

MERCER COUNTY FISCAL COURT  
MERCER COUNTY  
KENTUCKY

ORDINANCE No. 2026-01

An Ordinance Amending Ordinance 2024-05, Mercer County, KY Zoning Ordinance

*First Reading was held on January 13th, 2026.*

*Second Reading was held on January 30th, 2026*

*Motion was made by Magistrate Darland, Seconded by Magistrate Hicks to adopt the Ordinance on January 30th, 2026. All in Favor.*

The Fiscal Court does hereby adopt all statements, representations, warranties, covenants, and agreements contained in said Ordinance and agrees to all the terms and conditions therein stated; and

The Judge/Executive of the County is hereby authorized and directed to sign this Ordinance and the Fiscal Court Clerk of Mercer County is hereby authorized and directed to certify thereto.

COMMONWEALTH OF KENTUCKY, MERCER COUNTY

I, Missey Ellis, Fiscal Court Clerk of Mercer County certify that the foregoing is a true copy of the Order above, given under my hand and seal of office this the 30<sup>th</sup> day of January, 2026.

PRINTED NAME Missey Ellis

SIGNED NAME Missey Ellis

MERCER COUNTY JUDGE EXECUTIVE: Sarah Steele

JUDGE EXECUTIVE SIGNATURE: Sarah Steele

COMMONWEALTH OF KENTUCKY, MERCER COUNTY



***MERCER COUNTY, KENTUCKY***  
***ZONING ORDINANCE***  
***2026***

**With integrated Text Amendments through January 30, 2026**

**by**

**The Greater Harrodsburg/Mercer County  
Planning and Zoning Commission**

TITLE: Mercer County, KY Zoning Ordinance 2026  
 SUBJECT: Zoning Ordinance  
 REVISED: 1/30/2026

Record of Amendments to this Ordinance

Amendment	Dealing With Section	Adoption Date
Division of Family Property	Section 730	6/24/2003
Division of Land Served by Passway Easements	Section 590 (Added) Section 810	7/13/2004
Kennel as Rural Occupation	Section 1400 & Article XV	2/22/2005
Amended Regulations of Bed & Breakfast and Associated Business	Section 630 & 640	7/26/2005
Distilled Spirits Buildings in Ag & Industrial Zoning Districts	Articles 630 & 660	3/28/2023
Rename Article XV – Definitions to Article XVI - Definitions	Article XV & Article XVI	6/27/2023
Solar Energy Systems & Solar Facilities	Article XV	6/27/2023
Modify Fiscal Court Approval on Fee Schedule	Article 2 Section 2.3	7/9/2024
Remove: limitation of rack supported structures ADD: requirement to design detention for liquid capacity of warehouse	Article 6 6.3A(i(g))	7/9/2024
Remove Bed & Breakfast Establishments from Accessory Uses	6.3A(ii(f))	7/9/2024
Remove: limitation of rack supported structures ADD: requirement to design detention for liquid capacity of warehouse	6.3A(iii(h))	7/9/2024
ADD: Bed & Breakfast and any residence used primarily for short term rentals as Conditional Uses	6.3A(iii(l & j))	7/9/2024
Add Conditional Uses allowed in A-1 as Conditional in A-3 Remove Item G	6.3C(iii(F))	7/9/2024
Remove: limitation of rack supported structures ADD: requirement to design detention for liquid capacity of warehouse	6.4A(ii(d))	7/9/2024
Remove: limitation of rack supported structures ADD: requirement to design detention for liquid capacity of warehouse	6.6B(i(c))	7/9/2024
Replaced the word "Mobile" with "Manufactured"	Article 11	7/9/2024
Removed item 11.1(ii) requiring 5 acres minimum for manufactured home placement	Article 11 Section 11.1(ii)	7/9/2024
Removed Swimming Pools in Entirety and replace with ADU's	Article 12	7/9/2024
Removed Kennels from Rural Occupations	14.20(q)	
Delete definition of Kennel Update definitions on Mobile Homes – Change in terminology to Manufactured and Qualified Manufactured Homes Added definitions for Short Term Rentals & Short-Term Rental Platforms	Article 16	7/9/2024
Reduce Minimum Road Frontage from 250' to 200' in A-2	Appendix	7/9/2024
Reduce Minimum Front Yard Setback in A-2 from 80' to 40'	Appendix	7/9/2024
Remove: "on a farm consisting of five (5) or more contiguous acres of land."	6.3A(i(a, b, c, f))	1/30/2026
Replace "Any use similar to those set forth in Subsections "a" through "j" of this Section 630(A)(iii) but which is not specifically listed, may be determined to be a conditional	6.3A(iii(k))	1/30/2026

use by the Board of Adjustment and Appeals" with "Overnight Accommodations"		
Add: A site plan shall be approved by the Planning Commission for any Development in this zone prior to issuance of Building or Zoning permits.	6.3(C), 6.5, 6.6	1/30/2026
Add new section regarding Site Plan Requirements	7.05	1/30/2026
R-1 Zoning District – Increase minimum lot size on sewer to 20,000 sq ft. and road frontage & width to 125' R-2 Zoning District – Increase minimum lot size on sewer to 15,000 sq ft. and road frontage & width to 125' R-3 Zoning District – Increase minimum lot size on sewer to 12,000 sq ft. and road frontage & width to 125' Add the word "continuously": Minimum Road Frontage shall be measured continuously along an existing public right-of-way...	Appendix	1/30/2026
Increase the timeline for removal of the home to 180 days: conditional use permit shall expire automatically upon the death of the parent or child needing care and the land owner shall then remove the Manufactured Home within 180 days thereafter.	11.1(vii)	1/30/2026
Remove hours of operation and add "Event Venues" to Rural Occupations	14.1(18, 20)	1/30/2026
Fix all technical and grammatical errors.	2.4, 5.9, 6.0, 6.3, 6.4, 6.5, 6.6, 7.2, 10.6, 10.7, 10.8, 12.2, 12.3, 13.70, 14.1, and 16.1.	1/30/2026

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## **ARTICLE I - TITLE, INTERPRETATION AND ENACTMENT**

### **1.0 Title**

This ordinance is titled "Zoning Ordinance, Mercer County, Kentucky" and may be cited as the "Zoning Ordinance." The zoning map referred to herein is titled "Zoning Map, Mercer County, Kentucky" and is hereby made a part of the Zoning Ordinance. This ordinance and the map are on file with the Greater Harrodsburg/Mercer County Planning and Zoning Commission.

### **1.1 Provisions Of Ordinance Declared To Be Minimum Requirements**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that impose higher standards, shall govern.

### **1.2 Separability Clause**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### **1.3 Repeal Of Conflicting Resolution And Ordinances; Effective Date**

All ordinances, resolutions, or parts of same in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become from and after the date of its approval and adoption as provided by law.

## **ARTICLE II - ADMINISTRATION AND ENFORCEMENT**

### **2.0 Administrative Official**

A Zoning Administrative Officer designated by the Greater Harrodsburg/Mercer County Planning and Zoning Commission shall administer this ordinance. A Zoning Compliance Officer shall enforce this ordinance. The Mercer County Building Inspector is authorized to issue building permits as required. The Mercer County Building Inspector is responsible for and authorized to issue certificates of occupancy as required. The Zoning Administrative Officer and Zoning Compliance Officer, in the performance of their duties and functions as defined in KRS 100.271 and other applicable law or ordinances, may enter upon any land and make examinations, inspections and/or surveys that do not occasion damage or injury to private property. For the purposes of this ordinance, the Zoning Administrative Officer and Zoning Compliance Officer shall have the following duties:

- a. Upon finding that any of the provisions of this ordinance are being violated, shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
- b. Order discontinuance of illegal uses of land, buildings or structures;
- c. Order removal of illegal buildings, structures, additions or alterations;
- d. Order discontinuance of illegal work being done; or
- e. Take any other action authorized by this ordinance to ensure compliance with or to prevent violation(s) of this ordinance.
- f. Make records of all official actions of the Zoning office relating to the administration and enforcement of the provisions of this ordinance, including but not limited to written records of all complaints and actions taken with regard thereto, all violations discovered and actions taken thereon, and the final disposition of all such matters.

### **2.1 Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written and signed complaint in the Office of the Greater Harrodsburg/Mercer County Planning and Zoning Commission on the form provided by the Planning and Zoning Commission. Within a reasonable time thereafter, the Planning and Zoning Staff shall record and investigate such complaints. The Planning and Zoning Staff shall report their findings regarding the complaint to the Planning and Zoning Commission for appropriate action as provided by this Ordinance.

## **2.2 Penalties For Violations**

Violations of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor, punishable by a fine of not less than \$10.00 nor more than \$500.00 for each conviction. Each day of violation shall constitute a separate offense.

## **2.3 Schedule Of Fees, Charges And Expense**

Fees, charges and expenses for building permits, certificates of occupancy, zone changes, appeals and other matters pertaining to this ordinance, shall be posted in the Planning and Zoning Office, and may be altered or amended only by the appropriate Legislative Body. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. The Planning and Zoning Commission shall establish the respective fees and charges within each district under their jurisdiction.

## **2.4 Building Permits**

The Mercer County Building Inspector is responsible for and authorized to issue Building Permits. Such permits must be obtained prior to commencing work and will be issued within a reasonable time following receipt of an application and any required plans. Any permit issued shall become invalid if the authorized work has not commenced within one (1) year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.

## **2.5 Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Zoning Administrative Officer, Zoning Compliance Officer or Mercer County Building Inspector shall appeal from the final action to the Mercer County Board of Adjustment and Appeals in accordance with Article IV of this Ordinance. Such appeal shall be taken within thirty-(30) days after such action. All final actions which have not been appealed within thirty-(30) days shall not be subject to review by the Board of Adjustment and Appeals.

## **ARTICLE III - AMENDMENTS**

### **3.0 General Amendment Procedures**

To make any amendments to the Zoning Ordinance, either to the text or to the map, the following procedure shall be followed and comply with KRS 100.211. If any use or density is not permitted in a zoning district by the provisions of the Zoning Ordinance, it may not be permitted by any agency unless the Zoning Ordinance is amended according to the amendment procedure.

- a. **REVIEW BY THE PLANNING COMMISSION** - No amendment shall be made without first being reviewed by the Planning Commission. The Planning Commission may refuse to review proposed amendments which have been proposed and rejected within the past two years.
- b. **PUBLIC HEARING** – The Planning Commission may call a public hearing at any time to consider zoning amendment and may establish a separate schedule of reasonable fees, this subject to approval by the Mercer County Fiscal Court as set forth in Section paid by the applicant for the zoning amendment, which fees shall cover the cost of adequate advertisement of the hearing by such means as the Planning and Zoning Commission determines to be necessary. When a hearing is scheduled on a proposal to amend any zoning map, plat, plan, text or regulation, the following notice shall be given in addition to any other notice required by statute, local regulation or ordinance.
  - i. It shall be the responsibility of the Zoning Administrative Officer to post conspicuously on the property a notice of the hearing of the proposed zone change as outlined in KRS 100.212.
  - ii. Notice of hearing shall be given at least 14 days in advance of the hearing by first class mail, with certification by the Commission's secretary or other officer that the notice was mailed, to the owner(s) of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the amendment to furnish to the planning commission the names and addresses of the owners of all adjoining property.
  - iii. Notice of the hearing must be published by the Zoning Administrative Officer in a newspaper having general circulation throughout the county no less than seven (7) and no more than 21 days before the scheduled hearing takes place.
- c. **RECOMMENDATIONS TO THE LEGISLATIVE BODY**-The Planning and Zoning Commission shall submit its recommendation(s) to the Mercer County Fiscal Court before its next official meeting.
- d. **ACTION BY THE MERCER COUNTY FISCAL COURT**- Adoption of the Planning and Zoning Commission's recommendation(s) must be by a majority of all of the members

of the Mercer County Fiscal Court. To overrule the Planning Commission's recommendation, a recorded vote of not less than a majority of the entire membership of the Mercer County Fiscal Court shall be necessary. The Mercer Fiscal Court shall take final action upon a proposed zoning map amendment within ninety-(90) days of the date upon which the Planning and Zoning Commission takes its final action upon such proposal.

- a. RECORDING-Once the Mercer County Fiscal Court has taken final action on a zoning amendment and the thirty-(30) days for appeal have expired, it shall be the responsibility of the Planning and Zoning Commission Staff to make an amendment to the Official Zoning Map and to file a Certificate of Land Use Restriction in the Office of Mercer County Clerk, County Courthouse, Harrodsburg, Kentucky.

### **3.1 Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Greater Harrodsburg/Mercer County Planning and Zoning Commission and/or Mercer County Fiscal Court related to a map amendment shall appeal from the final action to the Mercer Circuit Court in accordance with KRS 100.347. Such appeal shall be taken within thirty (30) days after such final action. Final action shall not include the Commission's recommendations made to the Mercer County Fiscal Court. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. In such case, the thirty (30) day period for filing an appeal begins to run at the time the Mercer Fiscal Court takes final action to grant or deny the map amendment. The Planning and Zoning Commission shall be a party to any such appeal filed in the circuit court.

## **ARTICLE IV - BOARD OF ADJUSTMENT AND APPEALS**

### **4.0 Procedure For Appeals To The Board**

Any person or entity claiming to be injured or aggrieved by action of the Zoning Administrative Officer, Zoning Compliance Officer or Mercer County Building Inspector concerning the interpretation, administration, application or enforcement of this Ordinance may appeal from the final action to the Board of Adjustment and Appeals in accordance with KRS 100.261. Such appeal shall be taken within thirty-(30) days after the final action or it shall not be subject to review by the Board of Adjustment and Appeals. The appeal shall be filed on the form provided in the Planning and Zoning Office. Fees for an appeal shall be paid in accordance with the Mercer County Schedule of Fees.

