

**SCOTT FISCAL COURT
ORDINANCE NO. 92-006**

**AN ORDINANCE RELATED TO THE AMENDMENT OF THE SCOTT COUNTY ZONING
ORDINANCE TO PROVIDE SINGLE FAMILY RESIDENTIAL DWELLINGS AS A PERMITTED
USE IN THE A-1, AGRICULTURAL, ZONE AND TO PROHIBIT THE ISSUANCE OF
BUILDING PERMITS FOR CONSTRUCTION WITHIN SUBDIVISIONS OR DEVELOPMENTS
IN SUBSTANTIAL NON-COMPLIANCE WITH PLAT, PLAN OR REGULATORY
REQUIREMENTS**

WHEREAS, the Planning Commission held a properly noticed public hearing on May 26, 1992, for the purpose of considering the proposed amendment to the Comprehensive Plan related to residential use in the Agricultural A-1 zone and a zoning ordinance amendment related to the designation of residential use as a permitted use in the A-1 zone; and

WHEREAS, at that same hearing the Commission considered a zoning ordinance amendment related to the prohibition of building permits in subdivisions and developments which are in substantial noncompliance with plat, plan or other regulatory requirements; and

WHEREAS, after the public hearing and further discussions in open session of the Planning Commission meeting on June 9, 1992, the Planning Commission amended the Comprehensive Plan Growth and Land Use Element to permit residential dwellings as a permitted use in the Agricultural, A-1 zone, and based upon that amendment recommended to the Scott Fiscal Court the adoption of the Zoning Ordinance Amendment set out below permitting non-agricultural residential dwellings in the A-1 zone as a permitted use; and

WHEREAS, after the public hearing and further discussions in open session of the Planning Commission meeting on June 9, 1992, the Planning Commission recommended to the Scott Fiscal Court the adoption of the Zoning Ordinance Amendment set out below prohibiting the issuance of building permits in subdivisions and developments which are in substantial noncompliance with plat, plan or other regulatory requirements.

**NOW, THEREFORE, BE IT ORDAINED BY THE SCOTT FISCAL COURT AS
FOLLOWS:**

Section I. The purpose of this Ordinance is to amend the Zoning Ordinance specified below. The text which is underlined is added to the section by this amendment. The text which is stricken is that which is deleted by this amendment. The text with no markings is that which is left without change by this amendment.

Section II. General Regulations, 2.1 Definitions 3. Agricultural Uses is hereby amended to read as follows:

Agricultural use means the use of 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 provisions for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

It is further defined and regulated as follows: (a) All divisions of agricultural tracts less than 50 acres in size, or as provided in the Subdivision Regulations, shall require the signature of the Chairman of the Planning Commission prior to recording. (b) All land contracts and other methods of land transfer, are subject to the approval of the Chairman of the Planning Commission prior to transfer and recording. (c) All divisions of agricultural tracts are subject to the following: (1) Evidence must be submitted to the Chairman (or designated official) describing the proposed agricultural use and limiting the use of the property to agricultural use. The Chairman shall use the standards established by the above definition and by the Kentucky Department of approval shall be grounds for the Commission's denial of a requested zone classification change to A-1R.

Section III. Article 4, Zoning District Regulations Section 4.1 Agricultural Districts A-1, A-1S and A-1R, Subsection 4.11 Permitted Uses, Subsection C. is amended to read as follows:

Mobile homes and dwellings for tenants and family members. In all A-1 zones, residential (non-agricultural) single-family detached dwellings.

Section IV. Article 4, Subsection 4.13 Dimension and Area Regulations Subsection A. is amended to read as follows:

No lot, hereafter created, shall consist of less than five (5) contiguous acres. No dwelling hereafter erected in the A-1 District shall be on a lot less than five (5) acres, unless otherwise approved by the Board of Adjustment. Tracts of less than 5 acres created for exclusive use by governmental agencies or utility service facilities and which are shown on recordable plats bearing this legend, "Tracts created by this plat are for the exclusive use of a governmental agency or utility service facility and shall not be used as a building lot for any other purpose." shall be exempt from the operations of this paragraph.

Section V. Article 5, Administration 5.1 Enforcement Officer, number.

Section VI. This Ordinance shall take effect upon publication

After required published notice, the foregoing Ordinance was read for the first time on July 20, 1992, and for the second time, adopted and approved on July 27, 1992.

ATTESTED BY:


MARTHA NECLERIO, CLERK


GEORGE LUSBY, COUNTY JUDGE