

Recd by _____

Date: _____


RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: PLN-ZOTA-21-00002: AMENDMENT TO ARTICLES 8-21 AND 8-22: ADAPTIVE REUSE, FLEX SPACE, AND INDUSTRIAL MIXED USE PROJECTS –a Zoning Ordinance text amendment to Articles 8-21 and 8-22 of the Zoning Ordinance to revise the Adaptive Reuse and Flex Space Projects, and remove the Industrial Mixed Use Project.

Having considered the above matter on May 27, 2021, at a Public Hearing and having voted 8-0 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL of the Staff Alternative text** for this matter.

See attached.

ATTEST: This 11th day of June, 2021.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Harold Baillie, Planner Senior, Division of Planning, Planning Services Section.**

OBJECTORS

- None
- None

VOTES WERE AS FOLLOWS:

AYES: (8) Bell, Davis, de Movellan, Meyer, Nicol, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (3) Barksdale, Forester, and Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval of the staff alternative text** of **PLN-ZOTA-21-00002** carried.

Enclosures: Comprehensive Plan summary
Staff Report
Recommended Text
Applicable excerpts of minutes of above meeting

GENERAL INFORMATION - Zoning Ordinance Text Amendment Application

1. APPLICANT INFORMATION:

Name: Urban County Planning Commission

Address: 200 E. Main Street

City, State, Zip Code: Lexington, KY 40507

Phone Number: 859-258-3160

2. ATTORNEY (Or Other Representative) INFORMATION:

Name: Tracy Jones

Address: 200 E. Main Street

City, State, Zip Code: Lexington, KY 40507

Phone Number: 859-258-3500

3. REQUESTED TEXT CHANGE: Date of Pre-application Conference: NA

The purpose of this text amendment is to update Articles 8-21 and 8-22, revising the Adaptive Reuse and Flex Space Projects, and eliminating Industrial Mixed Use Projects. See attached documentation for language.

4. DESCRIBE THE JUSTIFICATION FOR MAKING THIS CHANGE: (Use attachment if necessary.)

See attached documentation for initiation information documented in the 2018 Comprehensive Plan.

In the continued effort to examine and modernize the Zoning Ordinance following the adoption of the 2018 Comprehensive Plan, Planning staff is currently bringing forward Zoning Ordinance Text Amendments to address the update to the adaptive reuse ordinance, as discussed in Theme D, Placemaking Policy #11.

Imagine Lexington's adopted goals and objectives have a strong focus on modernizing and updating aspects of the Zoning Ordinance to promote the use of adaptive reuse of Lexington's historic and underutilized warehousing and industrial built environment. While there are currently three projects that are available (Adaptive Reuse, Flex Space, and Industrial Mixed Use) it is necessary to review what is working, what is not working, and what updates are necessary for the changing urban environment.

The modernization of the Zoning Ordinance regarding the adaptive reuse of Lexington's warehouse and industrial built environment is supported within the Comprehensive Plan by the following Goals, Themes, and Policies:

Policies:

Theme C, Livability Policy #9: Promote economic development through the preservation of strategically and appropriately located industrial and production zoned land.

Theme C, Diversity Policy #5: Maximize context-sensitive employment opportunities within the opportunity zone tracts, providing equitable community development and prioritizing local residents for advancement opportunities.

Theme D, Placemaking Policy #9: Honor Lexington's history by requiring new development and redevelopment to enhance the cultural, physical, and natural resources that have shaped the community.

Theme D, Placemaking Policy #11: Update the adaptive reuse ordinance.

Theme E, Growth Policy #4: Promote the adaptive reuse of existing structures.

Goals and Objectives:

Theme A, Goal #2.a: Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.

Theme A, Goal #2.b: Respect the context & design features of areas surrounding development projects & develop design standards & guidelines to ensure compatibility with existing urban form.

Theme A, Goal #3.a: Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County.

Theme B, Goal #2.c: Provide incentives for green building, sustainable development, and transit-oriented development with civic agencies leading by example through the use of green building standards.

Theme C, Goal #1.d: Encourage development that promotes and enhances tourism.

Theme C, Goal #2.d: Provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington.

Theme D, Goal #3: Protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image.

