

Spencer County, Kentucky  
ORDINANCE NO. 6  
Fiscal Year 2024-2025 Series

AN ORDINANCE REPEALING THE EXISTING DEFINITION OF AGRICULTURAL USES  
AND CREATING A NEW DEFINITION FOR AGRICULTURAL USES PER KRS 100.111  
AND ADDING DEFINITIONS FOR ALCOHOL, BREWERY, CRAFT DISTILLERY, DISTILLERY,  
MICRO-BREWERY, SMALL FARM WINERY, TASTING ROOM AND WINERY TO  
ARTICLE I, SECTION 102 OF THE TAYLORSVILLE-SPENCER COUNTY  
ZONING REGULATIONS

WHEREAS, a public hearing was held before the Taylorsville-Spencer County  
Joint Planning and Zoning Commission on the 7 day of November, 2024 after appropriate  
legal notice and,

WHEREAS, pursuant to KRS 100.211 and Article I, Section 101.2 of the regulations, the  
Taylorsville-Spencer County Joint Planning and Zoning Commission took the following action which  
was to recommend the proposed amendment to Article I, Section 102 of the Taylorsville- Spencer  
County Zoning Regulations and,

WHEREAS, the Spencer County Fiscal Court held a hearing on the 5<sup>th</sup> day of December,  
2024, after appropriate legal notice, in regard to the proposed amendment and,

THEREFORE, BE IT ORDAINED by the Spencer County Fiscal Court (or the  
County of Spencer) that Article I, Section 102 of the 2014 Spencer County Zoning Regulations  
are amended to read as follows:

**Article I**

**Sect. 102      Definition**

1.    Accessory use: a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
2.    Agricultural uses: ~~As defined in KRS 100.111 with the following as illustrative uses: the growing and harvesting of crops including grass, legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, growing of mushrooms, nursery and forest planting stock, orcharding, forestry and the operation of greenhouses; the keeping, raising and feeding of livestock and poultry, swine, sheep, beef and dairy cattle, pony and horse production; fur, game, fish and wildlife farm operation; farm~~



~~buildings used for growing, harvesting and preparing crop products for market; roadside stands and signs pertaining to the sale or use of the premises or products produced thereon; farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock and poultry and preparing livestock and poultry products for market.~~

(a) 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;

(b) Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;

(c) for additional activities involving horses see KRS 100.111.

3. Alcohol: means ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced.(KRS 241.010)
4. Alley: any public or private way set aside for public travel, less than twenty (20) feet in width and providing only a secondary means of access to property abutting thereon, and not used as roadway frontage for the application of requirements herein.
5. Automobile Salvage Yard (includes Junk Yards and Auto Wrecking Yards: any place where two or more vehicles not in running condition, or the parts thereof, are stored and are unlicensed for the current calendar year and are not being restored to operation or which are operational but, which are unlicensed for the current year; any land, building or structure used for the wrecking or storing of such automobile or the parts thereof.
6. Boarding or Lodging House: a building other than a hotel where meals or sleeping accommodations or both are provided for compensation for three, but not more than twenty persons.
7. Brewery: means any place or premises where malt beverages are manufactured for sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept; (KRS 241.010)
8. Building: any structure constructed or used for residence, business, industry or other public or private purposes, or access thereto.
9. Building, Accessory: a subordinate building, the use of which is purely incidental and subordinate to that of the main building and located on the same lot as the main building.



10. Building Permit: means a permit issued by the Building Inspector for the City of Taylorsville and for the County of Spencer pursuant to the Kentucky Building Code.
11. Building, Principal: a building, including covered porches, carports, and attached garages in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.
12. Camping Trailer: vehicle intended or designed for seasonal use but not for year-round living accommodations.
13. Camp or Campgrounds: tracts of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonal, temporary or movable nature not including mobile homes/manufactured housing, such as a cabin, hunting shelter, or tent. Any permanent structures, such as cabins, must comply with the appropriate requirements for dwellings in that district, including requirements of the Health Officer.
14. Commercial Resort: a resort furnishing lodging, meals, and such recreational facilities as swimming, boating, shuffleboard, horseback riding, and golf. The recreational facilities shall be incidental to the furnishing of lodging and meals.
15. Conditional Use: A use which is essential or desirable 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 of location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.
16. Conditional Use Permit: legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Adjustment, consisting of two parts:
  - (a) A summary statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit; and
  - (b) A statement of the specific conditions which must be met in order for the use to be permitted and allowed to continue.
17. Construction Permit: means a permit issued by the Taylorsville-Spencer County Joint Planning and Zoning Administrator as set forth in these regulations.
18. Craft Distillery: is an independently owned distillery that values quality ingredients and transparency processes.
19. Distilled Spirits or Spirits: means any product capable of being consumed by a human being which contains alcohol obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages. (KRS 241.010)



