determination of required lot size and treatment procedures.
- D. Any applicant for a subdivision utilizing on-site sewage disposal systems shall obtain certification from the Woodford County Health Department that a site evaluation for each lot has been completed in accordance with Kentucky Onsite Sewage Disposal Systems regulations and that the lot can support a sewage disposal

system that can be installed and used safely and efficiently for wastewater treatment. (**Amended November 2000**)

**503.5 Construction Provisions**

- A. Any construction, excavation or grading activity shall not cause physical damage to any adjoining property.
- B. The premises shall be kept in neat and clean condition at all times. Paper and debris and other trash shall be contained in trash receptacles or removed from the property to an appropriate location. Any inoperable equipment must be removed from the property.
- C. All erosion, siltation, and water impoundment must be handled in accordance with the Subdivision Regulations.
- D. Any use of streets or walks for the depositing of construction materials may be permitted under the following provisions:
  - 1. Material shall not obstruct more than fifty percent (50%) of the sidewalk unless a safe, temporary walk is provided.
  - 2. Material shall not obstruct the free passage of vehicles in the streets. A sufficient portion of the street must be left unobstructed.
  - 3. Materials deposited so as to obstruct gutters, sewers, sidewalks, and drainage patterns to protect such improvements from the construction being performed shall be immediately removed when no longer needed to protect such improvements.
  - 4. Material deposited in the right-of-way shall be marked in such a way so that it is visible both day and night.
- E. All equipment and materials used during the construction, excavation, or grading process shall be removed upon completion of the work within three days and disposed of in accordance with the Solid Waste Ordinance. Any storage of equipment or materials after the completion of the work shall require a permit. Solid waste shall be disposed of in accordance with the solid waste ordinance.
- F. If any damage should occur to the street, sidewalks, or adjoining property, it must be immediately repaired by the contractor or developer to the satisfaction of the City or County Engineer.
- G. For failure to comply with the provision of this section, a penalty of fifty dollars (\$50.00) per day shall be imposed from the date of written notice from the Commission that a violation has occurred, provided that each day's violation thereof shall be a separate offense for the purpose thereof. Such penalty shall be in addition to any other penalties imposed by this ordinance. Certificates of Occupancy shall be held for any completed construction in violation of this section until penalties imposed are paid. In the event that violations of this section have occurred, which in the discretion of the Commission creates an immediate danger peril to the community, the Commission may issue an order to immediately cease and desist further construction, grading, and excavation until such violations have been corrected.

**504                    Supplementary District Regulations**

**504.1                Visibility at Intersections**

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

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

**504.2                Fences, Walls and Hedges (Amended July 1995)**

Notwithstanding other provisions of this ordinance, fences, walls and hedges may be permitted in any required yard or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over three and one-half feet (3 1/2) in height (chain link fences may be constructed provided that said fence shall not exceed four (4) feet in height, (and further provided that no fence or wall along the sides or rear of any yard shall be over 8 feet in height, Midway and Woodford County only) unless otherwise permitted by the Board of Adjustment. This provision does not apply to fences, walls and hedges in agricultural districts. For the purpose of this section, the height of a wall or fence shall be the vertical distance from the average established grade at the fence or wall to the top of the fence or wall.

**504.3                Projections**

- A. Covered porches, stairways, terraces or other similar features, the floor level of which is not over three (3) feet above the average finished grade and which do not extend above the level of the first floor of the building, when open and unenclosed, may project into a required front, side or rear yard not more than eight(8) feet, provided that such covered porches, stairways, terraces, or other similar features conform to the provisions of Section 504.3 (D).
- B. Outside stairways may not extend more than three (3) feet into any required side yard; nor more than five (5) feet into any required rear yard.
- C. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, may extend not more than twenty-four (24) inches into any required yard.
- D. Notwithstanding any other provision of this section, no projection as listed above shall extend into any required side yard more than one-half (1/2) the width of such yard, nor within ten (10) feet of the front lot line nor five (5) feet of the rear lot line, nor within three (3) feet of any accessory building, provided, however, that such limitations shall not apply to terraces and steps inside yards, or to a loading dock or tailboards in connection with an industrial siding.