Theme D, Goal #3.a: Protect historic resources and archaeological sites.

Theme D, Goal #3.b: Incentivize the renovation, restoration, development and maintenance of historic residential and commercial structures.

Theme D, Goal #3.c: Develop incentives to retain, restore, preserve and continue use of historic site and structures, rural settlements and urban and rural neighborhoods.

Theme D, Goal #4: Promote, support, encourage and provide incentives for public art.

Timeline:

May 6: Planning Commission Zoning Committee meeting

May 27: Planning Commission public hearing

June 11: Final report sent to Council

PLN-ZOTA-21-00002: Amendment to Article 8-21 and 8-22 Adaptive Reuse, Flex Space, and Industrial Reuse

Sec. 8-21. - Wholesale and Warehouse Business (B-4) Zone.

- (a) *Intent.* This zone is intended primarily for wholesaling, warehousing, storage operations and establishments whose activity is of the same general character as the above. To a lesser extent, this zone is also intended to provide for the mixture of professional offices and warehouses that promote reuse and redevelopment of older warehouses, allowing businesses to combine their entire operation in one (1) building, as recommended for the Office/Warehouse Land Use Category in the Comprehensive Plan. This zone is also intended to encourage the adaptive reuse of older structures ~~in or adjoining the Infill and Redevelopment Area~~ to promote revitalization of these buildings, and the flexible use of sites ~~outside of the Infill and Redevelopment Area~~. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. Wholesale establishment, wholesale establishment with warehouses, storage, and warehousing.
 2. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; painting; plastering; metal work; printing; publishing; lithographing; engraving; electrical; major automobile and truck repairing; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; interior decorating; catering.
 3. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop.
 4. Ice plant.
 5. Tire retreading and recapping.
 6. Parking lots and structures.
 7. Machine shop.
 8. Kennels, animal hospitals or clinics, provided that such structures or areas used, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.
 9. Offices of purchasers, processors and handlers of agricultural products, limited to administrative uses only.
 10. Sales of feed, grain, or other agricultural supplies.
 11. Garden centers.
 12. Establishments and lots for the display, rental, sale, and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; recreational vehicles, such as mini-bikes, motorcycles, bicycles; boats or supplies for such items.
 13. Truck terminals and freight yards.
 14. Automobile service stations, subject to the conditions of Article 16.
 15. Major or minor automobile and truck repair.
 16. Establishments for the display and sale of precut, prefabricated, or shell homes.
 17. Carnivals on a temporary basis, and upon issuance of a permit by the Divisions of Planning and Building Inspection, which may restrict the permit in terms of time, parking, access or other ways to protect public health, safety, or welfare; or deny such if public health, safety or welfare are adversely affected. A carnival may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
 18. Retail sale of building materials and lumber.
 19. Pawnshops which:

- (1) Were in operation prior to August 31, 1990, and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or
 - (2) Had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.
20. Mail order business.
 21. Office uses, limited to a maximum square footage of sixty percent (60%) of the floor area in the building in which the use is located.
 22. Office/warehouse mixed use project, as further regulated by Subsection (o)(3) of this section.
 23. Adaptive Reuse Projects, as further regulated in Subsection (o)(4) of this section.
 24. Shredding, sorting and baling of paper scrap and storage of waste paper, when wholly conducted in a completely enclosed building.
 25. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
 26. ~~Flex Space~~ **Industrial Reuse** Projects, as further regulated in Subsection (o)(5) of this section.
 27. Indoor recreational activities, including, but not limited to, indoor tennis courts; skating rinks; athletic club facilities and bowling alleys. Also included would be any outdoor recreational facilities that are customarily accessory, clearly incidental and subordinate to such indoor recreational activities.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.
1. Parking areas and structures, and loading areas.
 2. Financial and insurance offices, the principal activities of which are oriented towards agricultural loans and farm insurance.
 3. Laundry pick-up station, when accessory to a laundry or dry-cleaning establishment.
 4. Retail sale of hardware-related items, when accessory to the sale of building materials and/or lumber.
 5. Satellite dish antennas, as further regulated by Section 15-8.
 6. Sale of manufactured products, goods, merchandise and finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than thirty percent (30%) of the total floor and storage area.
 7. The retail sale of groceries; dairy products; bakery goods; meat; beer; health and beauty items; stationery; and similar convenience-type merchandise, when accessory to an automobile service station.
 8. Beauty salons where accessory to an athletic club facility, provided that the area of the salon shall not constitute more than ten percent (10%) of the total floor area, that the salon has no separate external entrance, nor separate business signage.
 9. Facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.
 10. Retail sale of liquid propane (limited to twenty pound (20 lb.) containers), when accessory to the retail sale of building materials and lumber permitted under Subsection (b)(18) of this section.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)