### **4.1 Powers And Duties Of Board Of Adjustment And Appeals**

In exercising its duties, the Board may, as long as such action is in conformity with KRS 100.217 and the terms of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made. The concurring vote of two-thirds of the members of the Board shall be necessary to reverse any order, requirement, decision or determination by the Zoning Administrative Officer, Zoning Compliance Officer or Mercer County Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance. For the purposes of this ordinance, the Board has the following specific responsibilities:

- a. In accordance with KRS 100.257, to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrative Officer, Zoning Compliance Officer or Mercer County Building Inspector.
- b. In accordance with KRS 100.237, to hear and decide only such matters as the Board of Adjustment and Appeals is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether conditional use permits should be granted; and to grant conditional use permits with such safeguards as are appropriate under this ordinance, or to deny conditional use permits with such safeguards as are appropriate under this ordinance, or to deny conditional use permits when not in harmony with the purpose and intent of this ordinance.
- c. In accordance with KRS 100.241 to KRS 100.253, to authorize upon appeal in specific cases such variance(s) from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship or practical difficulty.

#### **4.2 Appeals From The Board Of Adjustment And Appeals**

Any person(s) or entity aggrieved by any decision of the Board of Adjustment and Appeals may seek judicial review by the Mercer Circuit Court in the manner provided in KRS 100.347(1).

#### **4.3 Duties Of Legislative Bodies In Matters Of Appeal**

Nothing in this ordinance shall be interpreted as denying or limiting the duties and powers of the Mercer County Fiscal Court in matters of determining and enforcing the zoning regulations. The Mercer County Fiscal Court shall retain all authority, rights and responsibilities assigned it by the Kentucky Revised Statutes, especially KRS 100.

## **ARTICLE V - NON-CONFORMING LOTS, STRUCTURES AND USES**

### **5.0 Intent**

It is the intent of this ordinance to permit non-conforming lots, structures, and/or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

### **5.1 Non-Conforming Lots Of Record**

In any district in which single-family dwellings or duplexes are permitted, such dwellings and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of such lots shall conform to the regulations. For the district, variance of yard requirements shall be obtained only through action of the Board of Adjustment and Appeals.

### **5.2 Non-Conforming Uses Of Land**

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise legal.

### **5.3 Non-Conforming Structures**

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

### **5.4 Non-Conforming Uses Of Structures And/Or Premises In Combination**

If lawful use of structure and premises in combination exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful.

## **5.5 Repairs And Maintenance**

Ordinary repairs, including repair or replacement of non-load bearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10% of the current replacement cost of the non-conforming structure or non-conforming portion of the structure may be made in any period of twelve-(12) consecutive months. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting public safety, upon order of such official.

## **5.6 Uses Under Conditional Use Provisions Not Non-Conforming Uses**

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

## **5.7 Discontinuance Of Non-Conforming Uses**

When a nonconforming use of any building, structure or land has been discontinued for a period of twelve (12) consecutive months, it shall not be re-established or changed to any use not in conformity with the provisions of the zoning district in which it is located. Non-operative status or vacating of the premises or building shall be evidence of discontinued use.

## **5.8 Illegal Uses, Lots Sizes And Structures**

Any use, structure, lot size or dimension(s) which would not be permitted by this ordinance, and which would not be a non-conforming use, structure, lot size or dimension(s) as defined herein because it was created or established after March 6, 1979, shall be deemed an illegal use, structure, lot size or dimension(s).

Any illegal use, structure, lot size or dimension(s) which has existed continuously for a period of ten-(10) consecutive years or more after March 6, 1979 AND which has not been subject to any enforcement action, may be converted to a non-conforming use, structure, lot size or dimension(s) by action of the Board of Adjustment and Appeals after public hearing thereon. The burden to prove that the use, structure, lot size or dimension(s) has existed for a period of ten-(10) consecutive years or more after March 6, 1979 shall be upon the person(s) or entity seeking to convert the illegal use, structure, lot size or dimension(s) to a non-conforming use, structure, lot size or dimension(s). If the Board of Adjustment and Appeals grants the conversion to a non-conforming use, structure, lot size or dimension(s) then said use, structure, lot size or dimension(s) shall no longer be considered an illegal use, structure, lot size or dimension(s) and shall be subject to the provisions of this Article V.

## **5.9 Division Of Land Served By A Non-Conforming Passway Easement**

An owner of land which has a non-conforming passway or easement (i.e. less than 40' in width as required by Section 8.1 herein) as its only means of ingress/egress to a public road **AND** that non-conforming passway or easement existed prior to the adoption of the Zoning Ordinance for Mercer County on February 27, 2003, shall be permitted to either:

1. Divide that property once without being required to meet the 40' minimum road width or the Minimum Road Frontage and Width at Building Line as set out in Section 8.1 of this Ordinance. Any further division of said land shall be subject to the requirement shall be subject to the requirement of a 40' minimum road width, the Minimum Road Frontage and Width at Building Line requirements of Section 8.1 and all other requirements of this Ordinance and the Mercer County Road Specifications Ordinance adopted on October 5, 1998 as amended from time, **OR**,
2. In the case of a Family Off Conveyance pursuant to Section 7.3 of this Ordinance, there shall be no limitations on the number of times the owner may divide the land for off-conveyance to his "family members" as defined by Section 7.3. any owner dividing his land under the Section 7.3 Family Off Conveyance provisions shall not be required to meet the 150' Minimum Road Frontage and Width at Building Line requirements of Section 7.3 or the 40' minimum road width requirement of Section 8.1 with regard to any of the tracts of land off conveyed to the family member(s), but shall be required to meet the remaining requirements of Section 7.3, Section 8.1 and other applicable provision of this Ordinance.

In no event shall the owner be permitted to divide the land both under this section **and** Section 7.3 Family Off Conveyance.

Any subdivision of land served by the extension of an existing passway or easement shall have a plat prepared by a registered land surveyor in good standing in the Commonwealth of Kentucky and shall not be recorded by the Mercer County Clerk until the plat has been approved by The Greater Harrodsburg/Mercer County Planning and Zoning Commission and the approval entered thereon in writing.

The plat shall indicate the location and width of the existing non-conforming passway or easement; and shall further indicate the width and location of any proposed extension of the non-conforming passway or easement intended to serve the tract to be off conveyed.

The burden of proof shall be upon the property owner seeking to divide the property to show the location and width of the non-conforming passway or easement and that said easement or passway existed prior to February 27, 2003.

The limitations on the division of land served by a non-conforming passway or easement as set out in this Section 5.9 shall be typed upon any plat to be used in the division of said land

as a warning as disclaimer to future owners and The Greater Harrodsburg/Mercer County Planning and Zoning Commission shall not approve any plat not containing this warning or disclaimer. The disclaimer to be placed upon the plat shall read as follows:

**WARNING! Access to the tracts of property shown on this plat is by a non-conforming passway/easement (i.e. less than 40' in width) and the tracts shown hereon may not be subdivided further unless the owner complies with the 40' road width requirements and the Minimum Road Frontage and Width at Building Line requirements of Section 8.1 and other applicable provisions of the Mercer County Zoning Ordinance and the Mercer County Road Specifications adopted on October 5, 1998 as amended from time to time. Approval of this plat by the Planning and Zoning Commission does not ensure that emergency services will be available; or that the passway or easement will be maintained by the Mercer Fiscal Court as part of its County Road Maintenance Plan; and does not limit or deny any civil causes of action for use of the passway or easement.**

## **ARTICLE VI - ESTABLISHMENT OF ZONING DISTRICTS**

### **6.0 Official Zoning Map**

The boundaries of the zoning districts are hereby established as shown on the Zoning Map which, with all notations, references and other matters shown thereon, shall be a part of this ordinance. The official Zoning Map shall be identified by the signature of the County Judge/Executive and attested by the County Clerk, and bear the seal of Mercer County, under the following words: "This is to certify that this is the Official Zoning Map for Mercer County, Kentucky, referred to in Article I, Section 1.0, of the Zoning Ordinance, Mercer County, Kentucky, adopted March 6, 1979."

If, in accordance with the provisions of this ordinance and Kentucky Revised Statutes, a map amendment is granted, such amendment shall be made on the official Zoning Map by the Zoning Administrative Officer promptly after the amendment has been approved by final action of the Mercer County Fiscal Court and the thirty (30) days for appeal pursuant to KRS 100.347 have expired. The map amendment shall reflect the date of final action by the Mercer Fiscal Court.

### **6.1 Interpretation Of Zoning District Boundaries**

The following rules shall apply in interpreting the exact location of zoning district boundaries on the Zoning Map.

- A. Where a zoning district boundary follows a street or railroad, the centerline of the street or railroad right-of-way is the boundary of the district.
- B. Where a zoning district boundary is indicated as a lot line, that line is the boundary.
- C. Where a zoning district follows a stream or the shore of a body of water, that stream or shore line is the boundary.
- 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 map scale.
- E. Where the exact location of a boundary is not clear, the Planning and Zoning Commission shall use these rules to determine the exact location of the boundary.

## 6.2 Establishment And Designations

Mercer County is divided into eleven (11) zoning districts as shown on the Zoning Map. These districts are designated as follows:

A-1 Agricultural - Farming Oriented  
A-2 Agricultural - Rural Residential  
A-3 Small Community - Rural Settlement

R-1 Residential - Single Family  
R-2 Residential - Single and Duplex  
R-3 Residential – Multi-family

B-1 Neighborhood Business  
B-2 Highway Business  
B-3 General Business

I-1 Industrial – Light Industrial  
I-2 Industrial – Heavy Industrial

## 6.3 Agricultural Zones

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

**A. Agricultural District A-1** - The purpose of A-1 districts is to preserve extensive agricultural endeavors in Mercer County.

### i. PERMITTED USES IN A-1 DISTRICTS

- a. Land used exclusively for agricultural uses, farming, dairying, stock raising.  
(See Article XVI, Definition 3)
- b. Horticultural services, nurseries and greenhouses.
- c. Hunting, trapping, game preserves, forestry.
- d. Single family detached dwellings.
- e. Churches and cemeteries.
- f. Recreational facilities including playgrounds, golf courses, country clubs, sportsman's farms, riding stables and pay fishing lakes.

- g. Distilled Spirits Storage Buildings. This use shall meet the following mandatory requirements:
1. Minimum Parcel size shall be a minimum of 100 acres.
  2. The construction type shall be protected throughout by an automatic fire suppression system (sprinkled) and so designed to provide detention of the entire liquid capacity of the warehouse.
  3. The maximum size of any single structure shall not exceed a footprint of 40,000 sqft, excluding stairwells and open docks, and shall not exceed 60 feet in height
  4. All structures shall be setback a minimum of 200 feet from all property lines.
  5. At least 25% of the property shall be dedicated to agricultural uses, as defined in KRS 100 and/or preserved as a conservation area, and:
  6. Shall be required to submit and received approval of a Site Plan from the Planning & Zoning Commission.

ii. ACCESSORY USES IN A-1 DISTRICTS

- a. Accessory uses in connection with agriculture, farming, dairying, stock raising or agricultural structures, stables and parking areas.
- b. Roadside stands and greenhouses offering for sale only agricultural products grown on the premises.
- c. Keeping of roomers or boarders by a resident family subject to compliance with applicable regulations/standards established by the Mercer County Health Department.
- d. Swimming pools and tennis courts for private residential use.
- e. Horse-training tracks.

iii. CONDITIONAL USES IN A-1 DISTRICTS

- a. Hospitals, clinics and similar medical facilities, mental health facilities, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes, assisted living homes, family care centers/providers, day care centers/providers and shelters for the homeless.
- b. Sewage disposal plants and water treatment plants.
- c. Extraction of crude petroleum or natural gas. Extraction, storing and processing of minerals or raw materials. The Board of Adjustment and Appeals may attach special conditions necessary to protect neighboring premises from undesirable effects of such operations.

- d. Veterinarian clinics.
- e. Home occupations as permitted according to Article XVI, #18.
- f. Rural occupations as permitted in Article XVI, #33.
- g. Private clubs and restaurants for private clubs.
- h. Distilled Spirits Storage Buildings on tracts between 50 & 100 acres. Prior to approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This type of use 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 as set out in KRS 100.237, and the following mandatory requirements:
  - 1. The construction type shall be protected throughout by an automatic fire suppression system (sprinkled) and so designed to provide detention of the entire liquid capacity of the warehouse.
  - 2. The maximum size of any single structure shall not exceed a footprint of 40,000 sqft, excluding stairwells and open docks, and shall not exceed 60 feet in height.
  - 3. All structures shall be setback a minimum of 200 feet from all property lines.
  - 4. At least 25% of the property shall be dedicated to agricultural uses, as defined in KRS 100 and/or preserved as a conservation area, and:
  - 5. Shall be required to submit and receive approval of a Site Plan from the Planning & Zoning Commission.
- i. Bed & Breakfast Establishments
- j. Structures used primarily for Short Term Rentals
- k. Overnight Accommodations
- l. Recreational Vehicle Parks

#### iv. DIMENSIONS AND AREA REGULATIONS IN A-1 DISTRICTS

- a. See Article VIII

**B. AGRICULTURAL DISTRICT A-2.** The purpose of the A-2 district is to establish areas in the county that may be used for single-family residential development.

**i. PERMITTED USES IN A-2 DISTRICTS**

- a. Single family dwellings
- b. Land used exclusively for agricultural uses, farming, dairying, stock raising. (See Article XVI, Definition 3)
- c. Horticultural services, nurseries and greenhouses.
- d. Hunting, trapping, game preserves, forestry.
- e. Churches and cemeteries.
- f. Recreational facilities including playgrounds, golf courses, country clubs, sportsman's farms, riding stables, and pay fishing lakes.
- g. Distilled Spirits Storage Buildings. This use shall meet the following mandatory requirements:
  - 1. Minimum Parcel size shall be a minimum of 100 acres.
  - 2. The construction type shall be protected throughout by an automatic fire suppression system (sprinkled) and so designed to provide detention of the entire liquid capacity of the warehouse.
  - 3. The maximum size of any single structure shall not exceed a footprint of 40,000 sqft, excluding stairwells and open docks, and shall not exceed 60 feet in height.
  - 4. All structures shall be setback a minimum of 200 feet from all property lines.
  - 5. At least 25% of the property shall be dedicated to agricultural uses, as defined in KRS 100 and/or preserved as a conservation area, and:
  - 6. Shall be required to submit and receive approval of a Site Plan from the Planning & Zoning Commission.