**504.4                Accessory Building; Location, Height**

- A. No accessory building shall be erected in any required court or in any yard other than a rear yard provided, however, that an accessory building may be erected as part of the principal building, or, if at least six (6) feet therefrom, may be connected thereto by a breezeway or similar structure, provided all yard and court requirements of this Ordinance Resolution for a principal building are complied with.
- B. Buildings accessory to 1 (one) storey principal structures shall be equal to or less than the height of the principal structures; buildings accessory to 2 (two) storey and above principal structures shall not exceed the average height of the principal structure; and in all cases, shall be distance at least five (5) feet from rear

property lines, and at least 2 (two) feet from lot lines of adjoining lots in a residential district; provided, however, that an accessory building may be constructed on a side or rear lot line, not an alley lot line, by common consent of the adjoining property owners concerned. (**Amended December 2006**)

- C. Where a corner lot adjoins in the rear of a lot in a residence district, no part of an accessory building within twenty-five (25) feet of the common lot line in the rear shall be nearer a side street lot line than the least depth of any front yard existing or as required, whichever is less, along such side street for a principal building on such adjoining lot, and in no case shall any part of such accessory building be closer to the side street lot line than the main building to which it is accessory.

#### **504.5 Regulations for Lots and Yards**

- A. **Erection of More Than One Principal Structure on a Lot:** In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot, provided that a development plan is submitted for the Planning Commission to review and approve, prior to the issuance of any building permits. The Development Plan shall be according to Section 503.3 (D).
- B. **Front Yard Regulations for Corner and Double Frontage Lots:** Corner lots and double frontage lots shall, as a minimum, provide for the minimum front yard on both frontage streets. The rear yard and side yard is at the option of the developer or home owner.
- C. **Application of Yards to one Building Only:** No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.
- D. **Yard Requirements Along Less Restricted District Boundary Line:** Along any zoning boundary line, except when adjoining A-1 and A-2 Districts, any abutting side yard, rear yard or court on a lot adjoining such boundary line in the less restricted district shall have a minimum width and depth equal to the required minimum width and depth for such yards and courts in the more restricted district.
- E. **Front Yards Not Parallel to the Building:** Where the front wall of a building is not parallel with the front lot line or is broken or otherwise irregular, the average depth of the front yard shall not be less than the otherwise required front yard; provided however, that such front wall shall at all points be within five (5) feet of the otherwise required front yard depth.
- F. **Side Yards Not Parallel To The Building:** Where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the average width of the side yard shall not be less than the otherwise required least width; provided, however that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required side yard, nor narrower than three (3) feet in any case.
- G. **Rear Yards:** Where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular, the average depth of the rear yard shall not be less than the otherwise required rear yard provided, however, that such rear wall shall not at any point be less than one (1) foot the otherwise required rear yard.

#### **504.6 Height Regulations**

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

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

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

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

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

Every building hereafter erected or moved shall be on an accessible lot adjoining a public street, or an approved private street, for at least twenty five (25) feet, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking except for in-family conveyances (See Article II, 202).

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

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

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

#### **505 Junkyard**

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

#### **506 Group Housing**

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

#### **507 Bed and Breakfast/Inn Establishments (Amended December 2006)**

Bed and Breakfast/Inn establishments may be allowed only as a Conditional Use in designated Zoning Districts upon application to the Board of Adjustment, only if all of the following conditions are met for all applications:

