

AN ORDINANCE AMENDING ARTICLE 12 OF THE ZONING ORDINANCE TO UPDATE THE B6-P ZONE-PARKING STANDARDS; LOT COVERAGE AND FLOOR AREA REQUIREMENTS; TRANSIT FACILITIES; AND DESIGN STANDARDS. (PLANNING COMMISSION).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 12 of the Zoning Ordinance to update the B6-P zone-Parking Standards, Lot Coverage and Floor Area Requirements; Transit Facilities; and Design Standards. Planning Commission did recommend APPROVAL of the alternative text by a vote of 7-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 12 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended as follows:

COMMERCIAL CENTER (B-6P) ZONE

12-1 INTENT - The intent of the Commercial Center (B-6P) zone is to create centers of activity that promote commerce and retail along major corridors within the community, while supporting existing residential neighborhoods and incorporating new residential opportunities in accordance with the Comprehensive Plan. The standards contained in this provision are intended to:

Improve the economic base and tax structure of the Lexington metropolitan area by:

- Creating a variety of employment, retail, and commerce opportunities, and improving access to these opportunities;
- Increasing the supply and mixture of housing types available throughout Lexington, thereby improving overall housing affordability;
- Protecting and enhancing the investments of existing B-6P developments by providing redevelopment opportunities that unlock additional potential to better utilize existing zoned land.

Create a sense of place, with experiences and community minded development rather than the over-parked, underutilized suburban model shopping centers of times past by:

- Creating strongly defined street edges through orienting buildings to roadways, both internal and external;
- Ensuring that intensive operations, such as loading areas, do not adversely impact or effectively wall off existing neighborhoods;
- Reducing the impact of parking on land use consumption and walkability by:
 - Encouraging shared parking across complementary professional office and retail uses
 - Reducing overall parking

Ensure safe multi-modal transportation options through:

- Providing walkable developments that function well internally;
- Creating a well-connected external pedestrian network to adjacent neighborhoods and developments;
- Providing accessible mass transit facilities that easily connect people to internal destinations;

- Increasing residential density along major corridors, improving mass transit efficiency;
- Connecting roadways to provide efficient and direct access for motorists and emergency services.

12-2 TYPES OF COMMERCIAL CENTERS - The types of commercial centers provided for in this section may be generally described as follows:

A community commercial center provides not only convenience goods, but a range of facilities for the sale of "shopping goods" such as apparel and home furnishings, as well as banking, professional services, residential units, and recreation. A community commercial center shall have a minimum area of ten (10) acres.

A regional commercial center generally provides more and larger facilities than the community commercial center. A regional shopping center shall have a minimum area of thirty (30) acres.

Sites consisting of 10 acres or less shall utilize the Neighborhood Business (B-1) or another Mixed Use Zone. Existing sites of less than 10 acres shall be regulated as a community commercial center.

12-3 PRINCIPAL PERMITTED USES - The principal permitted uses in a B-6P zone shall be as follows:

- The principal permitted uses in the B-1 and P-1 zones.
- Indoor theaters.
- Parking lots and structures.
- Offices of veterinarians, animal hospital or clinic, provided all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.
- Self-service car wash, provided that such uses shall be located at least 100 feet from any residential zone; and that surface water from such establishment shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
- Multi-family dwellings.
- Restaurants, cocktail lounges, brew-pubs, nightclubs, and discotheques offering live entertainment and/or dancing, unless otherwise prohibited. Such uses shall be located at least 100 feet from any residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood.

12-4 ACCESSORY USES - The accessory uses permitted in a B-6P zone shall be as follows:

- The accessory uses in the B-1 and P-1 zones.
- Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

12-5 CONDITIONAL USES - Shall be as follows:

- Restaurants, cocktail lounges, brew-pubs, nightclubs, and discotheques offering live entertainment and/or dancing, less than 100 feet from any residential zone. Such uses shall be soundproofed to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood.
- Recycling drop-off centers for aluminum, steel, glass, newspapers, cardboard and other paper products, oil and other household recyclable waste; provided that such establishment shall be located at least 200 feet from any residential zone. Any appeal for a conditional use permit to operate a recycling drop-off center shall include as part of the application:
 - Reasons for the location of the use at a specific site; description of equipment to be used; physical arrangement; and operation of the proposed center. The Board of Adjustment shall consider the necessity of screening, if needed.
- Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 - That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - That a reasonable degree of reclamation and proper drainage control is feasible; and
 - That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
- Rehabilitation homes, when located closer than 500 feet from a residential zone; school for academic instruction or a child care center.
- Automobile and vehicle refueling stations, provided such uses conform to all

- requirements of Article 16.
- g. Drive-through facilities for the sale of goods or products or provision of services otherwise permitted herein, except as accessory uses herein.