**ii. ACCESSORY USES IN A-2 DISTRICTS**

- a. Garage or other building not used as a dwelling and accessory to the principle use.
- b. Keeping of roomers or boarders by a resident family subject to compliance with applicable regulations/standards established by the Mercer County Health Department.

- c. Accessory uses in connection with agriculture, farming, dairying, stock raising or agricultural structures, stables and parking areas.
- d. Roadside stands and greenhouses offering for sale only agricultural products grown on the premises.
- e. Swimming pools and tennis courts for private residential use.
- f. Horse-training tracks.

### iii. CONDITIONAL USES IN A-2 DISTRICTS

- a. Hospitals, clinics and similar medical facilities, mental health facilities, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes, assisted living homes, family care centers/providers, day care centers/providers and shelters for the homeless.
- b. Sewage disposal plants and water treatment plants.
- c. Extraction of crude petroleum or natural gas. Extraction, storing and processing of minerals or raw materials. The Board of Adjustment and Appeals may attach special conditions necessary to protect neighboring premises from undesirable effects of such operations.
- d. Veterinarian clinics.
- e. Home occupations as permitted according to Article XVI, #18.
- f. Rural occupations as permitted in Article XVI, #33.
- g. Private clubs and restaurants for private clubs.
- h. Distilled Spirits Storage Buildings on tracts between 50 & 100 acres. Prior to approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This type of use 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 as set out in KRS 100.237, and the following mandatory requirements:
  1. The construction type shall be protected throughout by an automatic fire suppression system (sprinkled) and so designed to provide detention of the entire liquid capacity of the warehouse.
  2. The maximum size of any single structure shall not exceed a

size of any single structure shall not exceed a footprint of 40,000 sqft, excluding stairwells and open docks, and shall not exceed 60 feet in height.

3. All structures shall be setback a minimum of 200 feet from all property lines.
4. At least 25% of the property shall be dedicated to agricultural uses, as defined in KRS 100 and/or preserved as a conservation area, and;
5. Shall be required to submit and received approval of a Site Plan from the Planning & Zoning Commission.

i. Bed & Breakfast Establishments

j. Structures used primarily for Short-Term Rentals

k. Overnight Accommodations

l. Recreational Vehicle Parks.

#### iv. DIMENSIONS AND AREA REGULATIONS IN A-1 DISTRICTS

a. See Article VIII

**C. AGRICULTURAL DISTRICT A-3** (Small community) - Certain geographic areas within Mercer County have been determined to be Small Community Districts and zoned A-3. Such small Community Districts may be more accurately described and defined by reference to the Zoning Map. A Site plan shall be approved by the Planning Commission for any Development in this zone prior to issuance of a Building or Zoning permits.

#### i. PERMITTED USES IN A-3 DISTRICTS

- a. Land used exclusively for agricultural uses, farming, dairying, stock raising on a farm. (See Article XVI, Definition 3)
- b. Horticultural services, nurseries and greenhouses.
- c. Hunting, trapping, game preserves, forestry.
- d. Single family detached dwellings.
- e. Duplexes
- f. Churches and cemeteries.

- g. Recreational facilities including playgrounds, golf courses, country clubs, sportsman's farms, riding stables and pay fishing lakes.
- h. Distilled Spirits Storage Buildings. This use shall meet the following mandatory requirements:
  1. Minimum Parcel size shall be a minimum of 100 acres.
  2. The construction type shall be protected throughout by an automatic fire suppression system (sprinkled) and so designed to provide detention of the entire liquid capacity of the warehouse.
  3. The maximum size of any single structure shall not exceed a footprint of 40,000 sq ft, excluding stairwells and open docks, and shall not exceed 60 feet in height
  4. All structures shall be setback a minimum of 200 feet from all property lines.
  5. At least 25% of the property shall be dedicated to agricultural uses, as defined in KRS 100 and/or preserved as a conservation area, and:
  6. Shall be required to submit and received approval of a Site Plan from the Planning & Zoning Commission.
- i. Retail sales for neighborhood consumption; processing is permitted only if all products processed are sold at retail on the premises.
- j. Consumer services; processing is permitted if all such processing is performed as a consumer service for retail customers served on the premises.
- k. Professional, business and governmental offices and laboratories.
- l. Day care centers/providers and family care centers/providers subject to approval by responsible regulatory authorities including state and local.

## ii. ACCESSORY STRUCTURES AND USES PERMITTED IN A-3 DISTRICTS

- a. Accessory uses in connection with agriculture, farming, dairying, stock raising or agricultural structures, stables and parking areas.
- b. Roadside stands and greenhouses offering for sale only agricultural products grown on the premises.
- c. Keeping of roomers or boarders by a resident family subject to compliance with applicable regulations/standards established by the Mercer County Health Department.
- d. Swimming pools and tennis courts for private residential use.

e. Horse-training tracks.

f. Garage or other building not used as a dwelling and accessory to the principle use.

### iii. CONDITIONAL USES IN A-3 DISTRICTS

a. Hospitals, clinics and similar medical facilities, mental health facilities, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes, assisted living homes, family care centers/providers, day care centers/providers and shelters for the homeless.

b. Sewage disposal plants and water treatment plants.

c. Extraction of crude petroleum or natural gas. Extraction, storing and processing of minerals or raw materials. The Board of Adjustment and Appeals may attach special conditions necessary to protect neighboring premises from undesirable effects of such operations.

d. Veterinarian clinics.

e. Home occupations as permitted according to Article XVI, #18.

f. Rural occupations as permitted in Article XVI, #33.

g. Private clubs and restaurants for private clubs.

h. Bed & Breakfast Establishments.

i. Structures used primarily for Short-Term Rentals.

j. Overnight Accommodations.

k. Recreational Vehicle Parks.

l. Non-profit or private facilities such as schools, churches, cemeteries, libraries, parks and recreational facilities.

m. Manufactured Home subdivisions, Manufactured Home parks and recreational vehicle parks.

n. Mini Storage Warehouses.

### iv. DIMENSION AND AREA REGULATIONS IN THE SMALL COMMUNITY DISTRICT

- a. See Article VIII.

v. USES PROHIBITED

- a. Any agricultural or other use that would emit or produce obnoxious noise or odor beyond the confines of any property being used for such purposes.

**6.4 Residential Districts**

The purpose of Residential Districts is to establish and preserve single and multifamily home neighborhoods as desired by large numbers of people, free from other uses except those which are both compatible with and convenient to the residents of such a district.

**A. RESIDENTIAL DISTRICT R-1 - Single Family Residential**

i. PERMITTED USES IN R-1 DISTRICTS

- a. Single family dwellings.

ii. ACCESSORY STRUCTURES AND USES PERMITTED IN R-1 DISTRICTS

- a. Garage or other building not used as a dwelling and accessory to the principle use.
- b. Private swimming pools and tennis courts.
- c. Keeping of roomers or boarders by a resident family subject to compliance with applicable regulations/standards established by the Mercer County Health Department.

iii. CONDITIONAL USES IN R-1 DISTRICTS

- a. Non-profit or private facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities and hospitals.
- b. Home occupations as permitted according to Article XVI, #18.
- c. Day care centers/providers and family care centers/providers subject to approval by responsible regulatory authorities including state and local.
- d. Bed & Breakfast Establishments

- e. Structures utilized for Short Term Rentals

**iv. DIMENSIONS AND AREA REGULATIONS IN R-1 DISTRICT**

- a. See Article VIII.

**B. RESIDENTIAL DISTRICT R-2**

**i. PERMITTED USES IN R-2 DISTRICTS**

- a. Single family dwellings.
- b. Duplexes.

**ii. ACCESSORY STRUCTURES AND USES PERMITTED IN R-2 DISTRICTS**

- a. Garage or other building not used as a dwelling and accessory to the principle use.
- b. Private swimming pools and tennis courts.
- c. Keeping of roomers or boarders by a resident family subject to compliance with applicable regulations/standards established by the Mercer County Health Department.

**iii. CONDITIONAL USES IN R-2 DISTRICTS**

- a. Non-profit or private facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities and hospitals.
- b. Home occupations as permitted according to Article XVI, #18.
- c. Day care centers/providers and family care centers/providers subject to approval by responsible regulatory authorities including state and local.
- d. Bed & Breakfast Establishments
- e. Structures utilized for Short-Term Rentals

**iv. DIMENSIONS AND AREA REGULATIONS IN R-2 DISTRICTS**

- a. See Article VIII.

## **C. RESIDENTIAL DISTRICT R-3**

### **i. PERMITTED USES IN R-3 DISTRICTS**

- a. Single family dwellings.
- b. Duplexes and multifamily dwellings.

### **ii. ACCESSORY STRUCTURES AND USES PERMITTED IN R-3 DISTRICTS**

- a. Garage or other building not used as a dwelling and accessory to the principle use.
- b. Private swimming pools and tennis courts.
- c. Keeping of roomers or boarders by a resident family subject to compliance with applicable regulations/standards established by the Mercer County Health Department.

### **iii. CONDITIONAL USES IN R-3 DISTRICTS**

- a. Non-profit or private facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities and hospitals.
- b. Home occupations as permitted according to Article XVI, #18.
- c. Day care centers/providers and family care centers/providers subject to approval by responsible regulatory authorities including state and local.
- d. Bed & Breakfast Establishments
- e. Structures utilized for Short-Term Rentals
- f. Manufactured Home subdivisions and Manufactured Home parks.

### **iv. DIMENSIONS AND ARE REGULATIONS IN R-3 DISTRICTS**

- a. See Article VIII.

## **6.5 Business Districts**

It is the intent of the business zones to accommodate existing and future business development in such locations and with such regulations as so to provide availability and accessibility for the success of business operations: to encourage the development of new business at appropriate locations and to preserve and protect existing and future development of non-business uses adjacent to and near business development through the regulation of access points, service roads, parking, loading areas, screening and other regulations. A site plan shall be approved by the Planning Commission for any Development in the zone prior to issuance of Building or Zoning permits.

- A. NEIGHBORHOOD BUSINESS DISTRICT B-1** – This district is to be used for retail trade and personal services enterprises which will meet the regular needs of the occupants of surrounding residential areas.

### **i. PERMITTED USES IN B-1 DISTRICTS**

- a. Retail sales for neighborhood consumption; processing is permitted only if all products processed are sold at retail on the premises.
- b. Consumer services; processing is permitted if all such processing is performed as a consumer service for retail customers served on the premises.
- c. Professional, business and governmental offices and laboratories.
- d. Day care centers/providers and family care centers/providers subject to approval by responsible regulatory authorities including state and local.

### **ii. CONDITIONAL USES IN B-1 DISTRICTS**

- a. Public facilities such as libraries, churches, parks, recreational facilities and hospitals.
- b. Mini-Storage Warehouses
- c. Single family dwellings
- d. Duplexes
- e. Multifamily dwellings

**B. HIGHWAY COMMERCIAL DISTRICT B-2** - This district is intended to accommodate business development which requires a high volume to support operations.

**i. PERMITTED USES IN B-2 DISTRICTS**

- a. Motels, restaurants, retail stores, Manufactured Home parks and subdivisions, motor vehicle service stations and other auto related establishments.
- b. Retail sales for neighborhood consumption; processing is permitted only if all products processed are sold at retail on the premises.
- c. Consumer services; processing is permitted if all such processing is performed as a consumer service for retail customers served on the premises.
- d. Professional, business and governmental offices and laboratories.
- e. Day care centers/providers and family care centers/providers subject to approval by responsible regulatory authorities including state and local.

**ii. CONDITIONAL USES IN B-2 DISTRICTS**

- a. Warehouses and mini-storage warehouses.
- b. Single family dwellings
- c. Duplexes
- d. Multifamily dwellings

**C. GENERAL BUSINESS DISTRICT B-3** - The purpose of this district is to provide for areas where all manner of business activity may take place. The uses permitted in this district are generally those that offer services for the general public with emphasis upon large scale stores and shops serving a regional retail and wholesale trading area.

**i. PERMITTED USES IN B-3**

- a. Specialty stores, department stores, places of amusement and entertainment, stores where merchandise is sold at retail and wholesale, hotels, motels, restaurants, new and used car sales, farm machinery and related equipment, public garages and automobile repair shops, gasoline filling stations, commercial greenhouses, mini-storage warehouses, financial institutions, business offices and similar businesses.

ii. **CONDITIONAL USES IN B-3 DISTRICTS**

- a. Single family dwellings
- b. Duplexes
- c. Multifamily dwellings
- d. Sales of feed, grain or other agricultural supplies.

**D. ACCESSORY STRUCTURES AND USES PERMITTED IN ALL BUSINESS DISTRICTS**

- i. Signs identifying the commercial activity on the same premises.
  - a. See Article X for signs permitted in this zone.
- ii. Garage or other building not used as a dwelling and accessory to the principal use.
- iii. Wholesale, merchandising or services which are clearly incident and subordinate to the principal retail use on the premises.

**E. SPECIAL REGULATIONS FOR BUSINESS DISTRICTS**

- i. There shall be no outdoor storage or merchandising and no outdoor processing in any commercial district unless authorized as a conditional use by the Board of Adjustments and Appeals or as otherwise authorized by this Ordinance.

**F. DIMENSION AND AREA REGULATIONS FOR BUSINESS DISTRICT**

- i. The regulations on dimensions and area for lots and structures are set forth in the Schedule of Dimensions and Area Regulations.
  - a. See Article VIII

## 6.6 Industrial Districts

The purpose of Industrial Districts is to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses, and to make provision for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas. A site plan shall be approved by the Planning Commission for any Development in this zone prior to issuance of Building or Zoning permits.