- A. The Bed and Breakfast/Inn must be in a dwelling or structure located on land which is occupied by the owner, lessee or owner's agent, and will supply temporary accommodations to overnight guests for a fee.
- B. The proposed use of the property will not adversely affect the immediate neighborhood.
- C. The proposed use of the property will not create noise, light or traffic conditions detrimental to the neighboring residents.
- D. Service shall be limited to the rental of nine (9) rooms for sleeping for overnight guests and for special events. The Board of Adjustment shall specify the size and number of events permitted.
- E. Only food preparation for overnight guests and for otherwise permitted special events shall be conducted by the owner, lessee, owner's agent or licensed and inspected caterer. All food preparation must take place in a kitchen inspected, approved, and licensed by a County Health Department. In no case may food be prepared on-site at the establishment and catered to an off-site location.
- F. The Bed and Breakfast/Inn, whether located in the dwelling or other structure located on the land, shall be an incidental and secondary use of the dwelling.
- G. The resident owner, lessee, or owner's agent shall keep a current guest register including names, addresses and dates of occupancy of all guests.
- H. The resident owner, lessee, or owner's agent shall comply with all business license and revenue collection ordinances of Woodford County, Versailles, and Midway.
- I. The Bed and Breakfast/Inn shall comply with the Kentucky Building Code and other applicable local and state laws.
- J. In addition to the zoning districts' parking requirements, one (1) off-street parking space will be provided for each guest room rented. In no instance will parking be allowed for any guest or special event on public roads or rights-of-way.
- K. The principal use of any such structure or structures shall be residential.
- L. Signs shall be limited to one externally illuminated on-premise sign not to exceed four (4) square feet in area.
- M. The Bed and Breakfast/Inn shall be operated by the owner, owner's agent, or lessee who shall reside on the property and shall be present at all special events occurring in or at the establishment.
- N. Only one Bed and Breakfast/Inn establishment will be permitted per property.
- O. The owner, owners agent, or lessee shall cooperate with the Woodford County Tourism Commission to display, without charge, information on other tourist attractions within Woodford County.
- P. When a Bed and Breakfast/Inn establishment is being proposed in an Agricultural (A-1) District the application shall be reviewed by the Agricultural Advisory Review Committee as an "agricultural enterprise" prior to Board of Adjustment review.
- Q. Effective only in the City of Versailles, if bed and breakfast operations are at any time terminated the conditional use permit shall be revoked.
- R. Effective only in Woodford County, any and all existing bed and breakfast establishments shall be deemed to be grandfathered in if the establishment owners notify the Versailles-Midway-Woodford County Zoning Office Administrator of their desire to be grandfathered in within thirty (30) days of March 21, 1991. To qualify for the grandfathering, any and all establishment owners may be required by the Zoning Administrator to document the fact of their being in operation prior to aforesaid date.

The Board of Adjustment may apply or impose other reasonable conditions as each situation warrants, but must be at least as restrictive as all of the above.

## **508 Signs**

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

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

- A. Residential Districts. Ground-pole and wall signs are permitted subject to the following:
  - 1. Nameplate signs shall not exceed two (2) square feet in area;

2. Identification signs for institutional use shall not exceed twenty four (24) square feet;
3. Non-conforming business in residential zones shall not aggregate more than one hundred fifty (150) square feet in area;
4. P-1 District permitted uses may have two (2) identification signs that do not exceed twenty four (24) square feet each;
5. Real estate and subdivision signs are permitted providing there is only one (1) sign permitted at each major entrance, such signs are removed or extended by permit from the Building Inspector after the property has been sold or six (6) months after installation, whichever comes first, and provided further that such signs do not exceed twenty four (24) square feet in area or six (6) feet in area or six (6) feet in height.

B. Commercial and Industrial Districts.

1. Banner signs in the business, commercial and industrial district shall be permitted, limited to two (2) banners per ten (10) linear feet of building frontage with a maximum of sixty (60) square feet (buildings on corner lots shall be double frontage). At no time shall in excess of seventy five (75%) percent of the building facade be covered by banners. At any one time, the total number of banners per place of business shall not exceed four (4). Banners shall be fastened securely to the building or some other permanent supportive structure so that there is virtually no danger that the banner may be moved by the wind or other forces of nature. At no time shall any banner be affixed as to be a hazard to pedestrians customers or traffic.
2. Pennants and streamers with no general products advertising or listing or specific goods or services shall be limited to two (2) pennants or streamers per one (1) foot of linear property line frontage. Placement of pennants and or streamers shall at a minimum provide eight (8) feet of vertical clearance and shall not project into the right-of-way. Pennants and streamers shall be securely attached to a permanent structure.
3. Portable signs having a height not greater than five feet and a width not greater than three feet located not more than ten feet from the door of a business which are displayed only during the hours the business is open are removed at all other times. No more than one (1) such sign shall be permitted for any business. Each sign shall be constructed and situated in such manner that it shall not be a hazard to pedestrians, customers, or traffic. **(Amended December 2001)**

