
SUBDIVISION REGULATIONS

ARTICLE II. PROCEDURES AND REQUIREMENTS FOR MINOR SUBDIVISIONS

2.3 CONTENT AND FORMAT OF MINOR SUBDIVISION PLAT MATERIAL

7. **Agriculturally Exempt Division of Land – An Agriculturally Exempt Division of Land:**
- a. May only be used for one or more Agricultural Use(s) as that term is defined in these Subdivision Regulation and KRS 100.111 (2) (note, Agricultural Use(s) as defined in these Subdivision Regulations does not include all of the permitted uses which are permitted in the Agriculture District of the Zoning Ordinance);
 - b. Must be restricted to only Agricultural Uses as defined in these Subdivision Regulations and KRS 100.111 (22); and, the following restrictions must appear on the Plat and such restrictions must be signed by all of the owners and all of the owners' spouses:

WE CERTIFY AND AFFIRM AS FOLLOWS: 1) ALL OF THE PARCELS, AS WELL AS THE REMAINING PARCEL: A) CONTAIN 5 OR MORE CONTIGUOUS ACRES; AND, B) HAVE FRONTAGE ON AN EXISTING PUBLIC ROAD OR STREET (DO NOT REQUIRE THE CONSTRUCTION OF A NEW STREET OR ROAD.); AND, 2) ALL OF THE OWNERS, INCLUDING THEIR SPOUSES, HAVE SIGNED BELOW.

RESTRICTION: THE FOLLOWING RESTRICTIONS ARE PLACED ON THIS PARCEL: 1) ONLY THOSE USES SET OUT IN KRS 100.111(2) ARE PERMITTED ON THIS PARCEL; 2) NO RESIDENTIAL BUILDING DEVELOPMENT FOR SALE OR LEASE TO THE PUBLIC IS PERMITTED ON THIS PARCEL, BUT DWELLINGS FOR PERSONS AND THEIR FAMILIES WHO ARE ENGAGED IN THE KRS 100.111(2) AGRICULTURAL USE(S) ON THIS TRACT OR PARCEL ARE PERMITTED; 3) SOME OF THE USES PERMITTED IN THE AGRICULTURAL ZONING CLASSIFICATION MAY NOT BE PERMITTED ON THIS PARCEL; AND, 4) ONLY THE PLANNING COMMISSION CAN REMOVE THESE RESTRICTION, AFTER NOTICE AND HEARING, PROVIDING THE PARCEL COMPLIES WITH THE SUBDIVISION REGULATIONS AND ZONING ORDINANCE AT THAT TIME.

SIGNATURE OF ALL OWNER(S) and ALL OF THEIR SPOUSES

and,

- c. All parcels, including the remaining parcel, must contain five (5) or more contiguous acres, except small farm wineries licensed under KRS 243.155 may contain less than five (5) acres; and,
- d. All parcels, including the remaining parcel, must have frontage on an existing public road or street (does not require the construction of a new street or road, KRS 100.111(22 to have such frontage)); and,
- e. No residential building development for sale or lease to the public is permitted on an Agriculturally Exempt parcel, including existing residential structures (as is required by KRS 100.111(2), but dwellings, new or

existing for persons and their families who are engaged in the Agricultural Use(s) on the Agriculturally Exempt Parcel being divided are permitted; and,

- f. Agriculturally Exempt Divisions/parcels are not exempt from, among possible other things, the following:
 - e (i). Set back regulations and requirements; and,
 - e (ii). Flood way, flood plain, etc., regulations; and,
 - e (iii). Mobile home/manufactured home regulations; and,
 - e (iv). The requirement to obtain a conditional use permit for those uses set out in KRS 100.111 (2) (c); and,
- g. Agriculturally Exempt Divisions are otherwise exempt from Subdivision Regulations; and,
- h. Agriculturally Exempt Divisions meeting these requirements, do not require the approval of the Planning Commission or the Planning Commission Staff; and,
- i. Agriculturally Exempt Divisions meeting these requirements, do not require the payment of a fee to the Planning Commission; and,
- j. Property owners creating Agriculturally Exempt Divisions/parcels are encouraged, but are not required, to submit Agriculturally Exempt Division Plats to the Planning Commission for a free review before they are submitted to the Henderson County Clerk for recording. This is not an approval or disapproval process, merely a courtesy review offered by the Planning Commission.

SUBDIVISION REGULATIONS

ARTICLE VI. DEFINITIONS

6.2 WORDS AND TERMS DEFINED

1. **Agricultural Use** - The use of a tract of at least ~~five (5)~~ ~~ten (10)~~ contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, the raising of mice in a confined production facility and the distribution of such mice to zoos and others to feed to captive eagles, falcons, hawks and other birds of prey, and to reptiles, 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.~~ (Revised March 2015)

- a. Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155; (Added March 2015)

- b. A tract of at least ten (10) contiguous acres used for the following activities involving horses: (Added March 2015)

Riding lessons;

Rides;

Training;

Projects for educational purposes;

Boarding and related care; or

Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations. ~~However, all agricultural divisions will be forwarded to the full Planning Commission for approval after review by staff.~~

SUBDIVISION REGULATIONS

ARTICLE VI. DEFINITIONS

6.2 WORDS AND TERMS DEFINED

~~67. **Subdivision** – The division of a parcel of land into two or more lots or parcels, for the immediate or future purpose of sale, lease, or building development a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or re-division of land into parcels of less than one acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of these regulations.~~

“Subdivision” means the division of a parcel of land into two or more lots or parcels; for the purpose, whether immediate or future, of sale, lease or building development or if a new street is involved, any division of a parcel of land; providing that a division of land which qualifies under Article II, paragraph 7 of these Subdivision Regulations, as an Agriculturally Exempt Division of Land shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this act. K.R.S. 100.111 (22).

Consolidation Minor Subdivision. Shall be for the purpose of transferring land between adjoining properties, which share at least one common boundary involved in the transfer; or among several adjoining lots which will result in no more lots than existed prior to the subdivision.

- a. Submission of a consolidation minor subdivision shall meet all minor subdivision regulations
 - b. The submission shall include a deed showing title transfer when necessary
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