Uses that constitute a substantial fire hazard, emit smoke/fumes, noise, offensive odors or dust or any other use which would be obnoxious or detrimental to neighboring properties are not permitted in either industrial district.

**A. INDUSTRIAL DISTRICT I-1 (Light Industrial) – The Light Industry Zone (I-1) is intended for manufacturing, industrial, warehouse and related uses.**

### i. PERMITTED USES IN I-1 DISTRICTS

- a. General manufacturing, processing, machining, fabricating and packaging.
- b. Motels, restaurants, retail stores, Manufactured Home parks and subdivisions, motor vehicle service stations and other auto related establishments.
- c. Retail sales for neighborhood consumption; processing is permitted only if all products processed are sold at retail on the premises.
- d. Consumer services; processing is permitted if all such processing is performed as a consumer service for retail customers served on the premises.
- e. Professional, business and governmental offices and laboratories.
- f. Day care centers/providers and family care centers/providers subject to approval by responsible regulatory authorities including state and local.
- g. Warehouses and mini-storage warehouses.
- h. Single-family dwellings.
- i. Multifamily dwellings.
- j. Duplexes.

- k. Specialty stores, department stores, places of amusement and entertainment, stores where merchandise is sold at retail and wholesale, hotels, motels, restaurants, new and used car sales, farm machinery and related equipment, public garages and automobile repair shops, gasoline filling stations, commercial greenhouses, mini-storage warehouses, financial institutions, business offices and similar businesses.
- l. Sales of feed, grain or other agricultural supplies.

## ii. CONDITIONAL USES IN I-1 DISTRICTS

- a. Gas stations, restaurants, sales of new and used cars, sales of construction equipment.
- b. Sanitary landfill for refuse disposal in accordance with federal and state regulations and commission requirements.
- c. Type I & II Craft Distilleries
- f. Distilled Spirits Storage Buildings - Prior to approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This type of use shall not be considered as altering the agricultural or residential character of its particular area and shall not be justifications for zoning map amendments.
- g. Any conditional use permit issued hereunder must meet the mandatory requirements for approval as set out in KRS 100.237, and the following mandatory requirements:
  - 1. Minimum lot size is 5 acres.
  - 2. The construction type shall be protected throughout by an automatic fire suppression system (sprinkled) and so designed to provide detention of the entire liquid capacity of the warehouse.
  - 3. The maximum size of any single structure shall not exceed a footprint of 40,000 sqft, excluding stairwells and open docks, and shall not exceed 60 feet in height.
  - 4. All structures shall be setback a minimum of 200 feet from all property lines.
  - 5. At least 25% of the property shall be dedicated to green space and/or preserved as a conservation area, and:
  - 6. Shall be required to submit and receive approval of a Site Plan from the Planning & Zoning Commission.

- e. Any other use that is determined by the Board of Adjustment and Appeals to be in the same general character as above.

**B. INDUSTRIAL DISTRICT I-2 (Heavy Industrial).** The Heavy Industrial Zone- (I-2) is intended for manufacturing and industrial uses involving a substantial potential of having some adverse effects upon adjacent property or uses.

**i. PERMITTED USES IN I-2 DISTRICTS**

- a. General manufacturing, processing, machining, fabricating and packaging.
- b. Motels, restaurants, retail stores, Manufactured Home parks and subdivisions, motor vehicle service stations and other auto related establishments.
- c. Retail sales for neighborhood consumption; processing is permitted only if all products processed are sold at retail on the premises.
- d. Consumer services; processing is permitted if all such processing is performed as a consumer service for retail customers served on the premises.
- e. Professional, business and governmental offices and laboratories.
- f. Day care centers/providers and family care centers/providers subject to approval by responsible regulatory authorities including state and local.
- g. Warehouses and mini-storage warehouses.
- h. Single family dwelling.
- i. Duplexes.
- j. Multifamily dwellings.
- k. Specialty stores, department stores, places of amusement and entertainment, stores where merchandise is sold at retail and wholesale, hotels, motels, restaurants, new and used car sales, farm machinery and related equipment, public garages and automobile repair shops, gasoline filling stations, commercial greenhouses, mini-storage warehouses, financial institutions, business offices and similar businesses.
- l. Sales of feed, grain or other agricultural supplies.
- m. Type I & II Craft Distilleries

- n. Distilled Spirits Storage Buildings - Prior to approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This type of use shall not be considered as altering the agricultural or residential character of its particular area and shall not be justifications for zoning map amendments. Any conditional use permit issued hereunder must meet the mandatory requirements for approval as set out in KRS 100.237, and the following mandatory requirements:
  1. Minimum lot size is 5 acres.
  2. The construction type shall be protected throughout by an automatic fire suppression system (sprinkled) and so designed to provide detention of the entire liquid capacity of the warehouse.
  3. The maximum size of any single structure shall not exceed a footprint of 40,000 sqft, excluding stairwells and open docks, and shall not exceed 60 feet in height.
  4. All structures shall be setback a minimum of 200 feet from all property lines.
  5. At least 25% of the property shall be dedicated to green space and/or preserved as a conservation area, and:
  6. Shall be required to submit and receive approval of a Site Plan from the Planning & Zoning Commission.

## ii. CONDITIONAL USES IN I-2 DISTRICTS

- a. Any industrial use not in conflict with other applicable laws or regulations; however, the following uses shall be considered conditional uses and will require the written approval of the Board of Adjustment and Appeals; abrasives, acids, rock crushing, asbestos, brick, disinfectants, insecticides, animal slaughtering, poisons, dyes, fertilizers, stock yards, glass fibers, grain drying, nitrates, explosives, tar or asphalt roofing, tire manufacturing, asphalt mixing plants, read- mix concrete, boiler and structural steel, iron storage, sorting, collecting or baling shops, automotive assembling, rebuilding, reconditioning and junkyards, paper, scrap or waste storage, sorting, collecting or baling, utility power plants, or any other use which would emit detrimental or obnoxious noise, odors, or vibrations beyond the confines of its property. The Board of Adjustment and Appeals may grant such approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the Heavy Industrial District in which it would be located.

## C. DIMENSIONS AND AREA REGULATIONS FOR INDUSTRIAL DISTRICTS

- a. See Article VIII.

## **ARTICLE VII - GENERAL REGULATIONS**

### **7.0 Application Of Regulations**

All existing and future structures and uses of the premises within Mercer County shall conform with all applicable provisions of the Zoning Ordinance. Each zoning district is established to permit only those uses specifically listed as permitted, except as provided under the non-conforming provisions, and is intended for the protection of those uses. No other uses are permitted.

### **7.05 Site Plan Requirements**

Prior to the issuance of Building Permits and Zoning Permits, a Site Plan (checklist provided in the appendices to the Subdivision Regulations) shall be approved by the Planning Commission for the following:

- a. All Developments in any of the Business zones or Industrial zones;
- b. All commercial developments or uses containing over 10,000 sq. ft. in total building area;
- c. Townhomes, multifamily housing, or group living uses with sixteen (16) or greater units; or
- d. Any Development adding or upgrading roads and water/sewer/stormwater infrastructure, whether or not the Development involves subdivision of land.

### **7.1 Special Provisions For Agricultural Areas**

For the purposes of this ordinance, structures which are used solely for agricultural, farming, dairying, stock raising or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings except that:

- a. Set back lines and/or buffer zones may be required for the protection of existing and proposed streets and highways. In connection therewith all requirements of the Commonwealth of Kentucky Department of Transportation Bureau of Highway Regulations as regards distance sight and drainage shall be complied with; and
- b. All buildings or structures in a designated floodwater or flood plain or which tend to increase flood heights or obstruct the flow of floodwaters may be fully regulated.

## **7.2 Miscellaneous Regulations**

- a. **VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICT** - On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.
- b. **FENCES, WALLS, HEDGES** – Fences, walls and hedges may be permitted in any zone or along the edge of any property, provided that in residential and commercial zones, any fence or wall so permitted must meet the front yard building set back requirements set out in Section 8.1 herein.
- c. **EXCEPTIONS TO HEIGHT REGULATIONS** - The height limitations contained in the Schedule of District Regulations (Section 8.1) 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.
- d. **STRUCTURES TO HAVE ACCESS** - Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to a private street approved by the Planning Commission as suitable for the intended use, 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.
- e. **RECREATIONAL VEHICLES** - Recreational vehicles may not be used as a dwelling on a lot or tract of land unless in an approved recreational vehicle park or otherwise approved as a conditional use by the Board of Adjustments and Appeals.
- f. **APPLICABILITY OF MERCER COUNTY SUBDIVISION REGULATIONS** - All divisions of land shall be subject to the Harrodsburg/Mercer County Subdivision Regulations adopted by the Mercer Fiscal Court on October 5, 1998, as amended from time to time.
- g. **MERCER COUNTY PLAT ORDINANCE** - All divisions of land shall require the approval of the Planning and Zoning Commission in accordance with the Mercer County Plat Ordinance adopted by the Mercer Fiscal Court on December 21, 1999, as amended from time to time.
- h. **TOWERS AND ANTENNAE** – Refer to HB 270

### **7.3 Division Of Family Property**

The owner of a tract of land located in any Agricultural Zone may, for the purposes of giving a residential building lot to a member of the immediate family, sever and convey a parcel of land containing one (1) acre or more from the existing tract with a minimum of **150** feet of road frontage and width at the building line. For the purposes of this ordinance, the term, "immediate family member" shall include only son, daughter, father, mother, brother, sister, stepfather, stepmother, stepdaughter, stepson, stepsister, stepbrother, grandmother, grandfather, granddaughter, and grandson. Each proposed division shall require the submission and approval of a plat prepared by a Registered Surveyor in good standing in the State of Kentucky. The Planning and Zoning Commission shall have the power to refuse to approve a division of family property, if, in the opinion of the membership of the Commission, the purpose of the division is speculative in nature. A one-time conveyance of a one acre lot or more to each family member shall be allowed.

## **ARTICLE VIII - SCHEDULE OF ZONING DISTRICT REGULATIONS**

### **8.0 Schedule Of Regulations Adopted**

Zoning District regulations shall be set forth in the Schedule of Zoning District Regulations hereby adopted by reference and declared to be a part of this ordinance.

### **8.1 SCHEDULE OF DIMENSIONS And AREA REGULATIONS**

**(SEE APPENDIX)**

## **ARTICLE IX - OFFSTREET PARKING AND LOADING**

### **9.0 Existing Parking Space Regulations**

Existing off-street parking provided for any building or use at the time of the adoption of the Zoning Ordinance shall not thereafter be reduced unless it exceeds the requirements of this ordinance.

- a. Any existing building or use not provided with off-street parking space shall be provided with off-street parking space in conformance with this ordinance at the time of any structural alteration of the building or expansion of the use.

### **9.1 Required Off-Street Parking Space**

When any building is built or any use of premises is initiated they shall be provided with sufficient off-street parking space on or near the premises so that they will generate no automobile parking on any street as a result of their normal activity.

- a. If off-street parking capacity is exceeded and street parking is necessitated more often than six times during a six-month period. This shall be considered as resulting from normal activity and additional off-street parking shall be required.

### **9.2 Off-Street Parking Standards**

The following standards comprise the minimum off-street parking requirements for the common types of buildings and uses listed:

- a. RESIDENTIAL DWELLING - Two (2) parking spaces per dwelling unit.
- b. MULTIPLE FAMILY UNITS - One (1) parking space for each one (1) room apartment; one and one-half (1½) parking spaces for each one (1) bedroom unit; two (2) parking spaces for each two (2) bedroom units; two and one-half (2½) parking spaces for each unit with three (3) or more bedrooms; one (1) parking space for each room in a motel or hotel plus one (1) parking space for each two (2) employees.
- c. INDOOR RETAIL BUSINESS AND SERVICES - One (1) parking space per 250 square feet of commercial floor area; plus one (1) parking space for each truck operated by the business up to 5,000 square feet of commercial floor area; one (1) parking space per 750 feet of commercial floor area in excess of 5,000 square feet.
- d. FINANCE, INSURANCE AND PROFESSIONAL OFFICES - One (1) parking space per 300 feet of floor area used in the conduct of business, up to 6,000 square feet. One (1) parking space for each 1,500 feet of floor area used in conduct of business in excess of 6,000 square feet.

- e. INDUSTRIAL PLANTS- One (1) parking space for every two (2) employees at maximum employment on a single shift, plus one (1) space for every vehicle operated by the plant.
- f. PLACES OF PUBLIC ASSEMBLY - One (1) parking space for each three (3) persons, based on maximum capacity, up to 600 persons. One (1) parking space per 6 persons up to 1,200 persons and over 600 persons. One (1) parking space per 15 persons in excess of 1,200 persons.
- g. ADDITIONAL PARKING STANDARDS - The Planning Commission may raise the standards listed above when necessary to conform with Section 920 above, and shall use similar criteria of floor area, employment, or capacity or interpret standards for buildings and uses not specifically listed above.
- h. In all areas zoned B-3 these standards will be applied unless it can be shown that the cost of the application of the parking standards is over 30% of the cost of the business property. In this event the commission will determine the parking area required.

### **9.3 Off-street Loading and Unloading Requirements**

All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises.

- a. A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) in length, and height of clearance of not less than fifteen (15) feet.
- b. One (1) off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One (1) loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

### **9.4 Additional Provisions and Requirements**

The items listed below shall pertain to off-street parking and loading areas:

- a. Off-street parking for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use but detached therefrom or may be consolidated into a large parking area serving other buildings and uses if such arrangement complies with the requirements of this ordinance.
- b. Off-street parking and loading spaces shall be improved with acceptable impervious material to provide a durable and properly drained surface. The surface shall be paved according to the local street specifications, except that if the loading area is not used by the public, it may be surfaced with gravel only. Loading areas shall be maintained by the property owner in good condition without holes and free of all dust,

trash and other debris. Need to reference the acceptable size of space and any screening requirements from residential areas if needed.