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

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

<b>Districts</b>	<b>Types of Signs Permitted</b>	<b>Regulations</b>
B-1 Districts		No more than two (2) major identification signs per place of business may be permitted.
B-1 Districts	Wall Signs	Twenty four (24) sq. ft. maximum area. Identification of the business only. Not higher than the roof line. May not project more than fifteen inches (15") from a wall.
	Portable Signs	Height not greater than five feet, a width not greater than three feet, located not more than ten feet from the door of a business which are displayed only during the hours the business is open and are removed at all other times. No more than one (1) such sign shall be permitted for any business. <b>(Amended December 2001)</b>
B-2 Districts	Wall Signs	Same as B-1.
	Portable Signs	Same as B-1. <b>(Amended December 2001)</b>
B-3 Districts	Wall Signs	One (1) square foot for each lineal foot of building frontage is the maximum area not to exceed three hundred (300) square feet. Fifteen inch (15") projection limitation. Identification purposes only. May not extend above roof line, no more than two (2) major identification signs per place of business may be permitted.
	Portable Signs	Same as B-1. <b>(Amended December 2001)</b>
	Free Standing Signs	Setback same as for buildings. Seventy percent (70%) Identification of business. Thirty five (35) feet maximum height. One hundred fifty (150) square feet maximum area.
	Banners	No more than two (2) banners per ten (10) linear feet of building maximum of sixty (60) square feet. (Buildings on corner lots shall be entitled to double frontage). Total banners shall not exceed four (4), and at no time

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

<b>Districts</b>	<b>Types of Signs Permitted</b>	<b>Regulations</b>
B-3 continued	Banners	Shall in be in excess of seventy five (75%) percent of the building facade be covered by banners. Must be fastened securely to building or supportive permanent structure.
	Pennants and Streamers	Limited to two (2) pennants or streamers per one (1) foot of linear property line frontage. Shall at minimum provide eight (8) feet of vertical clearance and shall not project into right of way. Shall be securely attached to a permanent structure.
B-4 Districts	Wall Signs	Same as B-3
	Portable Signs	Same as B-3 <b>(Amended Dec. 2001)</b>
	Free-Standing Signs	Same as B-3
	Banners	Same as B-3
	Pennants and Streamers	Same as B-3
B-5 Districts	Wall Signs	Same as B-4
	Portable Signs	Same as B-4 <b>(Amended Dec. 2001)</b>
	Free-Standing Signs	Setback same as buildings. Seventy percent (70%) identification of business. Forty (40') feet maximum height. Three Hundred (300) sq. ft. maximum area.
	Banners	Same as B-3
	Pennants and Streamers	Same as B-3
I-1 Districts	Wall Signs	Same as B-5
I-2 Districts	Wall Signs	Same as I-1 except maximum area is still one (1) sq. ft. for each foot of bldg. Frontage, however the area must not exceed seven hundred seventy (770) sq. ft.

**508.3 Off Premise Advertising Signs**

**A. Placement of Height Regulations**

Off-premise advertising signs will not be permitted to be erected in or within:

1. Fifty (50) feet from automobile bridges, nearest corner of street intersections (unless on roof structure), an on-premise sign equal to or greater than one hundred fifty (150) square feet in area, or interstate highway right-of-ways; nor
2. Seventy five (75) feet from residential districts and hospitals; nor
3. One hundred (100) feet from any public park, historic or recreation area, school, churches, or another off-premise sign of any size.
4. Five hundred (500) feet from another off-premise sign directed towards same interstate, limited access, or arterial highway;
5. The placement of one panel on top of another panel is prohibited;
6. Off-premise signs will not be permitted to be erected unless the back of the sign is shielded from public view from a building or street by another structure of equal or greater dimensions, or by high planting or unless such back is enclosed in a solid backing and painted a neutral color.
7. The maximum height for all off-premise signs is thirty five (35) feet or the maximum height permitted for buildings in the district, whichever is lesser.

