

**Staff Report**  
**Bourbon County Joint Planning Commission**

**August 17, 2023**

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| Case Number:        | ZTA 23-02  |
| Applicant:          | Jena Scott   |
| Type of Request:    | Zoning Text Amendment to amend sections 3.21 and 3.22 of the Bourbon County Zoning Ordinance |
| Application Date:   | June 16, 2023  |
| TRC Meeting Date:   | June 26, 2023  |
| Legal Notification: | August 4, 2023<br>(Bourbon County Citizen)   |

**PROPOSAL**

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Applicant proposes changes to the Bourbon County Zoning Ordinance section 3.21(B) and 3.22 of the Bourbon County Zoning Ordinance. The applicant is concerned with an alleged loophole in the current ordinance that could allow for unmitigated housebuilding by developers masking a farm operation.

Staff recommendation for text amendment changes residential leasing to the public into a conditional use, but avoids language that prohibits otherwise legitimate agricultural activity allowed by KRS 100.111(2)

The applicant's application presents their proposed changes to the text as well as the applicant's reasoning for changes.

The images below show the current zoning ordinance language and the proposed changes:

## 3.2 AGRICULTURAL ZONE (A-1)

### 3.21 Uses Permitted

- A. Production of agricultural, horticultural, floricultural or viticultural crops or livestock commodities, and incidental retail sales by the producer of those commodities raised on site.
- B. Single-Family dwellings occupied by the owner or operator of the farm and such additional single-family dwellings as are necessary for occupancy by the employees of the farm operation. Additional single-family dwellings erected for this purpose and afterward found to be unnecessary for such purposes may be rented for residential use.
- C. Public, semi-public, and private lands for open-space reserves that may be for permanent open spaces or for future development in accordance with this order.
- D. Home occupancies as defined and restricted in Section 1.8 herein. No home occupation shall be permitted which changes the appearance of the structure from that of a residence. Home occupation permits are to be issued by the Board of Adjustments.
  1. Beauty Shop.
  2. Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings.
  3. Office in which goods, wares, or merchandise are not commercially created, stored or sold.
  4. Tutoring, limited to not more than four (4) children simultaneously.
  5. Fine arts studio which create only individual works of art.
  6. Rooming and/or boarding of not more than four (4) persons.
  7. Photography studio.
  8. Professional massage therapist.

#### E. MANUFACTURED HOMES

(DOUBLE WIDE & SINGLE WIDE) SHALL BE SUBJECT TO THE FOLLOWING LIMITATION, REQUIREMENTS AND PROVISIONS

1. Only manufactured homes occupied by the owner or operator of the farm, or as necessary for occupancy by a family member, or full time employees of the farm operation will be permitted.
2. If a manufactured home which is erected for the owner or operator of the farm or as necessary for occupancy by a family member, or full-time employees of the farm is found to be unnecessary for such purpose it may be rented for residential use.

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### RELEVANT KRS STATUTORY LANGUAGE

*KRS 100.111 provides the definition of an "Agricultural use"*

*"A tract of at least five (5) contiguous acres 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, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public. For purposes of this subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;*

## **STAFF'S PROPOSED CHANGES:**

**Proposed revised language** – *“Single-Family dwellings occupied by the owner or operator of the Farm and such additional dwellings for persons and their families who are engaged in the agricultural use on the Farm.*

**Staff also recommend adding the following as a conditional use.**

*Z. Residential leasing of single-family dwellings previously occupied by Farm employees if the Board of Adjustment finds that the dwelling was constructed prior to any dwelling on the Farm being leased to the public.*

## **BACKGROUND:**

The A-1 Zoning District allows for *“Single-Family dwellings occupied by the owner or operator of the farm and such additional single-family dwellings as are necessary for occupancy by the employees of the farm operation. Additional single-family dwellings erected for this purpose and afterward found to be unnecessary for such purposes may be rented for residential use.”*

## **STAFF RECOMMENDATION:**

Staff recommends **approval** of the revised text as staff has presented above.

Staff notes that the 2017 Bourbon County Comprehensive Plan provides that:

1. “In order to protect the viability of farming in the county, new development should be allocated so as to minimize any negative impact to agricultural production.”;
2. “At the same time, farmers occasionally need to be able to sell land to raise capital for the continued operation of their enterprise. If the subdivision of land is overly restricted, then marginally profitable farming operations may be forced to shut down, further reducing the number of producers in Bourbon County. The land use plan, then, must balance the right amount of regulation to allow for agricultural diversification while additionally protecting the underlying agricultural value of the land.”;
3. “Unchecked development erases the unique character of the community and fragments the area’s open space. Selective development could generate resources to permanently protect the prime agricultural ground.”; and
4. “The rural land use plan recognizes that incorporated areas are the commercial and residential centers of the county, and should remain so. Commercial development should be generally discouraged, except for small retail establishments in small, crossroad hamlets.”;

Staff finds that the revised language will address the KRS standards for agricultural uses as well as better shape the language of the zoning ordinance to meet the goals of the 2017 Comprehensive Plan.