1. 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:
 - a. 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;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. 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.
 2. Places of religious assembly, Sunday schools, and schools for academic instruction, when affiliated with a place of religious assembly or a religious entity, except as provided as part of an adaptive reuse project.
 3. Retail sale (except as provided as part of an adaptive reuse project) of furniture and household-related items, such as antiques; fabrics; fixtures; furnishings; glassware and china; when accessory to its storage, refinishing, repairing or upholstery on the same premises.
 4. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
 5. Circuses, provided all structures are located not less than two hundred (200) feet from any residential zone; and further provided that all structures for housing animals shall be two hundred (200) feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
 6. Ecotourism activities to include campgrounds; commercial hiking, bicycling, equine and zip line trails; tree canopy trails; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities, including associated gift shops as an accessory use.
 7. Market gardens, except as provided as part of an adaptive reuse project.
- (e) *Prohibited Uses.* (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)
1. Heavy manufacturing, heavy assembling, compounding, packaging, bottling, processing, and other industrial uses, except as permitted herein.
 2. Storage of commodities, the storage of which is permitted for the first time in the industrial zones.
 3. Amusement enterprises, such as indoor theaters; drive-in theaters; horse race tracks; pool halls; billiard halls; dancing halls and amusement parks.
 4. Retail sales and offices, except as permitted herein.
 5. Motels and hotels; boardinghouses.
 6. Personal service establishments, except as permitted herein.
 7. Dwellings, except as permitted in an office/warehouse project herein.
 8. Schools and colleges for academic instruction, except as permitted herein.
 9. Restaurants, cocktail lounges, and nightclubs, except as permitted herein.
 10. Car washing establishments.

11. Refuse dumps, landfills, transfer stations, and incinerators.
12. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas, except in association with an automobile and vehicle refueling station.
13. Pawnshops, except as permitted herein.
14. Special events, parties, festivals and concerts.
15. Museums, including historic house museums.
16. Farm tours, hayrides, corn mazes, commercial far markets, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting and trapping, sportsmen's farms, zoological gardens, value-added product sales, and classes related to agricultural products or sales.

Lot, Yard, and Height Requirements. (See Articles 3 and 15 for additional regulations.)

- (f) *Minimum Lot Size.* No limitation.
- (g) *Minimum Lot Frontage.* No limitation.
- (h) *Minimum Front Yard.* No limitation, except as provided in Subsection (o) of this section.
- (i) *Minimum Each Side Yard.* No limitation, except as provided in Subsection (o) of this section.
- (j) *Minimum Rear Yard.* No limitation, except as provided in Subsection (o) of this section.
- (k) *Minimum Useable Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Seventy-five (75) feet, except when a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height-to-yard ratio.
- (n) *Off-Street Parking.* (See Article 16 for additional parking regulations.)

Wholesale business, warehousing, storage; Establishments for special trade and general contractors; Machine shops; Sale of feed, grain or other agricultural supplies; Garden centers; and Establishments for the rental, sale, service and repair of farm equipment, contractor equipment, trucks, travel trailers and mobile homes: One (1) space for every six hundred (600) square feet of floor area, with a minimum of five (5) spaces.

Tire re-treading or recapping; Truck terminals and Ice plants: One (1) space for each two (2) employees on a maximum working shift; plus one (1) space for each vehicle owned or operated by the use, with a minimum of five (5) spaces total.

Offices, as permitted herein; Animal Hospitals or Clinics; Laundry, clothes cleaning or dyeing shop: One (1) space for every two hundred (200) square feet of floor area, with a minimum of five (5) spaces.

Animal Grooming Facilities: One (1) space for every two hundred (200) square feet, with a minimum of three (3) spaces.