**B. District and Area Regulations:**

- |             |   |
|-------------|---|
| B-4 and B-5 | Ground-pole signs only; three hundred (300) square feet per facing maximum area; Back to back and "V" type prohibited; Setback same as for buildings; Thirty (30) feet maximum height.  |
| I-1         | Ground-pole structure only; Three Hundred (300) square feet maximum area; Back to back and "V" type permitted; Maximum height is thirty (30) feet for ground pole signs or maximum bldg. height for roof signs provided such signs do not extend more than twenty (20) feet above the roof or parapet walls. Setback same as for buildings. |
| I-2         | Ground-pole signs only. Seven hundred seventy (770) sq.ft. maximum area; Back to back signs permitted; Thirty five (35) feet maximum height for ground-pole signs; Twenty (20) feet above roof or parapet wall maximum height for roof signs; Setback same as for buildings.  |

**508.4 Signs Prohibited**

1. Signs that incorporate in any manner any flashing or moving lights.
2. String lights or any unshielded light that is visible by the public from a public street, and is used in connection with commercial premise for commercial purposes, including attention-getting, other than Christmas decorations.
3. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement achieved by electronic or mechanical means or action or normal wind currents.

4. Any sign which obstructs or detracts from the visibility of any traffic sign or traffic control device on public streets and roads, by reason of the size, location, coloring or illumination.
5. Any sign or sign structures which (a) is structurally unsafe, (b) constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidate or abandonment, (c) is not kept in good repair, or (d) is capable of causing electrical shocks to persons likely to come into contact with it.
6. Signs which make use of words such as "STOP", "LOOK", "DANGER", "YIELD", or other similar words, phrases, symbols or characters in such a manner as to imply the need or requirement of stopping or the existence of danger.
7. Portable signs, folding signs, "A" frame signs, "T" shaped or any other similar free-standing signs not permanently anchored or secured to either a building or the ground except as specifically authorized by Section 508.1 (B) (3). **(Amended December 2001)**
8. Free-standing signs that extend or are built over public property.
9. Temporary window feature signs using more than twenty percent (20%) of a window in a commercial business.
10. Wall signs painted on a building.
11. Any sign extending more than forty (40) feet above the base of the structure.
12. Any sign erected or maintained upon trees or painted or drawn upon rocks or other natural features.
13. Any sign other than governmental traffic control signs or devices that is or would be located in the right-of-way of any street or highway without the written permission of the governmental body holding the right-of-way. **(Amended December 2001)**

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

One temporary sign per candidate and/or ballot issue per lot relating to an election shall be allowed. Signs shall not exceed four (4) square feet in surface area in residential districts and thirty-two (32) square feet in surface area in all other districts. Signs shall not be placed within the clear site triangle as defined by Section 504.1 (Visibility at Intersections) and shall not be placed within any public right-of-way. Signs shall be erected no earlier than thirty (30) days prior to the election and removed within five (5) days after the election.

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

**509 ASSISTED LIVING FACILITIES**

**509.1 Intent**

Permit Assisted Living Facilities as Conditional Use Approvals by the Board of Adjustment in Medium Density Residential (R-3) and High Density Residential (R-4) Zoning Districts. Subject to final development plan approval by the Planning Commission (as outlined in Art V, 503.3), Assisted Living Facilities may also be allowed as part of a Planned Unit Development within the respective districts.

