

## Section 6.1: Agriculture District (A-1)

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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 docks, 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 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 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; (8) the use shall maintain the viewshed along the public right-of-way; (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 its 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

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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 2500 sq. ft. in area(\*); storage of any equipment, necessities, or accessories to said business which incidentals 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 2500 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 an 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

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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 imposed 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 Heli-pads: 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.

### E. Dimension and Area Requirements

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

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

- (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.

- Amended City of Bardstown, Ordinance B2015-27, September 25, 15; City of Bloomfield, Ordinance 2015-107, October 23, 2015; City of Fairfield, Ordinance 2015-PZ-02 & 03, November 13, 2015; City of New Haven, Ordinance #455, Series 2015, October 23, 2015; and, Fiscal Court, Ordinance #930.1-4, September 4, 2015 and Ordinance #930.1-5 through 930.1-10, October 23, 2015.
- Amended City of Bardstown, Ordinance B2017-05, March 10, 2017; City of Bloomfield, Ordinance 2017-116, March 24, 2017; City of Fairfield, Ordinance 2017-PZ-01-2017, March 31, 2017; City of New Haven, Ordinance #462, Series 2017, March 22, 2017; and Fiscal Court, Ordinance #930.1-12, March 31, 2017.
- Amended City of Bardstown, Ordinance B2017-07, May 5, 2017; City of Bloomfield, Ordinance 2017-117, May 14, 2017; City of Fairfield, Ordinance 2017-PZ-02-2017, May 14, 2017; City of New Haven, Ordinance #463, Series 2017, May 26, 2017; and Fiscal Court, June 9, 2017.