

ORDINANCE No. 3

2010 SERIES

**AN ORDINANCE AMENDING ORDINANCE #8, ADOPTED OCTOBER 23, 1987, FISCAL COURT ORDER BOOK 15, PAGE 31, RELATING TO THE ZONING ORDINANCE IN FRANKLIN COUNTY, ARTICLE 4.06 TABLE OF PERMITTED USES, ARTICLE 4.05 NOTED SPECIAL CONDITIONS, AND ARTICLE 15.19 CRAFT DISTILLERIES AND SMALL FARM WINERIES (NOT IN INDUSTRIAL DISTRICTS)**

**WHEREAS**, The Franklin County Fiscal Court, having heretofore enacted an Ordinance relating to zoning regulations and zoning district maps titled, "The Zoning Ordinance of Franklin County," in accordance with a Comprehensive Plan and KRS 100; and

**WHEREAS**, the aforesaid Ordinance provides for amendments to the zoning ordinance text and maps and requires the Frankfort/Franklin County Planning Commission to forward their recommendations for approval or denial of the text amendment to the Franklin County Fiscal Court for action; and

**WHEREAS**, The Frankfort/Franklin County Planning Commission held a public hearing on April 8, 2010 and adopted a summary of the evidence and recommended approval of the text amendment, as required by K.R.S. 100;

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:**

The Zoning Ordinance of Franklin County, Ordinance #8, 1987 Series, adopted October 23, 1987, Fiscal Court Order Book 15, Page 31, is hereby amended as follows:

4.06 TABLE OF PERMITTED USES

<b>MANUFACTURING FOOD &amp; KINDRED PRODUCTS</b>																		
<b>LAND USE</b>	<b>CODE</b>	<b>AG</b>	<b>RR</b>	<b>RA</b>	<b>RB</b>	<b>RC</b>	<b>RS</b>	<b>RD</b>	<b>RL</b>	<b>RH</b>	<b>RM</b>	<b>PO</b>	<b>CL</b>	<b>CG</b>	<b>CH</b>	<b>IC</b>	<b>IG</b>	
Meat Products	201																10	10
Dairy Products	202																P	P
Canning & Preserving fruits vegetables & seafoods	203																10	10
Grain mill products	204																P	P
Bakery products	205																P	P
Sugar	206																P	P
Confectionery & related products	207																P	P
Beverage industries	208																P	P
Miscellaneous food preparations & kindred products	209																C	P
Distilled Spirits	210																P	P
<b>Craft Distilleries &amp; Small Farm Wineries</b>	<b>210(A)</b>	<b>25</b>	<b>C</b>														<b>P</b>	<b>P</b>

4.05 NOTED SPECIAL CONDITIONS

1. Garden crop, but no sales structures.
2. Livestock or poultry only on lots over five (5) acres.
3. More than one (1) dwelling may be permitted on any farm lot provided it is required for additional family members or tenants who work on the farm.
4. Semi-attached and attached single units permitted on individual lots. Two (2) units on the same lot permitted only with the approval of the Board of Zoning Adjustments.
5. Permitted only where principal access is to a street designated as at least a collector.

6. All operations must be confined to an enclosed building or enclosed and fully covered on all side by an opaque screen, and shall comply with all height and setback requirements, and shall be included in the maximum lot coverage calculations.

The sale of automobiles and trucks is exempted from this rule, but all outdoor display areas shall comply with the Parking Regulations in Article 10.

7. Laundry and dry cleaning pick-up stations including clothes cleaning establishments of not more than forty (40) pound capacity and using a closed system process.
8. Manufacturing of products from already prepared materials.
9. Custom shop and upholstery shops in "CG" and "CH".
10. Processing or freezing of food, dressed meat or poultry. Slaughter, rendering or animal processing only as permitted by the Board of Zoning Adjustments and in the "IG" zone.
11. Drive-in facilities prohibited.
12. Conditional use permit required for restaurants with live entertainment, bar, wine and/or liquor by the drink sales.
13. Permitted as an accessory use in an existing church facility and any existing American Red Cross or Salvation Army facility provided that all criteria listed under Article 15.14 are met. And that no new constructions is involved to accommodate a use previously vacated within the Church or other building to allow space for a Charitable Indigent Limited Care and/or Mini-Nursing Home facility. This in no way implies that these are conditional uses.

This use is permitted as a conditional use in any building within the CG (General Commercial), IC (Industrial Commercial), and IG (General Industrial) provided that all criteria in Article 15.01 and Article 15.14 are met and property does not abut any property currently used or zoned as residential.

14. A Conditional Use Permit is required, and the following minimum conditions shall be met:
  - a. All operations must be confined to a fully enclosed building and no storage or display of goods or materials is permitted outside the fully enclosed building.
  - b. All operations shall be clearly ancillary to a retail building materials use within the same building or within a building on that same lot.
  - c. The use shall not occupy over fifty percent (50%) of the total floor area of all buildings on the lot.
15. Game Rooms/Amusement Arcades are permitted only within a shopping center. Game Rooms/Amusement Arcades are prohibited from locating in a building under separate ownership or on a single lot.
16. Permitted for business office portion of use only. No equipment used may be located, either temporarily or permanently, at this location.
17. Areas for loading and unloading must be provided off-street.
18. All operations are confined to those being carried out by one person

19. Permitted in conjunction with the sale of eyeglasses.
20. Must be located long a street classified at least a Major Arterial.
21. The building or site must be used for the input and processing data via telecommunications, with little or no data entry by personnel at the property. Off-site storage areas are typically required of a computer processing center. The building size for this center shall be not less than 10,000 square feet. This limitation shall not be waived.
22. Day Care Centers, Nurseries and Kindergartens shall be permitted for up to 35 children, provided that all requirements of Section 15.06 of the Conditional use Regulations are met. If the day care center, nursery, or kindergarten proposed abuts property zoned or used for residential purposes, a Conditional use Permit shall be required.