12-6 PROHIBITED USES - In a B-6P zone, all uses other than as permitted herein are prohibited.

12-7 LOCATIONAL STANDARDS - A community commercial center shall abut, front on and have its principal access to and from a street designated by the Commission as an arterial or collector street, as deemed to be appropriate by the Commission. A regional commercial center shall abut, front on, and have its principal access to and from a street designated by the Commission as an arterial.

The proposed commercial center shall be at a location where congestion will be minimized by provision in the plan for proper entrances, exits, transit, bicycle, and pedestrian facilities, and by internal provisions for traffic circulation and parking.

12-8 MINIMUM DESIGN STANDARDS - The following minimum standards shall be met in the design of a planned commercial center:

12-8(a) HEIGHT REQUIREMENT - There shall be no height limitation.

12-8(b) REQUIRED SETBACK -

Streetfront building setbacks (4 story buildings and below);

The building setback line shall be:

1. Arterial street: 15 feet minimum
2. Collector street: 14 feet minimum

Streetfront building setbacks (buildings above 4 stories):

The building setback line shall be:

1. Arterial street: 18 feet minimum
2. Collector street: 16 feet minimum

12-8(c) SCREENING -

No residential dwelling shall be developed so that the rear of the structure abuts an arterial or collector street unless the dwelling is located not less than 200 feet from the arterial or collector street.

Any commercial center which directly adjoins any single family residential zone shall be required to provide a buffer yard of six (6) feet in width, with one tree for every 30' of linear boundary from Group A, B, or C of the Plant List, as referenced by Article 18 of the Zoning Ordinance; plus a 6 foot high fence, wall or earth mound. The responsibility for such a buffer shall be the B-6P property, although the buffer may be shared as provided in Article 18.

Pedestrian and/or bicycle connections and programmed amenities (such as seating, canopies, pergolas, and/or patios) which integrate the commercial center with adjacent residential zones shall be incorporated into the development plan at appropriate locations along the required buffer.

12-8(d) LOT COVERAGE AND FLOOR AREA REQUIREMENTS - The ground area occupied by all the buildings shall not exceed the maximums noted below, based upon the minimum floor area requirements. Parking structures shall not be considered as a building for the purposes of this section.

1. COMMUNITY COMMERCIAL CENTER

For a proposed development that meets the following locational criteria:

- 10 acres or larger
- smaller than 30 acres
- contains frontage along a collector street

The following Lot Coverage and Floor Area Ratio (F.A.R) shall apply:

- The minimum F.A.R. shall be 0.30.
- The maximum Lot Coverage shall be 0.35.

For a proposed development that meets the following locational criteria:

- 10 acres or larger
- smaller than 30 acres
- contains frontage along an arterial street

The following Lot Coverage and Floor Area Ratio (F.A.R.) shall apply:

- The minimum F.A.R. shall be 0.4.
- The maximum Lot Coverage shall be 0.30.

2. REGIONAL COMMERCIAL CENTER

For a proposed development that meets the following locational criteria:

- 30 acres or larger
- contains frontage along an arterial street

The following Lot Coverage and Floor Area Ratio (F.A.R.) shall apply:

- The minimum F.A.R. shall be 0.5.
- The maximum Lot Coverage shall be 0.3.

3. SPECIAL PROVISIONS FOR ALL CENTERS:

- a. Increases in floor area over and above the minimum shall grant an increase in the maximum lot coverage at a rate of 2 to 1.
- b. Increases in floor area for residential uses shall grant an increase in the maximum lot coverage at a rate of 1 to 1.
- c. Minimum Usable Open Space – 15%

12-8(e) MAXIMUM REQUIRED PARKING - Notwithstanding any other requirements of this Zoning Ordinance:

1. For any commercial center that is located on a transit route, there shall be a maximum of 4 surface parking spaces per 1,000 commercial square feet.
2. For any commercial center that is not located on a transit route, there shall be a maximum of 5 surface parking spaces per 1,000 commercial square feet.
3. For any commercial center containing residential use(s), the residential use(s) there shall be a maximum of 1 surface parking space per dwelling unit.
4. Structure parking shall not count toward any maximum parking requirement.

12-8(f) LOADING AREAS - Notwithstanding any other requirements of this Zoning Ordinance, there shall be provided one off-street loading space for each 20,000 square feet, or fraction thereof, of aggregate floor space of all buildings in the center. At least one-third of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type. Such loading facilities shall be permanently and fully screened. The exact type and nature of such screening shall be determined by Article 18.