Kennels: One (1) space for every six hundred (600) square feet of floor area; plus one (1) space per two (2) employees on the maximum shift, with a minimum of five (5) spaces.

Office/Warehouse Mixed use Project: One (1) space for every five hundred (500) square feet of parking floor area, with a minimum of five (5) spaces.

Skating Rinks: One (1) space for every four hundred (400) square feet of floor area, plus one (1) space for each employee.

Bowling Alleys: Four (4) spaces per alley; however, snack bars and food service provided primarily to patrons shall not require additional parking.

Tennis Courts and other similar indoor recreational uses: One (1) space for every two (2) participants, plus one (1) space for every three (3) spectator seats, plus one (1) space for each employee.

Mail Order Business: One (1) for every two (2) employees on a maximum working shift, with a minimum of five (5) spaces; plus one (1) space for every four hundred (400) square feet of accessory retail sales area.

Retail Sales, Bulk Merchandise: One (1) space for every two hundred fifty (250) square feet of floor area.

Other Recreational Facilities or Ecotourism activities not otherwise stated herein: Five (5) spaces, plus one (1) for each employee for each separate use.

Conditional Uses: Parking requirements for conditional uses are minimum requirements; the Board of Adjustment may require additional parking, as needed.

Combinations: Combined uses shall provide parking equal to the sum of individual requirements.

(o) *Special Provisions.*

1. All buildings and structures shall be at least one hundred (100) feet from any residential zone, unless the portion within that distance has no opening except stationary windows and doors that are designed and intended solely for pedestrian access.
2. Landscape buffer areas shall be required as set forth in Article 18.
3. An Office/Warehouse mixed use project may be permitted by the Planning Commission upon the approval of a final development plan, as provided in Article 21 of this Zoning Ordinance, and subject to the following requirements:

In addition to the uses permitted in Subsection (b) of this section, the following uses shall also be permitted in an Office/Warehouse Project:

As principal permitted uses:

- a. Offices, laboratories and data processing centers, limited to a maximum of seventy-five percent (75%) of the floor area of the building or project. This square footage limitation shall not apply if the project is located within the defined Infill and Redevelopment Area.

As accessory uses:

- a. Drive-through facilities for the provision of services allowed in an Office/Warehouse mixed use project;
- b. Dwelling units for on-site security personnel.

4. Adaptive Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
 - a. The property must be located in or adjacent to, or across a public right-of-way from, the defined Infill and Redevelopment Area. The area of the Project will be defined by the development plan and may include noncontiguous properties that can function together as an interrelated development.
 - b. The Project must include: ~~at least one (1) existing building that will be adaptively reused as a principal structure.~~

1. At least one (1) existing building that will be adaptively reused as a principal structure.

2. Public art or a public art easement that is publicly displayed in a publically accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.

- c. The applicant shall provide documentation demonstrating that the Project meets at least ~~three (3)~~ one (1) of the following criteria:
1. ~~It will incorporate sustainable features such as LEED Certification, "green" infrastructure, alternative energy or other innovative design or system.~~ The site has a single building of over 30,000 square feet that is over 75 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 75 years old.
 2. ~~It will include~~ The site includes a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or was constructed prior to 1950.
 3. ~~It is in a district that has applied for, or has obtained, special funding such as tax increment financing or similar government incentives.~~
 4. ~~It will provide residential housing, at least ten percent (10%) of which will be set aside for affordable housing.~~
 5. ~~It will provide a high degree of innovative accommodation for non-vehicular transportation.~~
 6. ~~It is in an area specified in the Comprehensive Plan for adaptive reuse or revitalization.~~
 7. ~~It is within an area that is a brownfields recovery site.~~
 8. ~~Public art is provided by the development that will be publicly displayed in an accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.~~
 9. ~~It has a single building of over thirty thousand (30,000) square feet that is over fifty (50) years old, or a total project of over eighty thousand (80,000) square feet with at least two (2) adaptive reuse buildings over fifty (50) years old.~~
- A single building may not be used to meet both criteria #2 and #9 (in Subsection (h)4.c.2 and 9).
- d. The applicant shall include at least one element from the following categories and must reach total score of 10 points:
1. Primary Land Use, Building Form, and Design:
 - i. Affordable Housing (6) - Provide residential housing, at least 20% of which will be set aside for affordable housing (60% AMI) for at least 15 years.
 - ii. Affordable Housing (4) - Provide residential housing, at least 20% of which will be set aside for affordable housing (80% AMI) for at least 15 years.
 - iii. Green Rated Site Design (Sustainable Sites Initiative or similar standard) (3) – Incorporating whole of project area
 - iv. Green Building Design (LEED or similar standard) (3) – Structures that incorporate the principles of sustainable design of adaptively reused structures
 - v. Green Building (LEED or similar standard) (2) – New Construction
 - vi. Green Infrastructure (2) – Manage 50% of stormwater onsite with Vegetative Low Impact Development BMPs and educational signage (must still meet LFUCG Stormwater Manuals)
 - vii. Renewable Energy (1)
 - viii. Mixed use residential and commercial site wide (1)
 - ix. Innovation Credit (1) – Provide a high degree of innovative modification of land use, building form, and/or design.