20. Distillery: any place or premises where distilled spirits are manufactured for sale, and which are registered in the office of any collector of internal revenue for the United States. It includes any United States government bonded warehouse. (KRS 241.010)
21. Dump: a lot or tract of land of part thereof used for the disposal by abandonment, dumping, burial, burning, or other means of trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.
22. Dwelling: a permanent building used primarily for human habitation but not including mobile homes or facilities for the housing or transient residents.
- (a) Dwelling, Single-Family: a permanent building, separate and free standing, in itself providing living accommodations for one family.
- (b) Dwelling, Two-Family: a permanent building designed exclusively for occupancy by two families.
- (c) Dwelling, Multiple-Family: a permanent building or portion thereof providing separate living accommodations for three or more families.
23. Family: a group of one or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage but no unrelated group shall consist of more than five persons, as distinguished from a group occupying a boarding or lodging house or hotel.
24. Garage, Private: an accessory building housing not more than four motor driven vehicles. The building owner may lease vehicle space but he shall not provide repairing or servicing or motor vehicles for financial gain.
25. Garage, Public: any building or premises, except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor driven vehicles.
26. Garbage: any disposable, odorous, decomposable or' combustible waste materials.
27. Group or Row House: a group or row of not more 'than eight semi-detached single-family dwellings not more than two rooms deep with access to a street.
28. Height, Building: the vertical distance from the grade to the top of the highest roof beams of a flat roof, or to the main level between the highest gable or slope of a hip roof and the eave.
29. Home Occupation: any use conducted entirely within a dwelling or in the immediate vicinity of the dwelling by the occupant of the dwelling as an accessory use which is clearly incidental to the use of the dwelling for residential purposes. Such a use shall employ not more than one person outside the family residing in the dwelling. Home occupations include the following: fine arts studios, professional offices, teaching, seamstresses, cabinetmakers, real estate or insurance agents, barber shops and beauty parlors, and similar activities as determined by the Board of Adjustment. Home occupations shall not include: commercial stables, kennels and nurseries, rooming



houses or tourist homes, dance studios, or commercial repair or storage of automobiles or watercraft. The Board of Adjustment may allow other home occupations similar to those listed as allowed especially in Agricultural Districts where, after a public hearing, it is determined not to have a deleterious effect upon surrounding properties and meeting the requirements herein. To be considered a home occupation, a use shall not be permitted:

(a). To display signs, except for one sign not exceeding ten square feet in area and to be affixed to the building in residential districts, except where prohibited by subdivision restrictions. The sign design is to be approved by the Board of Adjustment;

(b). To make external structural alterations which are not customary in residential buildings;

(c). To generate traffic by such home occupation in greater volume than would normally be expected in a similar neighborhood; any need for parking generated by such activity shall be met off the street and other than in the required front yard; and

(d). To produce offensive noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects.

30. Junk yards: a lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery of vehicles not in running condition and for the sale of parts there from.
31. Kennel: any place where house pets are kept for purposes other than those customary and incidental to a household.
32. Legislative Body: same as "governing body" as used herein such body is the Fiscal Court, City Council, City Commission or Town Board.
33. Lot: a piece, parcel or plot of land occupied or to be occupied by one principal building and its accessory buildings and including the open spaces required under this regulation.
34. Lot of record: any lot, the deed of which is on record at or shown on a subdivision plat legally recorded in the office in the office of the County Clerk of Spencer County at the time of enactment of this resolution.
35. Malt Beverage: *means any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and includes weak cider; (KRS 241.010)*
36. Manufactured Home: as defined by KRS 227.550 (7) means: a single-family residential dwelling constructed in accordance with the federal act (see note), manufactured after June 15, 1976, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein and as



defined by KRS 186.650 (3) as transportable in one (1) or more sections, which;

- (a) Is eight (8) body feet or more in width and forty (40) body feet or more in length when in the traveling mode;
- (b) Has three hundred twenty (320) or more square feet when erected on site;
- (c) Is built on permanent steel or metal chassis;
- (d) Is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities;
- (e) Includes plumbing, heating, air-conditioning, and electrical systems;
- (f) Has a certificate of title.