If the proposed day care center, nursery or kindergarten will have more than 35 children, a conditional use permit shall be required.

23.
  - a. Must have a Final Development Plan, prepared in accordance with Article 5 approved by the Frankfort/Franklin County Planning Commission.
  - b. All buildings and structures shall be located at least one hundred feet (100') from any residential or agricultural zone or land use.
  - c. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.  
  
Parking shall be provided in the following manner: 2 spaces per target lane, plus 3 spaces per 1,000 square feet of retail area.
  - d. An 8' wooden privacy fence shall be installed along the property lines where the property abuts a different zone or land use.
  - e. Where the property abuts property of a different zone or land use, a 100' landscape bugger shall be installed along the affected property line, with plantings, specified as follows:  
  
A thirty-six feet (36') wide, six feet (6') tall earthen berm, plus a double-row, staggered planting of evergreen trees spaced at every fifteen feet (15'), on center.
  - f. Indoor ranges shall have one warning sign at each entrance and at any window, door or other opening in the wall.
  - g. Except in districts where signs are not allowed, one, non-flashing, internally illuminated sign, not to exceed thirty (30) square feet in area and not to exceed ten (10) feet in height, may be provided at the major entrance.
  - h. Indoor target ranges shall have sufficient sound proofing so that the maximum sound transmission that may escape the range into areas not controlled by the owner is forty (40) decibels. Entry doors from outside the building shall be solid core and weather stripped as additional barrier.  
  
EPA and OSHA approvals must be granted prior to occupancy of the facility.
  - i. Indoor target ranges shall be constructed in such a manner so as to prevent the escape of projectiles from the discharge of weapons in the facility to the outside of the building.

- j. Sales of firearms, munitions and related items shall be permitted as a part of the indoor target range.
24. Permitted with the following conditions:
- a. Storage of vehicles waiting for service shall be placed in an area which is screened with an 8' solid fence and with a planting of shrubs at 3' on center.
  - b. Vehicle repair shall not be permitted within units within a mini-warehouse or self-storage building.
- 25. Permitted use in the Agricultural zone provided that all criteria listed under Article 15.19 are met.**

**15.19 Craft Distilleries and Small Farm Wineries (not in industrial Districts)**

**15.191 Purpose. To define a "craft distillery", and "Small Farm Winery" and place conditions upon its operation that will allow it to be an asset to its immediate surroundings as well as to prevent any conflicts with the rural nature of the location of said distilleries.**

**15.191 Conditions. In order to limit the adverse effect on adjacent surrounding property the following conditions must be met prior to the issuance of any Conditional Use Permit by the Board of Zoning Adjustment.**

1. **Delivery of any supplies and pick-up of finished products shall not be carried out by vehicles with more than 3 axles.**
2. **The distillery/winery shall not operate between the hours of 9 pm and 7 a.m. (with the exception of any incidental activities of an agricultural nature). \***
3. **The Craft Distillery/winery must be located on a lot that is a minimum of fifty acres.**
4. **If a distillery; the location of the actual distillery facility (i.e. mash tun, fermenters, still, or bottling facilities) shall be located a minimum of 150 feet from every property line. In the case of a winery the location of the fermenters, and bottling facilities shall be located a minimum of 150 feet from every property line.**
5. **Any retail sale on site shall be clearly incidental to the distillery operation and in compliance with the applicable state and federal statutes.**
6. **Craft Distilleries or Small Farm Wineries in residential or agricultural zones shall not produce more than 50,000 gallons per year of finished product. This production maximum includes any product distilled off-site and/or shipped in to be blended and/or bottled on site\*\***
7. **Any proposal for a Conditional Use shall be accompanied by a site plan showing all ingress, egress, building site (existing and proposed), all utilities, means of fire protection, parking layout and other information as may be required by the Staff or Board of Zoning Adjustments.**

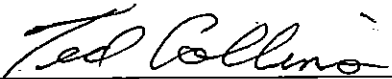
**\* The fermentation of the distillery's product does not constitute "operation" for the purposes of this requirement.**

**\*\*For reference, "Small Farm Winery's have a maximum production of 50,000 gallons annually as licensed in the Commonwealth of Kentucky.**

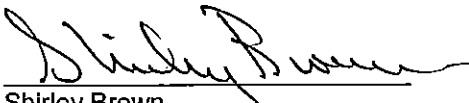
**INTRODUCED AND GIVEN FIRST READING IN SUMMARY** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 29 day of April, 2010.

**GIVEN SECOND READING AND APPROVED** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 21 day of May, 2010 and of record in Fiscal Court Order Book 23, Page 426.

This Ordinance shall take effect and be in full force when passed, published and recorded according to law.

  
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Ted Collins  
County Judge/Executive

ATTESTED TO:

  
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Shirley Brown  
Fiscal Court Clerk