2. Transit, Infrastructure, and Connectivity:

- i. Parking Structure (4)
- ii. Riparian Buffer Restoration (3) – Meet requirements of Stormwater Manual Table 1-7 along length of stream on lot
- iii. Daylighting of stream / removal of culvert (3)
- iv. Stream channel restoration (2) – See Stormwater Manual Ch. 9 for guidance
- v. Accessible transit shelter and bench (2)
- vi. Multi-use path or open space oriented amenities (2)
- vii. Publicly accessible property to property cross-connectivity (2)
- viii. Innovation Credit (1) – Provide a high degree of innovative modification of transit, infrastructure, and connectivity

3. Quality of Life Components:

- i. Site is within an area that is a brownfield recovery site (4)
- ii. Increase of Canopy Coverage to 40% (4)
- iii. Increase of Canopy Coverage to 30% (3)
- iv. Increase of Canopy Coverage to 20% (2)
- v. Site is in a district that has applied for, or has obtained, special funding or similar government incentives (3)
- vi. Universal Design Standards for all ground floor space (2)
- vii. 20% Community oriented open space non-residential (3)
- viii. 10% Community oriented open space non-residential (2)
- ix. Community garden space (1)
- x. Innovation Credit (1) – Provide a high degree of innovative modification of quality of life components

e.d. Principal uses in Adaptive Reuse Projects:

1. Any of the principal uses permitted in the underlying zone.
2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater; theaters, including movie theaters and other indoor amusements, except as prohibited under Section 8-19(e), including billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
3. Community centers, churches and private clubs.
4. Restaurants, with or without outdoor seating and with or without live entertainment.
5. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics and similar items.
6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
7. Banquet facilities or private clubs with live entertainment, brew-pubs, bars, cocktail lounges and nightclubs.
8. Offices, banks or clinics.
9. Hotels or motels.
10. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
11. Quick copy services not using offset printing methods.
12. Residences of any kind.

13. Health clubs, athletic clubs and spas.
14. Parking lots and structures.
15. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.
16. Kindergartens, nursery schools and childcare centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least twenty-five (25) square feet per child.
17. Indoor or outdoor amusement or entertainment enterprises such as circuses, carnivals, rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two (2) weeks.
18. Passenger transportation terminals.

19. Publically accessible parks.

~~d.e.~~ Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.

~~f.~~ Conditional uses:

- ~~1.~~ Drive-through facilities.

g. Prohibited uses:

1. All adult uses, as listed in Sections 8-16(e)14 through 17.

2. Drive-through facilities.

h. Parking:

1. Dwelling Units: One (1) space for every two (2) units.

2. For any site that is located on a transit route, there shall be a maximum of four (4) surface parking spaces per one thousand (1,000) commercial square feet.

3. For any site that is not located on a transit route, there shall be a maximum of five (5) surface parking spaces per one thousand (1,000) commercial square feet.

4. Structure parking shall not count toward any maximum parking requirement.

~~2.~~ Nonresidential Uses: Fifty percent (50%) of the least parking required in any zone other than the B-2, B-2A or B-2B zone, which permits the use or a similar use.