## **ARTICLE X - SIGNS**

### **10.0 Intent**

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the historic quality and natural beauty of designated areas.

### **10.1 Signs Permitted In All Zones And Districts**

The following non-illuminated signs are permitted in all zones and districts:

- a. Temporary signs not exceeding thirty-two (32) square feet in surface area, for architectural, engineering, construction or similar firms engaged in the work on a construction site, provided the sign is removed seven (7) days after the construction is completed.
- b. Temporary signs not exceeding thirty-two (32) square feet in surface area, announcing or relating to a political or sales campaign, drive or event of a civic, philanthropic, educational or religious organization, or seasonal agricultural sales or events, provided the sign is removed seven (7) days after the end of the event or season.
- c. Any official sign, or any informational or directional sign or historical marker erected by a public agency.
- d. One (1) temporary real estate sales or rental sign indicating only sales or rental of the premises. Such sign shall be located on the premises to be sold or rented and shall not exceed thirty-two (32) square feet of surface area and shall be placed flat against the building or setback from the street not less than 10 feet and said sign shall be removed within seven (7) days after the property is sold or rented.

### **10.2 Signs Permitted In Commercial And Industrial Districts**

In a commercial or industrial district, each business shall be permitted one (1) flat or wall sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent advertising signs, single or multifaced, for any single business enterprise may have a total surface area equivalent to one and one-half (1½) square feet of sign area for each linear foot of building width occupied by such enterprise, but in the event the area of the sign exceeds 100 square feet then a conditional use permit must be obtained from Board of Adjustment and Appeals. Freestanding signs are also authorized provided they are located on the premises where the commercial or industrial activity is being conducted and are set a minimum of five (5) feet from the street right-of-way and three (3) feet from any adjoining property line.

### **10.3 Sign Setback Requirements**

Except as provided in this ordinance, signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for the district.

### **10.4 Non-Conforming Signs And Billboards**

All signs and billboards in existence prior to March 6, 1979 and in continuous use since that date, shall be allowed to continue in use until they are removed, provided they are maintained and kept in a good state of repair, but their survival shall not be encouraged.

### **10.5 Miscellaneous Sign Provisions**

- a. Political Signs: No political signs shall be posted in any place or manner that is public property upon posting or removal.
- b. All signs not specifically permitted or prohibited by this Article shall require a conditional use permit from the Board of Adjustment and Appeals.
- c. All signs permitted by this Article, except temporary signs permitted by Section 10.1, and including those approved by conditional use permit, shall require a "building permit" to be issued by the Zoning Administrative Officer or Mercer County Building Inspector and the payment of the fee set by the Planning and Zoning Fee Schedule.

### **10.6 Off Premise Signs**

Off Premise signs may only be permitted under the following conditions:

- (1) May be permitted in any commercial, agricultural and industrial zones, but shall not be permitted in any residential zone.
- (2) Shall require a "conditional use permit" from the Board of Adjustments and Appeals.
- (3) Shall require a "building permit" in accordance with Section 10.5(C).
- (4) Shall be located a minimum of five (5) feet from any highway right of way and a minimum of three (3) feet from any adjoining property line(s).
- (5) Shall not be larger than 12 square feet in total surface area, not more than eight (8) feet in total height, not be located more than five (5) miles from the property where the business, product, commodity, service or other activity is being sold or conducted.
- (6) Shall advertise only one business, product, commodity, service or other activity.

- (7) Not more than one (1) off premise sign shall be permitted for any business, product, commodity, service or other activity.
- (8) Shall require written permission from the owner(s) of the property where the off-premise sign is to be erected.
- (9) The owners of the property where the off-premise sign is to be erected shall be required to file the application for a conditional use permit in conjunction with the person(s) proposing to erect the off premise sign.
- (10) Shall be maintained in good condition and state of repair.
- (11) Shall not create a traffic or safety hazard.
- (13) Shall not be illuminated or flashing.
- (14) Shall be removed within seven (7) days of the cessation of the business, service or other activity being advertised.
- (15) Shall be personal to the holder of the conditional use permit and shall not be transferable.
- (16) No off-premise sign shall be approved for any business or activity being conducted in violation of this Zoning Ordinance.
- (17) The Board of Adjustments and Appeals shall have the authority to impose any other condition(s) not specifically addressed in this section.

#### **10.7 Specifically Prohibited Signs**

- a. No billboards shall be allowed.
- b. No outdoor advertising shall be allowed except as permitted by this Ordinance.
- c. No sign, outdoor commercial advertising device constituting a nuisance because of light, glare, focus, animation or flashing, or any illuminated signs of such intensity of illumination as to unduly disturb the use of residential property shall be erected or continue in operation.
- d. No off-premise signs shall be permitted along the U. S. 127 By-Pass except those permitted by Section 10.1(C). intensity of illumination as to unduly disturb the use of residential property shall be erected or continue in operation.
- e. All signs to be erected on, within or adjacent to any Kentucky "Scenic By-way" shall comply with all applicable Federal and/or state statutes and/or regulations.

## **10.8 Violations**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this ordinance, the Zoning Administrative Officer or Zoning Compliance Officer shall notify in writing the owner or lessee thereof to alter or remove such sign so as to comply with this ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 220 of this ordinance.

# **ARTICLE XI - MANUFACTURED HOME SUBDIVISIONS, MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS**

## **11.0 Intent**

The intent of these regulations is to guide the establishment of Manufactured Home parks, Manufactured Home subdivisions and recreational vehicle parks in areas providing a residential setting and convenient to major arterials, and to provide maximum compatibility between the adjacent uses and the Manufactured Home park or subdivision.

## **11.1 Manufactured Homes Permitted**

Manufactured Homes shall be permitted in Mercer County, Kentucky only as follows:

- i. Manufactured Homes which have received approval by the Planning and Zoning Commission or the Board of Adjustment and Appeals prior to the effective date of ordinance.
- ii. Manufactured Homes in approved Manufactured Home subdivisions or Manufactured Home parks located in B-2 districts.
- iii. Manufactured Homes in approved Manufactured Home subdivisions or Manufactured Home parks approved by the Board of Adjustments and Appeals as a conditional use in A-3 or R-3 districts.
- iv. Manufactured Homes used as temporary offices of construction companies on or near a construction site may be permitted as a conditional use by the Board of Adjustment and Appeals.
- v. All Manufactured Homes used as dwellings (with the exception of recreational vehicles) shall be placed on fixed permanent foundations in accordance with the Kentucky Manufactured Housing Institute guidelines and to the manufacturer's specifications.
- vi. Single wide Manufactured Homes used exclusively for temporary housing for full-time farm laborers/tenant farmers may be permitted in A-1, A-2 or A-3 Zones as a conditional use by the Board of Adjustments and Appeals; provided that the Board of Adjustments and Appeals may impose restrictions and there shall be a limit of one (1) single wide Manufactured Home per 75 acres of farm land up to a maximum of three (3) single wide Manufactured Homes per farm.
- vii. One (1) single wide Manufactured Home on a minimum of five (5) acres of land used exclusively for temporary housing for a person(s) or his/her elderly or disabled parent(s) or disabled child(ren) may be permitted in any agricultural zone as a conditional use by the Board of Adjustments and Appeals where reasonably

necessary to assist in the health, safety and care of the property owner's parent(s) or disabled child(ren), provided that the Board of Adjustments and Appeals may impose restrictions and the conditional use permit shall expire automatically upon the death of the parent or child needing care and the land owner shall then remove the Manufactured Home within one hundred eighty (180) days thereafter.

## **11.2 Manufactured Home Subdivision**

- A. DEFINITION - A Manufactured Home Subdivision is a subdivision for residential use where residence is in Manufactured Homes exclusively. Lots are not rented, but sold. The purchaser is not a tenant, but a landowner.
- B. PROCEDURES FOR SUBDIVIDING - The procedures for subdividing land for Manufactured Home Subdivisions shall be the same as those for subdividing land for conventional dwellings. The Mercer County Subdivision Regulations shall be the minimum standards, requirements, and procedures governing the filing, designing, utilities, facilities, and other improvements or physical complements of Manufactured Home Subdivisions.
- C. MINIMUM MANUFACTURED HOME SUBDIVISION REQUIREMENTS
  - i. The site and proportions of lots in any Manufactured Home Subdivision shall conform to the zoning of the property in effect at the time of the final plat submission. No lot in a Manufactured Home Subdivision shall contain less than 5,000 square feet of land area.
  - ii. All lots shall front on a public street for a minimum distance of forty-(40) feet as measured at the Manufactured Home setback line.
  - iii. Each Manufactured Home within the subdivision shall be situated on a separate and single subdivided lot of record.
  - iv. Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be at a distance of at least fifty (50) feet from the intersection.
  - v. Where not otherwise specified by zoning requirements, the minimum setback line from the street right-of-way shall be fifteen (15) feet, the minimum side yard on each side shall be ten (10) feet, and the minimum rear yard shall be fifteen (15) feet.

### **11.3 Manufactured Home Parks**

A. DEFINITION - A Manufactured Home Park is a residential area in which lots are rented exclusively for use as sites for Manufactured Homes.

#### **B. BASIC REQUIREMENTS**

- i. Manufactured Home Parks shall comply with the regulations of the Kentucky Manufactured Home and Recreational Vehicle Park Law as set forth in Chapters 219.310 to 219.410, Kentucky Revised Statutes.
  - a. All Manufactured Home parks shall abut upon an arterial or collector thoroughfare.
  - b. No Manufactured Home park shall be located on less than five (5) acres of land.
  - c. No Manufactured Home park shall have a density of more than seven (7) Manufactured Homes per acre.
  - d. No person shall operate a park without having first obtained a permit as provided for in KRS 219.310 to 219.410.
  - e. An application for a permit to construct a Manufactured Home park shall be submitted to the Planning and Zoning Commission and shall comply with all local, state and federal regulations. In addition, the following information shall be presented to the Commission:
    - a. A vicinity map showing the proposed location of the park in relation to major streets or highways.
    - b. A description of the method proposed for disposal of storm drainage.

C. CONSTRUCTION PLAN SUBMISSION – Following tentative approval from the Planning and Zoning Commission and the appropriate state agency(ies), the applicant shall submit a complete plan, drawn to scale, submitted in triplicate, of the proposed park or alteration showing the following:

- i. A map showing the topography of the proposed site at not more than five (5) foot intervals:
- ii. A site plan showing all existing facilities and proposed facilities as follows:
  - a. The area and dimensions of the tract of land to be developed.
  - b. The number, location and size of all Manufactured Home lots.

- c. A detailed drawing of the foundation for the placement of Manufactured Homes within the Manufactured Home stand. Anchorage facilities for Manufactured Homes shall be provided.
- d. The location and width of roadways, driveways and walkways; the number, location and size of all off-street automobile parking spaces.
- e. The location of parking, street lighting and electrical systems; detail drawings of water supply if sources other than approved public water supply system; detail drawings of sewage disposal facilities if other than public sewage disposal system is to be used; the location and size of all existing or proposed water and sewer lines, vents and riser pipes.
- f. A separate floor plan of all buildings and other improvements existing or proposed.
- g. Size and location of the playground and other public areas to be provided within the park.

#### D. LOCATION AND GENERAL LAYOUT

- i. Every Manufactured Home and Manufactured Home park shall be located on a well-drained area, not subject to flooding, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.
- ii. Each Manufactured Home or lot shall be numbered and displayed in some systematic order both on the plan and site.
- iii. Each Manufactured Home lot shall contain a minimum of four thousand (4,000) square feet.
- iv. Each Manufactured Home shall contain at least 500 square feet of floor area.
- v. All Manufactured Homes shall be located at least fifty (50) feet from any park boundary line abutting a public street or highway and at least twenty (20) feet from other park property boundary lines.
- vi. All lots shall abut upon a park street. For a two-way street the minimum paved width shall be eighteen (18) feet with no parking allowed on either side. If parking is permitted on one (1) side the paved width shall be twenty-eight (28) feet; and if parking is permitted on both sides, the minimum paved width shall be thirty-six (36) feet. The minimum right-of-way for a two-way street shall be fifty (50) feet and forty (40) for a one-way street. Park streets, driveways and walkways shall be all weather

paved construction, maintained in good condition, have natural drainage and shall be maintained free of holes.

- vii. The area of the Manufactured Home stand shall be improved to provide a base for permanent, fixed foundation for the placement of each Manufactured Home. The foundation shall be constructed in such a manner that it will not heave, shift or settle unevenly under the weight of the Manufactured Home due to frost action, inadequate drainage, vibration or other forces acting on the Manufactured Home. All Manufactured Homes shall be equipped with tie-downs as recommended by the Kentucky Manufactured Housing Institute, and shall be required to use them.
- viii. Each Manufactured Home stand shall be provided with a sewer and water connection approved by the Mercer County Health Department.

## E. UTILITY SYSTEMS

### i. WATER SUPPLY

- a. An adequate potable water supply approved by the Bureau of Health Services shall be provided in each Manufactured Home park. The water shall be obtained from an approved public water supply if available at the boundary line of the Manufactured Home park; if such is not available, a water supply shall be developed in accordance with regulations of the Bureau of Health Services.
- b. The water supply shall be capable of supplying a minimum of one hundred and fifty (150) gallons per day per Manufactured Home.
- c. No physical connection shall be made between an approved public water supply and an unapproved water supply.
- d. Water distribution and connections shall comply with the State Plumbing Code.

### ii. SEWAGE AND WASTE DISPOSAL

- a. All sewage and waste matter shall be disposed of into a public sewerage system whenever available (or subsequently becomes available) at the boundary of the park. Where a public sewerage system is not available, disposal shall be made into a private system designed, constructed and operated in accordance with the requirements of the appropriate state agency(ies).
- b. The sewer service connection between the Manufactured Home and the sewer opening shall have a nominal inside diameter of at least three (3) inches with a slope of at least one-fourth inch per foot. All joints shall be watertight.