Notes: 1. THE FEDERAL ACT means: the Federal Manufactured Housing Construction and Safety Standards Code as set forth in the Code of Federal Regulations, title 24, Part 3280, 3282, 3283 and 42 USC 5401, et seq. and as mandated by the United States of America Department of Housing and Urban Development and commonly referred to as HUD code, but not meeting the additional standards as required in the definition herein of a SINGLE FAMILY DWELLING. 2. The regulations relating to mobile home subdivisions shall also apply to manufactured home parks and manufactured home subdivisions in keeping with the above definitions. 3. Trailers, mobile homes and manufactured homes are allowed in the zones in which the regulations presently allow trailers, mobile homes and manufactured homes.

- 37. Micro-Brewery: as defined by KRS 243.882 means a person required to be or who is a licensee authorized to do business pursuant to KRS 243.157. A facility that produces Malt beverages not to exceed 15,000 barrels per calendar year.
- 38. Mobile Home: as defined by KRS 227.550 (10) means; a structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one (1) or more sections, which, in traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent steel or metal chassis and which has a certificate of title and designed to be as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and may be used as a place of residence and so constructed as to permit its being used as a conveyance upon the public streets or highways, and designed to permit occupancy thereof as a dwelling place for one or more persons.
- 39. Mobile Home Park: an area developed for the rental or lease of space for mobile homes with accommodations for six (6) or more mobile homes.



40. Mobile Home Subdivision: a residential subdivision designed exclusively for and occupied only by mobile homes in which the homes and the land are owned by the occupants.
41. Motel or Tourist Home: Inn or group of cabins or rooms designed for occupancy by paying guests.
42. Motor home: a self-propelled, self-contained vehicle with living accommodations constructed as an integral part of the vehicle.
43. Nursing Home or Rest Home: a home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnoses, treatment, or care of the sick or injured.
44. Non-conforming use: an activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption of the 1973 or this zoning ordinance, but which does not conform to all of the regulations contained in this zoning ordinance which pertain to the zone in which it is located, as provided for in KRS 100.
45. Planned Unit Development: a complex of structures and uses planned as an integral unit of development rather than as single structures on single lots.
46. Small Farm Winery: *means a winery whose wine production is not less than two hundred fifty (250) gallons and not greater than five hundred thousand (500,000) gallons in a calendar year; (KRS 241.010)*
47. Street: any public or private way dedicated to public travel twenty (20) feet or more in width. The word "street" shall include the words "road", "highway", and "thoroughfare".
48. Structure: any combination of materials fabricated to fulfill a function in a fixed location on the land; includes buildings.
49. Use: the purpose or activity for which a building, structure, or land is occupied or maintained.
50. Tasting Room: *a retail business where alcoholic beverages are provided for on-site consumption for the purpose of marketing alcoholic beverage brands either at a separate off-site retail space or an area within a winery, brewery or distillery that may provide guided tours and demonstrations of production for educational purposes to the general public, but not to include bars, restaurants or liquor stores.*
51. Winery: *means any place or premises in which wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded, except a place or premises that manufactures wine for sacramental purposes exclusively. (KRS 241.010)*

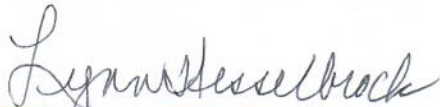
52. Yard: an open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings except as otherwise provided in this ordinance.
- (a). Front Yard: the yard extending across the entire width of the lot and measured from the principal building to the right-of-way line or street line which the building faces.
- (b). Rear Yard: the yard extending across the entire width of the lot and measured from the rear lot line to the nearest part of the principal building.
- (c). Side Yard: the yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

Given first reading and approval November 18, 2024.

Given Second reading and adoption on December 5, 2024.

  
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Scott Travis  
Spencer County Fiscal Court

Attest:

  
\_\_\_\_\_  
Lynn Hesselbrock  
Spencer County Fiscal Court Clerk

Planning Commission proposed ordinance shown removing ~~strikeouts~~ and changes as adopted.