~~3.~~ Allowable Reductions in Parking:

~~a.~~ Bicycle Reduction: Sites having fifty (50) or more parking spaces may reduce the total minimum automobile parking space requirement by one (1) parking space for every one (1) bicycle space provided in a permanent, constructed bicycle locker. The maximum reduction of required parking spaces, based on provision of bicycle parking, shall not be reduced less than five percent (5%) of the otherwise required amount.

~~b.~~ Allowable Transit Stop Reductions: Sites located within three hundred (300) feet of a transit stop with a shelter may be allowed a ten percent (10%) reduction of the minimum required parking. Sites located within three hundred (300) feet of a transit stop without a shelter shall be allowed a five percent (5%) reduction of the minimum required parking. If the site is located within three hundred (300) feet of more than one (1) transit stop, the maximum reduction allowed will be ten percent (10%) for this specific parking reduction.

- ~~e. Reductions in required off-street parking for transit stops and bicycle lockers may be combined for the same property, but in any event may not reduce the total amount of required off-street parking by more than fifteen (15) percent.~~
 - i. Signage: Shall be as permitted under Section 17-7(o) for an MU-2 zone.
 - j. Lot and Yard Requirements: No minimum.
 - k. Height: No maximum height for adaptive reuse of existing buildings. New buildings shall not be more than twelve (12) feet taller than the tallest structure that is being adaptively reused, or forty-eight (48) feet, whichever is greater.
 - l. The applicant shall submit a compliance statement with the development plan that specifies how the project will further the Goals and Objectives and other elements of the Comprehensive Plan.
 - m. Prior to holding a hearing on the development plan, the applicant shall post a sign, with dimensions set out in Section 23B-5(b), at a visible location on the property at least fourteen (14) days prior to the hearing, informing the public of the location, date and time of the hearing. Evidence of the sign having been posted shall be submitted to the Planning Commission at the hearing.
 - n. The Planning Commission shall have the power to approve, modify or disapprove the development plan, as set out in Article 21. In addition, if the Planning Commission approves the development plan, it must adopt a finding that the development plan furthers the Goals and Objectives or other elements of the Comprehensive Plan.
 - o. For additional land to be added to an adaptive reuse project area, the new portion must be adjacent to the current project area. An updated compliance statement must be submitted, which shall implement those elements that have been applied across the project area.
 - p. For any amendment that seeks to expand the originally approved project, the added portion of the project must meet all requirements of Sec. 8-18(o)(4)(d) separate from the original project.
5. ~~Flex Space~~ Industrial Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
- a. ~~The site must be located outside of the defined Infill and Redevelopment Area.~~ The Planning Commission shall, with the approval of any development plan, consider the following locational and compatibility factors:
 - 1. The site shall be located outside of the defined Infill and Redevelopment Area
 - 2. An Industrial Reuse Project shall not be located on an arterial roadway.
 - 3. The Project should be located in an area of mixed uses and zones.
 - 4. The Project should be located in a B-4 or I-1 area in which, due to small lot size, adjacent uses, or the nature of the roadway system, it would not be appropriate to construct larger B-4 or I-1 uses, such as truck terminals, manufacturing facilities or large warehousing facilities.
 - 5. The property has an existing building coverage that does not allow for substantial expansion of the structure or parking facilities.
 - b. The Project must include:
 - 1. At least one existing building that will be adaptively reused as a principal structure.
 - 2. Public art or a public art easement that is publicly displayed in an accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.