- c. All materials used for sewer connections shall be semi-rigid, corrosion resistant, non-absorbent and durable. The inner surface shall be smooth.
- d. The sewer outlet shall be capped when not in use.
- e. The Manufactured Home park waste systems and connections shall comply with the State Plumbing Code.

### iii. REFUSE HANDLING

- a. The permit holder shall be responsible for the storage and disposing of refuse and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents or fire hazards, or air pollution.

### iv. ELECTRICAL DISTRIBUTION SYSTEM

- a. Every Manufactured Home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed in accordance with local and state codes and regulations governing such systems.

### v. RESPONSIBILITIES OF PERMIT HOLDER

- a. The person to whom a permit is issued for a Manufactured Home park shall operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- b. The park management shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
- c. The park management shall be responsible for the proper placement of each Manufactured Home on its stand, which includes placing it upon a firm, fixed foundation, securing its stability with an approved anchoring system and installing all utility connections.

### vi. SUPPLEMENTARY PROVISIONS AND REGULATIONS

- a. The Planning and Zoning Commission may impose such other conditions, as it deems necessary to ensure that the Manufactured Home park will not adversely affect the public health safety or general welfare.

- b. The developer in designing the park and the Planning and Zoning Commission in reviewing the park proposal shall give special attention to ensuring that the park is compatible with existing and planned land use and with circulation patterns of adjoining properties.
- c. Off street parking shall be provided according to the following requirements:
  - i. Two (2) spaces for each Manufactured Home lot.
  - ii. One (1) space for each full time employee.
  - iii. One (1) space for each four hundred (400) square feet of gross floor area used for recreation, office, recreational or cultural activities.
  - iv. One (1) space for each four (4) Manufactured Home lots for use by guests.
  - v. Two (2) parking spaces required for each Manufactured Home should be located on the Manufactured Home lot: all other required spaces should be located in bays convenient to facilities.
  - vi. EXISTING PARKS - Any Manufactured Home park presently holding a valid construction or operating permit on the effective date of this ordinance which does not fully meet the design and construction requirements of this ordinance may continue to operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

#### **11.4 Recreational Vehicle Park**

A. DEFINITION - Recreational Vehicle Parks are designed to accommodate recreational vehicles for short periods of time, ranging from one (1) night to several weeks.

#### **B. BASIC REQUIREMENTS:**

- i. Size - the minimum size of a recreational vehicle park shall be not less than ten (10) acres.
- ii. Density - minimum lot area per space shall be not less than twenty-five hundred (2,500) square feet and not more than eighteen (18) spaces per gross acre, except that twenty (20) percent of the lots may as small as twelve hundred (1,200) square feet in area but these may be used by tent campers only. Each tent camper lot must be provided with a water spigot and drain, an electrical outlet and covered garbage receptacle.

iii. Location - Recreational vehicle parks shall be located adjacent to and have access to a major thoroughfare or collector street. There shall be no entrance or exit from or on to a minor street.

C. ZONING - Recreational vehicle parks may be permitted as conditional uses in A-1, A-2 or A-3 districts; however, all of the following criteria must be met and prior approval must be obtained from the Planning and Zoning Commission.

i. That the proposed park will contribute to the welfare and convenience of the traveling public seeking this type of accommodation.

ii. That the park will not be detrimental to the health, safety or general welfare of persons who live in the adjacent areas.

iii. That the park will comply with all city, county, state or federal regulations.

iv. That the park will comply with all adopted plans (prepared by or for government agencies) for the neighborhood or community.

D. COMPLIANCE WITH STATE STANDARDS – Recreational Vehicle Parks shall comply with all requirements and standards as stated in the Manufactured Home and Recreational Vehicle Park Act of 1972, KRS 219.310 to 219.410. Documentation of such compliance shall be required of applicants for recreational vehicle park construction permits.

E. EXISTING RECREATIONAL VEHICLE PARKS - Any recreational vehicle park presently holding a valid construction or operating permit on the effective date of this ordinance which does not fully meet the design and construction requirements of this ordinance may continue to operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

## **ARTICLE XII - ACCESSORY DWELLING UNITS**

### **12.0 Purpose**

The purpose of an Accessory Dwelling Unit (ADU) is to provide complete, independent living facilities (which at a minimum includes permanent provisions for living, sleeping, cooking and sanitation which are accessed independently).

### **12.1 Defined**

Accessory Dwelling Unit (ADU) - a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home.

### **12.2 Permitting & Requirements**

ADU's shall be allowed in all agricultural and residential zoning districts in Mercer County under the following specifications:

1. Shall be lofted on a permanent foundation designed and constructed for completely independent living with all required independent utilities and dedicated off-street parking for occupants.
2. Regardless of size the ADU shall require a building permit issued by the Mercer County Building Inspector.
3. ADU shall be limited to a total maximum size of eight hundred (800) square feet.
4. ADU's are considered accessory structures and cannot be sold or conveyed independently of the principal dwelling.
5. Storage Building conversions are not permitted.
6. Recreational vehicles shall not be permitted to be designated as ADU's.
7. ADU's shall be limited to one (1) per principal residence per parcel.

### **12.3 Locations**

ADU's shall meet building setback lines for principal front setbacks in addition to accessory side and rear yard setbacks for the zoning district in which the ADU is lofted.

## **ARTICLE XIII - PLANNED UNIT DEVELOPMENTS**

### **13.0 Objectives For Planned Unit Developments**

It shall be the policy of Mercer County to promote progressive development of land construction thereon by encouraging planned unit developments (PUD) in order to achieve a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, building setbacks, and area requirements; a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in location of accessory commercial uses and services; a development pattern which preserves and utilizes natural topography and geological features, scenic vistas, trees and other vegetation, and prevents disruption of natural drainage patterns; a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and a development pattern in harmony with land use density and community facilities objectives.

### **13.1 Provisions Governing Planned Unit Developments**

Whenever there is a conflict or difference between the provisions of this Article and those of other Articles of the ordinance, the provisions of this Article shall prevail for the development of land for Planned Unit Developments. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this ordinance.

### **13.2 Uses Permitted**

Compatible residential, commercial, public and quasi-public uses may be combined in Planned Unit Developments provided that the proposed location of the commercial uses will not adversely affect adjacent property and/or the public health, safety, and general welfare.

### **13.3 Project Ownership**

The project land may be owned by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

### **13.4 Open Space**

The following regulations shall apply to the "open space" required in a Planned Unit Development:

- A. An "open space" ratio of one (1) acre of "open space" per one (1) acre of developed land in the PUD shall be required. All open space shall be available for the common use and benefit of all person(s) purchasing lots/units in the PUD.
- B. Prior to the sale of any lots/units in a PUD, the owner/developer of the PUD shall form a non-profit "Homeowners Association" corporation and shall transfer title and

ownership of the "open space" and other common areas to the Homeowners Association Corporation. The Homeowners Association shall own and maintain in perpetuity the "open space" and other "common" areas in the PUD. The developer shall provide the Planning and Zoning Commission with a copy of the Articles of Incorporation and the By-Laws of the Homeowners Association and this shall be certified on the plat by the developer before approval of the final PUD plan.

- C. A developer shall not dedicate any open space or common areas to the city or county unless first approved by the Planning and Zoning Commission and the applicable city or county legislative body.
- D. Public utility and similar easements and right-of-ways are not acceptable for open space unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning and Zoning Commission.
- E. The required yards and parking areas shall not be credited toward the minimum open space requirements.

### **13.5 Minimum Acreage Required And Permitted Uses**

- A. A PUD residential project with a minimum of 10 contiguous acres may contain single-family houses, townhouses, or multi-family houses or a combination of these plus customary home occupations and customary residential accessory buildings and uses as defined by Section XVI of this Ordinance. Multi-family dwellings shall not represent more than twenty-five (25) percent of the total dwelling units within the proposed development.
- B. PUD residential project with a minimum of 25 contiguous acres may contain single family houses (but not Manufactured Homes), two (2) family houses, row houses, townhouses, or multi-family houses or combinations of them plus customary home occupations and customary residential accessory buildings and uses, together with a limited amount of B-1 business and retail uses, including offices; such B-1 uses shall not represent more than ten (10) percent of the total proposed development.

### **13.6 Lot, Yard, And Height Provisions**

- A. The minimum lot size in a PUD shall be one (1) acre and each structure shall be placed on a separate lot of record. Minimum lot size shall not be waived.
- B. The building set back lines, yard requirements, height limitations and similar dimensional requirements of the Zoning District in which the PUD project is located shall apply; however, they may be waived or varied by the Planning and Zoning Commission or Board of Adjustments and Appeals on proper application, except along the exterior boundaries of the development.

### **13.7 Density Controls**

The maximum density of a PUD project shall not exceed 10.0 units per acre in multi-family use areas; 8.0 units per acre in single family attached use areas, and 2.0 units per acre in single-family detached use areas. For the purpose of this Article, density shall be interpreted as the number of dwelling units per gross acre devoted to residential development.

### **13.8 Development In Stages**

The entire PUD project may be divided into logical geographical sections, subject to the approval of the Planning and Zoning Commission. In such cases, reasonable periods within which the development of each section must be commenced and finished shall be specified.

### **13.9 Procedure For Application And Approval**

All proposed Planning Unit Developments shall follow the procedure for plat preparation and subdivision approval as set forth in the Mercer County Subdivision Regulations. In addition, the Planning and Zoning 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. Accompanying all preliminary plats shall be calculations for overall density, parking requirements and other material the Commission may reasonable require.

- A. Upon approval by the Planning and Zoning Commission and the appropriate legislative body, a Planned Unit Development may be established in any residential district.
- B. A building permit and certificate of occupancy shall be a required for each building in accordance with this ordinance.
- C. Approval of a PUD shall expire if no substantial work on the site has begun within one (1) year of original approval and if the project is abandoned for more than twenty-four consecutive months.
- D. All approved PUD plats shall be recorded on the Zoning Map with the notation "PUD" and be recorded in the County Clerk's Office.

## ARTICLE XIV – RURAL OCCUPATIONS

### 14.1 Rural Occupations

1. A rural occupation may be conducted on a farm in an A-1, A-2 or A-3 agricultural zoned district containing a minimum of ten (10) contiguous acres of land. The farm owner must maintain continuous ownership of at least ten (10) contiguous acres of land to qualify as a rural occupation. A rural occupation is defined as an accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on a farm in accordance with Article XIV of this Ordinance. A Conditional Use Permit is required to establish a rural occupation.
2. No more than one (1) acre of land shall be devoted to such use including areas used for structures, parking, storage, display, setbacks, landscaping, etc.
3. No more than one (1) rural occupation may be conducted on a farm.
4. No more than fifty percent (50%) of the area devoted to a rural occupation shall be covered by buildings, parking lots or any other impervious surface.
5. At least one owner of the rural occupation must live on the property on which the rural occupation is conducted.
6. No farm occupation shall be located within one hundred and fifty (150) feet of any property used principally for residential purposes, except for dwellings located upon the same parcel as the rural occupation. Such distances shall be measured as a straight line between the closest points of the property containing the rural occupation, and the residentially used or zoned properties.
7. All rural occupations shall be conducted upon the same lot as an actively farmed parcel.
8. The rural occupation must be conducted within one completely enclosed building.
9. No outdoor storage or display shall be permitted. All vehicles, machinery and equipment associated with the rural occupation must be kept within a completely-enclosed structure at all times.
10. Any activities that produce noxious dust, odor, light or noise, perceptible at the property line are prohibited.
11. All off-street parking and loading areas shall be contained behind the principal farm residence and screened from adjoining roads and properties.

12. Any sign used for a rural occupation shall not exceed twelve (12) square feet in total area, shall be located a minimum of five (5) feet from the street right-of-way and three (3) feet from any adjoining property line, shall not be illuminated or flashing, and shall require a building permit. All off premise signs used for a rural occupation shall comply with Article X, Section 10.6.
13. No single-wide or double-wide Manufactured Homes, manufactured or pre-fabricated homes shall be used for a rural occupation.
14. The applicant shall submit written evidence that the disposal of all materials and wastes will be accomplished in a manner that complies with State, Federal and local regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the County, which have been contracted to dispose of the materials, and wastes used or generated on-site or some other legal means of disposal. The conditional use permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the rural occupation change in the future, such that the materials used or wastes generated changes significantly, either in type or amount, the owner of the rural occupation shall so inform the Zoning Administrative Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
15. No rural occupation shall be permitted which involves the handling of hazardous materials, waste or other substances (except wastewater treatment plants).
16. Any structure to be constructed for use in a rural occupation shall require a building permit.
17. Vehicular access to the rural occupation shall be limited to the same driveway that serves the principal residence. No additional roadway connections shall be permitted.
18. The Board of Adjustments shall consider the hours of operation.
19. The owner(s) of a rural occupation shall register the occupation with the Mercer County Tax Administrator.
20. The following are examples of activities that may be permitted as a rural occupation:
  - a. Retail sales of agricultural products.
  - b. Retail sales, service and repair of farm machinery and equipment and small engines.
  - c. Retail sales or manufacturing of arts and crafts products.
  - d. Blacksmith and tool sharpening shops.

- e. Carpenters.
- f. Woodworking, furniture and cabinet making shops.
- g. Metalworking shops.
- h. Retail sales of house wares, hardware, feed, seed and dry goods.
- i. Butcher shops (slaughtering of animals shall be prohibited).
- j. Taxidermy shops.
- k. Tailor and shoe shops.
- l. Bakery shops.
- m. Vineyards.
- n. Hatcheries.
- o. Gun and archery shops.
- p. Leather shops.
- q. Event venues.

21. The Board of Adjustments and Appeals may attach additional conditions upon a rural occupation to preserve the agricultural character of the area and protect adjoining uses.