**509.2 General Provisions**

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

**509.3 Locational Standards**

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

**509.4 Site Standards**

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

**509.5 Area Regulations**

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

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

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

- A. An application for Conditional Use approval shall be filed with the Board of Adjustment office for their regular scheduled meeting, unless otherwise noted.
- B. An application for Final Development Plan approval for an assisted living facility shall be filed with the Planning Commission after the Conditional Use is approved by the Board of Adjustment. Each application shall be accompanied by the required development plan drawn to scale, as outlined in Article V, Section 503.3 (D) and prepared by a licensed engineer, architect or landscape architect. Such site plan shall be reviewed by the Technical Review Committee and the Planning Commission. The following information shall be included in addition to the requirements for development plans, but not limited to:
  - 1. The location and legal description, including the appropriate tax map and parcel identification, of the proposed assisted living facility.
  - 2. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the development, including building elevations and floor plans.
  - 3. A table attached on the plan or as an addendum, identifying the number of residential units, by bedroom size and the gross square foot area of each unit size.
  - 4. A description of common and specialized services to be provided to the residents.
  - 5. A landscaping plan, including all required screening and buffering.
  - 6. The location, height, focal direction, and lighting levels (intensity), in foot candles, of all external lighting structures.
  - 7. A preliminary project development, construction and occupancy schedule. The schedule shall demonstrate the applicant's readiness, ability to provide facilities and services. Development Plan approval shall be contingent upon issuance of all required permits and approvals from federal, state, and local authorities.
  - 8. Drainage and erosion control plan.
  - 9. Such other architectural and engineering data as may be required by the Planning Commission to determine compliance with the provisions of the Zoning Ordinance and Subdivision & Development Regulations. **(Amended November 1998)**

## **510 AGRICULTURAL MARKETING CENTER**

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

### **510.1 Intent**

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

### **510.2 Principal Permitted Uses**

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

- A. Sales pavilions or facilities for farm machinery and equipment.
- B. Retail sale of agricultural products, supplies and related items. This may include both indoor and/or outdoor wholesale and retail Farmer's Market.
- C. Livestock (primarily cattle and horses) and grain commodity trading offices and marketing sales facilities designed for covered animal control.
- D. Equestrian sales, riding and training facilities.

### **510.3 Accessory Uses**

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

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

Lot, yard and height requirements for Agricultural Marketing Centers shall be as required by property standards and guidelines, or governmental standards, whichever is stricter, or as set forth herein.

### **510.5 Other Requirements**

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

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

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

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

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

- 1. The property shall be a minimum of thirty (30) acres in size.

2. The property must have easy access to the federal highway system with that access approved by the Kentucky Transportation Cabinet and Federal Highway Officials.
3. All roads to the site shall be of sufficient width and construction to safely handle all sizes of trucks when fully loaded during all weather conditions.
4. All Agricultural Marketing Center facilities must be landscaped either in accordance with property standards and guidelines, or governmental standards, whichever is stricter; all facilities must be naturally screened from adjacent property.

**C. Enclosed Livestock Pavillion Facility**

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

**D. Livestock Waste Management**

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

**E. Applicable Laws Must be Met**

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

**F. Signage Standards**

All way finding signage shall be clearly marked and comply with the American with Disabilities Act Guidelines. Property signage placement and standards shall comply with either property standards and guidelines or governmental standards, whichever is stricter. Freestanding signs shall be permitted but are limited to the principal permitted uses, not to exceed 40 feet in height and setback same as requirement for buildings. All proposed signage must be identified on the required development plan.

**H. Development Plans and Operational Plans**

Final development plans for Agricultural Marketing Centers shall require a public hearing before the Planning Commission and the plan shall include all information as required in Article V, Section 503.3 and shall follow the submission, review and approval process established therein. In addition to the development plan an operational plan must also be submitted for review by the Commission and will be subject to the same approval process as development plans. Where the Commission deems appropriate, the Kentucky No Discharge Operational Permit (KYNDOP) or other appropriate permits from the Kentucky Division of Water or any other applicable federal, state or local agency, may be required prior to approval of an Operational Plan or Development.

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

**(Amended April 2007)**