12-8(g) LIGHTING -

Exterior lighting shall be restricted as follows:

1. Wall mounted lamps that use the equivalent of 1,200 lumens per bulb or greater shall be shielded or equipped with cutoffs so that the light sources are not visible from a public street. Spotlights without shielding devices are prohibited.
2. Wall mounted light fixtures shall not extend above the height of the wall to which they are mounted.
3. Lighting that is positioned to highlight a building shall be aimed at the object to be illuminated and not directly aimed into the sky.
4. Any light fixture intended to illuminate walkways or other outdoor areas shall not exceed fifteen (15) feet in height unless specifically used to light an outdoor recreation facility such as a tennis court, ball field, or similar use.
5. Any light fixture intended to illuminate a parking area shall not exceed twenty-five (25) feet in height, and shall be shielded or equipped with cutoffs so as to prevent undue light spill onto adjoining properties.

12-8(h) MULTI-MODAL ACCOMMODATION –

The applicant shall, on the submitted development plan or on a separate exhibit, provide a proposed multi-modal improvement plan designed to accommodate all users for the entirety of the property, as well as connecting to any planned and/or existing public facilities. For redeveloping or infill sites, the multi-modal improvement plan shall also be a guide for future improvements as redevelopment occurs.

12-8(i) TRANSIT FACILITIES –

For all commercial centers located along a transit route, a transit shelter and seating shall be required and indicated clearly on the development plan to the approval of the local transit authority. Adequate pedestrian facilities to serve the required transit infrastructure, both along the right-of-way and internal to the site, shall be to the approval of the Metropolitan Planning Organization (MPO). It will be strongly encouraged that the development plan afford appropriate facilities and accommodations for additional ridesharing services.

No zoning compliance permits shall be issued for the commercial center until all approved transit infrastructure is constructed in accordance with the approved Final Development Plan.

12-9 DESIGN GUIDELINES FOR “BIG-BOX” RETAIL ESTABLISHMENTS - It is in the best interest of Lexington-Fayette County to minimize the possible “blighting” effect that abandoned shopping centers and large retail establishments can have on the larger area or neighborhood in which they are located. By imposing additional standards in the form of design guidelines for such centers, these effects can be minimized, and future redevelopment and reuse of vacant retail buildings encouraged through proper facility

design, without expenditure of public funds. For this reason, the Planning Commission has adopted design guidelines for commercial centers containing a single “big-box” establishment larger than 80,000 square feet in size. These additional standards are listed in “Design Guidelines for ‘Big-Box’ Establishments” incorporated by reference, and are consistent with guidelines which have been established in other cities and counties across the United States for such facilities. These design guidelines are intended to provide professional designers and the Planning Commission with direction for improved development plans which address the following issues:

- (a) Variation in building heights and identifiable customer service entrances and pedestrian entryways;
- (b) Uninterrupted facades, windows, allowance for smaller stores or departments having exterior entrances, and back or side facades;
- (c) Landscaping and/or screening of outdoor display of building materials or other similar bulky products, and of trash collection and loading areas;
- (d) Pedestrian circulation in relation to vehicular movement and common open spaces for pedestrians;
- (e) Parking lot orientation adjacent to public streets.

The guidelines are to be met in the design of a planned commercial center containing a single “big-box” establishment larger than 80,000 square feet in size, unless waived by the Planning Commission through its approval of a final development plan for a property in a B-6P zone.

12-10PROCEDURE - The procedure for obtaining a zoning map amendment to the B-6P zone shall be the same as provided in Article 6 herein above, in addition, as follows:

12-10(a) PRELIMINARY DEVELOPMENT PLAN REQUIRED - A preliminary development plan shall be submitted with the application for a Zoning Map Amendment, with the information as specified in Article 21; and, in addition, approximate total gross floor area of anticipated retail facilities; the approximate total gross floor area of anticipated office and service facilities; the approximate number of anticipated off-street parking spaces; and the stages which will be followed in the construction of the proposed commercial center.

12-10(b) FINAL DEVELOPMENT PLAN REQUIRED - Within two (2) years of final approval by the Urban County Council of any B-6P Zoning Map Amendment, unless an extension is granted by the Commission, the applicant shall submit a final development plan to the Commission for its review and action; otherwise, an application to change the B-6P zone to its previous zone or other appropriate zone may be filed by the Commission as provided under Article 6 herein above.

The final development plan shall show the information as specified by Article 21: Development Plans. The Commission shall approve, conditionally approve, or disapprove a final development plan within ninety (90) days after the applicant submits his development plan.

12-10(c) BUILDING PERMIT REQUIRED - No building permit shall be issued until a final development plan has been approved by the Commission and certified to the Division of Planning, after which a permit for construction may be issued by the Division of Building Inspection. The approved final development plan shall limit and control the issuance of all building and occupancy permits, and shall restrict the construction, location, and use of all land and structures to all conditions set forth in the plan. Amendments to the plan can be made only as permitted in Article 21: Development Plans.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

Clerk of Urban County Council

Published:

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