## **Article XV - Solar Energy Systems (SES) & Solar Energy Facilities (SEF)**

### **Solar Energy Systems (SES) & Solar Energy Facilities (SEF)**

This article defines and sets forth the procedures and regulations for the approval, maintenance and upkeep of residential Solar Energy Systems as well as the procedures and regulations for the approval, maintenance, upkeep and decommissioning of Commercial/Industrial Solar Energy Generating Facilities.

#### **15.1 Definitions For This Article**

**SOLAR ENERGY SYSTEM (SES)** - The components and ancillary subsystems required to convert solar energy to electric energy suitable for use either by a private homeowner, or commercial energy producer. For the purpose of this definition, Solar Energy Systems are divided into three (3) classes as follows:

- a. Level 1 - SOLAR ENERGY SYSTEM** – A roof mounted or ground mounted system for personal use on any principal residential structure, limited to an area up to fifty (50) percent of the footprint of the principal structure of the parcel, but not more than one (1) acre and not taller than twenty feet (20) tall above adjacent grade or any building integrated system such as shingles, hanging solar or canopy. Roof mounted systems shall not extend higher than the eave of the existing roof line. Setback requirements for a ground mounted Level 1 SES shall follow the existing principal structure zoning setbacks for the zoning district where the SES is to be sited and the property owner shall obtain a zoning permit from the Harrodsburg/Mercer County Joint Planning & Zoning Commission prior to commencing installation. Installers shall be required to submit notice to the local fire department of the installation of a private solar energy system (for fire safety and personnel protection). The fee for permitting of level 1 SES shall be \$100.
- b. Level 2 - SOLAR ENERGY SYSTEM** – Any ground mounted system not included in a Level 1 SES and meets the following criteria:
  1. In an Agricultural Zoning District (A-1, A-2 or A-3), the area of the SES shall not exceed one acre in size and shall be treated as a Conditional Use and require a Conditional Use Permit issued by the Harrodsburg/Mercer County Joint Board of Adjustments & Appeals (herein after referred to as the BOA).
  2. In an Industrial Zoning District, the SES shall not exceed ten (10) acres in size and shall be treated as a Conditional Use accompanied by a Site Plan and require a Conditional Use Permit issued by the BOA.
  3. Setback requirements for a Level 2 SES shall be a minimum of three hundred (300') from all existing property lines and minimum of at least seven hundred fifty (750') from an adjoining residentially zoned parcel.
  4. Fees for Level 2 SES shall be equal to \$100 per acre or portion thereof not to exceed \$1,000.

- c. **Level 3 - SOLAR ENERGY FACILITY (SEF)** – Any system that does not meet the parameters for a Level 1 SES or Level 2 SES. All Level 3 SEFs shall be conditional uses and require a Conditional Use permit issued by the Harrodsburg/Mercer County Joint Board of Adjustments & Appeals.

## **15.2 Criteria for a Level 3 SOLAR ENERGY FACILITY (SEF)**

This section sets forth the procedure and regulations for the approval and maintenance of commercial scale ground mounted solar energy systems. This includes the components, equipment, and infrastructure required to convert solar energy to into electrical energy, store such energy and transmit said electrical energy onto the transmission grid that generates a design capacity of five (5) megawatts or more.

To allow for SEF's as a viable alternative energy source without potentially eliminating agricultural activities within Mercer County, as well as provide for the protection of existing prime farmland (Zoned A-1), this ordinance shall limit SEF's to a total maximum allowable coverage of 2,000 acres in Mercer County. Once the total allowable acreage threshold has been met, no further requests for additional SEF's shall be considered.

To the extent that any provision of the Mercer County Zoning Ordinance is inconsistent with any other term or provision, the terms set forth in this section shall supersede and govern.

1. All level 3 Solar Energy Facility shall be considered Conditional Uses and only allowed within the following Zoning Districts: A-1, I-1, & I-2.
2. All level 3 Solar Energy Facility shall require a Conditional Use Permit issued by the Harrodsburg/Mercer County Joint Board of Adjustments and Appeals.
3. Any person or entity desiring to construct a Level 3 SEF shall submit the following documentation to the BOA:
  - a. **SITE PLAN** – A 24"x36" project Site Plan which shall be prepared by a professional engineer licensed in Kentucky and shall contain a visual depiction of the entire project, including all existing structures, proposed solar panel locations, power conversion structures and supporting ancillary equipment. It shall also include access and maintenance roads within the subject property. This plan shall depict the exterior project boundaries, including perimeter adjoining property owners and property owners within 500' with ownership information including parcel ID's for each.
  - b. **TOPOGRAPHICAL SITE PLAN** - A separate site plan showing the topography elevations (showing one-foot (1') contours) of the proposed site which includes any identified special flood hazard areas.
  - c. **SITE SCREENING PLAN** – A screening plan shall provide for reasonable perimeter screening to reduce the effects to the viewscape of the SEF from occupied residences as well as publicly traveled right of ways. Applicant may satisfy the screening requirements by incorporating one or a combination of the following:

- i. Where practical, any existing natural tree growth and landforms along the applicable boundary of the site shall be preserved and may create a sufficient buffer.
  - ii. A vegetative buffer which shall incorporate a double row of evergreens a minimum of 8' in height at planting with a minimum height of 15' at full growth planted no more than 20ft from exterior of security fence. Trees are to be replaced upon dying within 30 days.
  - iii. In lieu of vegetative buffers, an opaque fence may be used, provided, that the fencing material or veneer is, or has the appearance, of wood, stone, or other natural materials and is constructed so that it is at least eight (8) feet high when measured at grade.
- d. **DECOMMISSIONING PLAN** – A decommissioning plan prepared by a professional engineer which shall provide:
- i. The estimated cost to remove the SEF and related infrastructure, including but not limited to, foundations, pads, piers, underground collector lines, and permanent roads built for support of the SEF, all to a depth of four (4) feet below natural surface grade.
  - ii. The estimated cost to restore the subject property to a condition substantially similar to the condition of the subject property prior to commencement of installation of the SEF.
  - iii. The estimated salvage value of the SEF.

The estimated cost to decommission the SEF and restore the subject property minus the estimated salvage value of the SEF is referred to hereafter as the **Decommissioning Cost**.

### **15.3 Pre-Construction Documentation Requirements**

Prior to issuance of zoning permit, the applicant shall provide the following documentation to the Planning Commission Director, or applicable governing body (as noted and/or required below)

1. **Decommissioning Security** – Security in the form of a performance bond or Irrevocable Letter of Credit in the amount of one hundred ten percent (110%) of the projected Decommissioning Cost, if the Decommissioning Cost is a positive number, securing Owner's decommissioning obligations. This document shall name the Mercer County Kentucky Fiscal Court as beneficiary (Decommissioning Security). The Decommissioning Security shall be delivered to the County Judge Executive of the Mercer County Fiscal Court and the owner shall provide a copy to the planning director. The Decommissioning Security shall be issued for a period of not less than three (3) years. The owner shall be required to provide a revised Decommissioning Cost prior to the expiration of the current Decommissioning Security and deliver a new Decommissioning Security in successive three (3) year periods until the expiration of the project.
2. **Traffic Impact Map** – A traffic map that depicts the primary roads that will be used as construction vehicle routes for ingress/egress to and from the SEF for material and

equipment deliveries. Owner shall work with the Mercer County Road Superintendent and planning director to coordinate potential impacts on traffic to accommodate school bus routes or planned public road construction.

3. **Pre-Construction Road Inspection** – Owner shall document and provide a detailed report of the pre-construction conditions of the existing roads identified on the Traffic Impact Map and any other applicable road surface documentation the Owner produces in preparation for construction of the SEF, including copies of any documents such as cross-section surveys, centerline profiles, and culvert conditions and photographs.
4. **Road Repair Security** – The Mercer County Fiscal Court may, in the County Judge Executives reasonable discretion, require the Owner to provide a Letter of Credit or performance bond in the required amount of time needed for construction, naming the Mercer County Fiscal Court as beneficiary, to secure Owner's obligations to repair the Impacted roads in an amount equal to \$100,000 per mile (or portion thereof) of impacted roads, not to exceed \$500,000 (**Road Security**). Upon completion of the construction project of the SEF, a **Post-Construction Road Inspection** shall be required and provided by the Owner to the Mercer County Judge Executive, which shall include the same required documentation as the Pre-Construction Inspection. If the Post Construction Inspection report reveals that the Impacted roads are in substantially the same condition as they were prior to construction of the SEF, the County shall release said bond within 15 calendar days.

#### 15.4 Solar Energy Facility Requirements

All SEF installations shall comply with the following requirements:

1. **Height** – No SEF shall exceed twenty (20) feet in height measured from the highest edge of a panel to the ground beneath; provided, however, excluded from this height restriction are overhead powerlines, piles, operation and maintenance buildings, substations, and switchyards.
2. **Setbacks** – All SEFs, measured from the outer edge of the panels or perimeter fencing, whichever is closer to the applicable property lines shall be setback a minimum of one thousand five hundred (1,500') feet from property lines of non-participating adjacent landowners, and a minimum of two thousand (2,000') feet from any residentially zoned land, school, hospital or nursing home facility. If the SEF is located on multiple adjacent tracts, no interior setbacks from contiguous parcels interior to the property lines shall be required.
3. **Setback Variance(s)** – As it is understood that there may be unique topographical or geographical features that could be unique to the subject property, the owner may request variance on specific setbacks on a case by case basis as part of the Conditional Use Permit approval process.
4. **Compliance with Laws** – All SEF installations shall comply with all applicable federal, state, and local laws; provided, however, to the extent that any provision

of this section that conflicts with any other provision of the Zoning Regulation, the provisions of this Article shall govern.

5. **Lighting** – SEF installations shall include outdoor lighting as required for security purposes or as required by federal, state or local laws to the extent commercially reasonable, all lighting shall be shielded and downcast to minimize light pollution off site of the SEF.
6. **Security Fencing** – Security fencing shall be a minimum of seven (7') tall and inspected annually for breaches. Any found breaches shall be repaired immediately upon discovery.
7. **Storm Water Detention** – the SEF shall be required to provide Storm Water Analysis and construct onsite detention based upon a two-year 24-hour storm event AND a 100-year 24-hour storm event to ensure that post development storm water runoff is equal to or less than the predevelopment run off rates. Additionally, the top of all detention basins shall provide an additional 1' of freeboard from 100-year 24-hours water surface elevations projected by storm water analysis. The required on-site detention may utilize areas within the required setbacks as provided herein.
8. **Signage** – Notwithstanding any other provision of the Zoning Regulations, all SEFs may include signage with warning and safety information and any other signage required by federal, state, or local law, or otherwise allowed under this Article.
9. **Assignment** – The Conditional Use Permit and subsequent Zoning Permits may be assigned to a successor Owner of the SEF with written notification and approval from the Mercer County Joint Planning & Zoning Commission, with the understanding that the new Owner shall be required to comply with all the terms and conditions of the original Conditional Use Permit approval for the SEF.

### **15.5 Decommissioning and Abandonment**

1. **Project Abandonment** – Owner shall decommission and remove the SEF in compliance with This Article of the Zoning Regulations within six (6) months after the date project abandonment occurs and restore the SEF site to as close as preconstruction condition as reasonably practical. “**Project Abandonment**” has deemed to occur when the SEF has not, for 12 continuous months:
  - a. Generated electric energy and delivered such energy to the utility grid, or has not generated and delivered such energy at a level that exceeds 50% of the design project capacity for a contiguous period of three (3) months or more.
  - b. Been decommissioned in accordance with the provisions of this ordinance, and;
  - c. Such cessation of operations is not attributable to an event beyond the reasonable control of the owner.
2. **Updated Decommissioning Plan** - In connection with the Decommission Security, the Owner shall provide a revised Decommissioning Plan every three (3) years on the anniversary of the issuance of the zoning permits until the SEF has been fully

decommissioned and the project parcels are restored to their preconstruction condition. Such revised Decommissioning Plan may be submitted up to 180 days prior to the due dates.

3. **Updated Decommissioning Plan Contents** – The revised Decommissioning Plan shall include the same information as the original and shall provide updated Decommissioning Costs. Decommissioner Security shall be posted and/or revised in the amount of the new Decommissioning Cost within 60 calendar days after delivery of the updated Decommissioning Plan and shall replace the Decommissioning Security, If necessary.
4. **Decommissioning Security Release** – Within 45 calendar days after the date the SEF is fully decommissioned and the project parcels have been restored to a condition substantially similar to the condition they were in prior to construction of the SEF, the County shall release the Decommissioning Security.

### **15.6 Application and Submission Fee**

An application, review, hearing and inspection fee equal to: \$100 per acre or portion thereof for a Level 3 Solar Energy Facility and shall be payable to the Mercer County Joint Planning & Zoning Commission as follows:

1. One-third of the total submission fee upon submission of the Conditional Use Application and required supporting documentation.
2. One-third of the total submission fee upon delivery of the submission of the pre-construction documentation.
3. Balance Due upon issuance of Conditional Use Permit.

### **15.7 Solar Energy Facility Approval Procedures**

An application to construct a SEF under Article XV Section 15.1(c) shall be considered a Conditional Use and shall be heard by the BOA by Public Hearing with proper notice in accordance with the provisions of KRS 100.211. To request approval for the siting of the SEF, the owner/applicant shall file a Conditional Use Application with the staff of the Planning Commission and submit the following, which shall be considered under the following procedures:

1. **Filing** – Owner shall file six (6) copies of the Site Plan, Screening Plan, & Decommissioning Plan (collectively known as “Plans”) as required by Section 15.2(3) along with 1/3 of the required application and review fee. If the owner is not sole owner of the project parcel(s), the owner must also submit an affidavit of the owner of the project parcels consenting to the filing of the Plans and to speak on behalf of the owner regarding the SEF.
2. **Review** – The planning commission staff shall review the Plans and consult as necessary with the county road department, local officials, and other professionals support staff as necessary. Planning commission staff shall perform the required steps to give notice of, advertise the date, time, and location of the scheduled public

hearing, which shall take place within thirty (30) days from date of receipt of a **complete** application.

3. **Staff Report** – At least five (5) days prior to the public hearing, the planning commission staff shall provide a written recommendation to the BOA and provide a copy for the Owner/Applicant.
4. **Board of Adjustments & Appeals Action** – At the public hearing, the BOA will hear testimony in the following order:
  - a. Presentation by Owner/Applicant
  - b. Testimony in Support of CUP from public
  - c. Testimony in Opposition to CUP from public
  - d. Response by Owner/Applicant to Opposition

Upon completion of the public comment & testimony, the public hearing portion of the hearing shall be closed. BOA members shall review staff report and recommendations. BOA members shall then act for approval, continuance, or disapproval. BOA may amend or modify the Plans (with the approval of the owner/applicant) if it finds the Plans do not comply with the requirements of this Article. The BOA shall take final action on the Plans and application within sixty (60) days from the date of the filing date of the complete application.

5. **Conditional Use Permit & Zoning Permit** – upon approval of the Conditional Use Permit by the BOA, the owner/applicant shall submit the Pre-Construction documentation to the staff of the Planning Commission as outlined in Section 15.3 along with the 2<sup>nd</sup> installment of 1/3 of the required application and review fee. Once received, the Conditional Use Permit shall be issued to the owner/applicant to be included in the package for final approval from the Public Service Commission (PSC) Siting Board. Upon successful approval by PSC, the owner/applicant shall provide copies of the PSC Siting Board approval for the SEF to the planning commission staff who shall issue the final Zoning Permit upon receipt of the last installment of the application and review fee.
6. **Minor Amendments** – A minor amendment to the Site Plan or Screening plan that has already been approved by the BOA may be approved by the planning director to expedite approval in those situations where amendments are of, in the opinion of the planning director, minor significance and generally relate to the shifting of previously approved spaces, locations of facilities or access; provided, that, such amendments do not cause the SEF to be out of compliance with any of the provisions set forth in Article XV of the Mercer County Zoning Ordinance. Any material modification that would result in changes not previously approved shall be required to amend the existing Conditional Use Permit prior to those changes taking place.

## ARTICLE XVI - DEFINITIONS

### 16.1 Interpretation Of Terms And Words

The word "person" includes a firm association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied". The word "lot" includes the words "plot" or "parcel".

1. **Accessory Structure or Use:** Any structure or use other than the principal structure or use, directly incidental to or required for the enjoyment of the permitted use of any premises: also as specifically designated under the zoning district regulations of the Zoning Ordinance.
2. **Advertising Sign:** Any word, lettering, parts or letters, figures, numbers, phrases, sentences, emblems, devices, (including loud speakers), designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate an individual, a firm or association, a corporation, a professional, a business, a service, a commodity, or a product, which are visible from any public street, or right-of-way and designed to attract attention. The term, "sign", shall not include the flag, pennant, or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.
3. **Agricultural Use:** The unrestricted use of a tract of land for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants.
4. **Agricultural Structure:** Any structure or building accessory to the principal use of the land, excluding residential structures.
5. **Alteration:** Any change or addition to the supporting members or foundation of a structure.
6. **Building:** Any structure which fully encloses a space for the occupancy of persons or their activities. A Manufactured Home is not a building, however.
7. **Billboards:** Any freestanding outdoor sign for rent or lease to advertise a business, commodity, service, activity or entertainment not taking place on the premises upon which the billboard is located.

8. **Commercial Floor Area:** Floor area of a building which is devoted to the storage and display of merchandise, the performance of consumer services, or the circulation and accommodation of customers.
9. **Conditional Use:** Means a use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located or in adjoining zones unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the zoning regulation.
10. **Conditional Use Permit:** Legal authorization to undertake a conditional use, issued by the Zoning Administrative Officer pursuant to authorization by the Board of Adjustment and Appeals as follows:
  - a) A statement of the factual determination by the Board of Adjustment and Appeals which justifies the issuance of the permit.
  - b) A statement of the special conditions, which must be met in order for the use to be permitted.
  - c) In any case where a conditional use permit has not been exercised within the time limits set by the Board, or within one (1) year, the permit shall become invalid and require re-application to the Board.
11. **Craft Distillery, Type I** – A facility that produces distilled spirits of 50,000 gallons or less per calendar year on site. Such facility may include a tasting room or retail space to sell products only manufactured on site, unless otherwise allowed by the underlying zoning district. Also referred to as micro, artisan, or boutique distillery.
12. **Craft Distillery, Type II** – A facility that produces distilled spirits of 500,000 gallons or less per calendar year on site. Such facility may include a tasting room or retail space to sell products only manufactured on site, unless otherwise allowed by the underlying zoning district. Also referred to as micro, artisan, or boutique distillery.
13. **Dimensional Variance:** Departure from the terms of the zoning regulations pertaining to height or width of structure and yards and open spaces where such departure will not be contrary to the public interest, and where owing to conditions peculiar to the property because of its size, shape, or topography and not as a result of the action of the applicant, the literal enforcement of its zoning regulations would result in unnecessary and undue hardship.
14. **Distilled Spirits:** Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages.

15. **Dwelling and Dwelling Unit:** A dwelling is a building providing shelter, sanitation, and the amenities for permanent habitation. Dwelling unit refers to that dwelling accommodation within a building designed for one individual or family unit maintaining separate and independent housekeeping.
16. **Farm:** Land devoted to unrestricted agricultural use as defined in 3 above.
17. **Height:** The vertical distance measured from the average finished grade at the front building line to the highest point of the structure.
18. **Home Occupations:** Professional offices, studios, and personal services maintained or conducted within a dwelling. The sale, processing, or storage of any non-personalized service or product for sale shall not qualify as a home occupation. Home occupations include only those, which meet the following performance standards:
- a. Home occupations shall be incidental to the principal residential use.
  - b. Home occupations shall result in no exterior evidence, excepting a permitted sign not to exceed two square feet in area, that the dwelling is used for home occupation.
  - c. Home occupations shall not generate any atmospheric pollution, light flashes, glare, odors, noise, vibration, or truck or other heavy traffic.
  - d. Home occupations shall be conducted only by a person resident in the dwelling.
  - e. The owner(s) of a home occupation shall register the occupation with the Mercer County Tax Administrator.
19. **Lot:** A parcel or tract of land of at least sufficient size to meet the minimum zoning requirements under one ownership devoted to a common use or occupied by a single principal building plus accessory structures.
- a. **Corner Lot:** A lot which abuts on two intersecting streets at their intersections.
  - b. **Double-Frontage Lot:** Any lot other than a corner lot which abuts on two streets.
  - c. **Lot Line:** The boundary dividing a lot from a right-of-way, adjoining lot, or other adjoining tract of land. Front, rear and side lot lines are self-explanatory.
  - d. **Lot of Record:** A lot which is recorded in the Office of the County Clerk.

20. **Manufactured Home:** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. For the purpose of this ordinance, manufactured homes meeting the following requirements shall be considered to be a dwelling unit or single-family residence and shall be permitted in all zoning districts that permit single-family residences:
- a. Have more than nine hundred and fifty (950) square feet of occupied space in a double or larger multi-section unit;
  - b. Be placed on a permanent foundation;
  - c. Utilize a permanent masonry perimeter enclosure;
  - d. Be anchored to the ground in accordance with the Kentucky Manufactured Housing Institute guidelines and to the manufacturer's specifications;
  - e. Be without wheels;
  - f. Have utilities connected in accordance with the Kentucky Manufactured Housing Institute guidelines and to the manufacturer's specifications;
  - g. Have siding material of a type customarily used on site-constructed residences; and
  - h. Have roofing materials of a style and type customarily used on site-constructed residences.
21. **Manufactured Home:** A transportable structure larger than three hundred and twenty (320) square feet, designed to be used as a year-round residential dwelling, built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.
22. **Manufactured Home Park/Subdivision:** A tract of land prepared and approved according to the procedures in the Zoning Ordinance to accommodate Manufactured Homes.
23. **Modular Unit:** A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements, which are to be incorporated into a structure at the site.
24. **Non-Conforming Structure or Use:** A structure or use of any premises which does not conform to all applicable provisions of the Zoning Ordinance, but which existed at

the time of its designation as non-conforming by the adoption or amendment of the Zoning Ordinance on March 6, 1979.

25. **Off-Premise Sign:** Any free-standing, outdoor sign which advertises a business, product, commodity, service or other activity not sold or conducted on the premises where the sign is located.
26. **Parking Space:** A space consisting of a minimum of one hundred and sixty-(160) square feet, a space sixteen-(16) feet by ten-(10) feet.
27. **Planned Unit Development:** A complex of structures and uses planned as an integral unit or community development.
28. **Premises:** A lot or other tract of land and all the structures on it under one ownership.
29. **Processing:** Manufacturing, reduction, extraction, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not refer to the fabrication of structures.
30. **Recreational Vehicle:** Any transportable structure designed for temporary habitation that is not classified as a Manufactured Home. Vans, campers, trucks, cars, and etc. shall not be used as permanent housing except in a Manufactured Home park.
31. **Retail Sales:** Sale of any product or merchandise to customers for their own personal use, not for resale.
32. **Road:** A traffic-carrying way. As used in the Zoning Ordinance a road may be privately owned.
33. **Rural Occupation:** An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on a farm in accordance Article XIV of this Ordinance.
34. **Short-term Rental:** means the rental of a single family home, dwelling unit within a single-family home, dwelling unit within a two family or multifamily dwelling, or a dwelling unit in a condominium, cooperative, or timeshare, for terms less than thirty (30) days at a time through a short term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for single family use. The term does not include property that is used for any non-residential use.
35. **Short-Term Rental Platform:** means an entity that provides a platform through which unaffiliated parties offer to rent a short-term rental to an occupant and collects consideration for the rental from the occupant.

36. **Sleeping Room:** A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.
37. **Structure:** Any combination of materials fabricated to fulfill a function in a fixed location on the land, including buildings, swimming pools, signs and billboards.
38. **Use:** Use broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.
39. **Variance:** A departure from the strict conformance with the dimension and area regulations, which must first receive the approval of the Board of Adjustment and Appeals. A variance may not alter the density requirements in the zone in question.
40. **Yard:** The open space surrounding the principal building on any lot, occupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this Zoning Ordinance. Yards are further defined as follows:
- a. **Front Yard:** That portion of the yard extending the full width of the lot and measured between the front and a parallel-line tangent to the nearest part of the principal building, which line shall be designated as the front line.
  - b. **Rear Yard:** That portion of the yard extending the full width of the lot measured between the rear lot line and a parallel line tangent to the nearest part of the principal building.
  - c. **Side Yard:** Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal buildings.

## APPENDIX

Zone	District	Max Building Height	Min. Lot Area on Public Sewer or State Approved Package Treatment Plant	Min. Lot Area on Septic System* (Acres)	Max. % Lot Covered by all Buildings (Residential)	Min. Road ** Frontage & Width at Building Line (Feet)	Minimum Front Yard Setback All Structures (Feet)	Minimum Side Yard Setback (Feet)	Minimum Rear Yard Setback (Feet)	Minimum Setback for Detached Structures Side & Rear (Feet)
A-1	Agricultural	3 Story	N/A	2.5	N/A	250'	80'	25'	50'	15'
A-2	Agricultural	3 Story	N/A	2.5	N/A	200'	40'	15'	30'	15'
A-3	Small Community	2 Story	N/A	1	N/A	150'	30'	15'	30'	10'
R-1	Single Family (SFD)	2 Story	20,000 Ft <sup>2</sup> for SFD	1	25%	125'	30'	15'	30'	10'
R-2	Single Family/Duplex	2 Story	15,000 Ft <sup>2</sup> for SFD ***	1	25%	125'	30'	8'	30'	10'
R-3	Multifamily	3 Story	12,000 Ft <sup>2</sup> for SFD ***	1	30%	125'	30'	8'	30'	8'
B-1	Neighborhood Business	50 Ft.	N/A	1	N/A	150'	30'	8'	30'	5'
B-2	Highway Business	50 Ft.		1		150'	30'	5'	30'	5'
B-3	General Business	50 Ft.		1		150'	30'	5'	30'	5'
I-1	Light Industrial	50 Ft.		1		150'	30'	10' ****	10' ****	10'
I-2	Heavy Industrial	50 Ft.		1		150'	30'	10' ****	10' ****	10'

\* The Minimum Lot Area on Septic may not be adequate to meet the requirements for septic systems imposed by the Mercer County Health Department. A minimum of two (2) acres is required to install a lagoon for a sewer system.

\*\* Minimum Road Frontage shall be measured continuously along an existing public right-of-way, or along a minimum 40' wide private right-of-way or minimum 40' wide newly constructed right-of-way with a minimum 20' road width. Easements may not be used to satisfy this requirement **unless the easement existed prior to February 27, 2003, in which case see Article V, Section 5.9.** Construction of a new public or private road(s) is subject to the requirements of the Harrodsburg/Mercer County Subdivision Regulations adopted October 5, 1998 **as amended from time to time.**

\*\*\*Minimum Lot Area on Public Sewer or State Approved Package Treatment Plant for R-2 is 15,000 Ft<sup>2</sup> plus an additional 1,500 Ft<sup>2</sup> per each additional Dwelling unit (DU)

\*\*\*Minimum Lot Area on Public Sewer or State Approved Package Treatment Plant for R-3 is 12,000 Ft<sup>2</sup> plus an additional 2,000 Ft<sup>2</sup> per each additional Dwelling unit (DU) of 2 BR or more OR an additional 1,500 Ft<sup>2</sup> per each additional Dwelling Unit (DU) of 1 BR.

\*\*\*\* On I-1 or I-2 lots adjacent to a residential or A-3 zone, all structures shall be located as to provide a minimum setback of 30' on the side adjacent to the residential district or A-3 zone.