- c. The applicant shall provide documentation demonstrating that the Project meets at least one of the following criteria:
1. The site includes a building lot coverage of 65% or greater and contains a building that is over 75 years old.
 2. The site includes a single building of over 30,000 square feet that is over 75 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 75 years old.
 3. The site includes a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or was constructed prior to 1950.
- d. The applicant shall include at least one element from the following categories and must reach total score of 10 points:
1. Primary Land Use, Building Form, and Design:
 - i. Affordable Housing (6) - Provide residential housing, at least 20% of which will be set aside for affordable housing (60% AMI) for at least 15 years.
 - ii. Affordable Housing (4) - Provide residential housing, at least 20% of which will be set aside for affordable housing (80% AMI) for at least 15 years.
 - iii. Green Rated Site Design (Sustainable Sites Initiative, etc.) (3) – Incorporating whole of project area
 - iv. Green Rated Site Design (Sustainable Sites Initiative or similar standard) (3) – Incorporating whole of project area
 - v. Green Building Design (LEED or similar standard) (3) – Structures that incorporate the principles of sustainable design of adaptively reused structures
 - vi. Green Building (LEED or similar standard) (2) – New Construction
 - vii. Renewable Energy (1)
 - viii. Mixed use residential and commercial site wide (1)
 - ix. Innovation Credit (1) – Provide a high degree of innovative modification of land use, building form, and/or design.
 2. Transit, Infrastructure, and Connectivity
 - i. Parking Structure (4)
 - ii. Riparian Buffer Restoration (3) – Meet requirements of Stormwater Manual Table 1-7 along length of stream on lot
 - iii. Daylighting of stream / removal of culvert (3)
 - iv. Stream channel restoration (2) – See Stormwater Manual Ch. 9 for guidance
 - v. Accessible transit shelter and bench (2)
 - vi. Multi-use path or open space oriented amenities (2)
 - vii. Publicly accessible property to property cross-connectivity (2)
 - viii. Innovation Credit (1) – Provide a high degree of innovative modification of transit, infrastructure, and connectivity
 3. Quality of Life Components
 - i. Site is within an area that is a brownfield recovery site (4)
 - ii. Increase of Canopy Coverage to 40% (4)
 - iii. Increase of Canopy Coverage to 30% (3)
 - iv. Increase of Canopy Coverage to 20% (2)

- v. Site is in a district that has applied for, or has obtained, special funding or similar government incentives (3)
- vi. Universal Design Standards for all ground floor space (2)
- vii. 20% Community oriented open space non-residential (3)
- viii. 10% Community oriented open space non-residential (2)
- ix. Community garden space (1)
- x. Innovation Credit (1) – Provide a high degree of innovative modification of quality of life components

e.b. ~~Principal uses in Flex Space~~ Industrial Reuse Projects:

1. Any of the principal uses permitted in the underlying zone.
2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater; theaters, including movie theaters and other indoor amusements, except as prohibited under Section 8-19(e), including billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
3. Community centers, places of religious assembly and private clubs.
4. ~~Establishments for the retail sale of merchandise, food and food products, if under twenty thousand (20,000) square feet in area.~~
5. ~~Restaurants, if under four thousand (4,000) square feet in area~~
4. Restaurants, with or without outdoor seating and with or without live entertainment.
5. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics and similar items.
6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
7. Banquet facilities or private clubs with live entertainment, brew-pubs, bars, cocktail lounges and nightclubs.
8. Offices, banks or clinics.
9. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
10. Residences of any kind.
11. Health clubs, athletic clubs and spas.
12. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.
13. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least 25 square feet per child.
14. Indoor or outdoor amusement or entertainment enterprises such as circuses, carnivals, rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two weeks.
15. Publically accessible park.

f.e. ~~Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.~~

g.d. ~~Conditional Uses:~~

1. Drive-through facilities

h.e. Prohibited uses:

1. All adult uses, as listed in Sections 8-16(e)(14 through 17).

i.f. Parking

1. ~~Restaurants: As set forth in the B-1 zone.~~ Dwelling Units – One (1) space for every two (2) units.
2. ~~All other uses: One (1) space per six hundred (600) square feet.~~ For any commercial center that is located on a transit route, there shall be a maximum of four (4) surface parking spaces per one thousand (1,000) commercial square feet.
3. For any commercial center that is not located on a transit route, there shall be a maximum of five (5) surface parking spaces per one thousand (1,000) commercial square feet.
4. Structure parking shall not count toward any maximum parking requirement.

i.g. ~~Signage, lot, yard and height requirements shall be as set forth in the underlying zone.~~ Signage – Shall be as permitted under Article 17-7(o) for an MU-2 zone.

k. Lot and Yard Requirements - No minimum.

h. ~~The Planning Commission shall, with the approval of any development plan, consider the following locational and compatibility factors:~~

1. ~~A Flex Space Project shall generally not be located on a major arterial. If the Project is located on a major arterial, the applicant shall address whether additional parking needs to be provided to accommodate "impulse" customers.~~
2. ~~The Project shall generally be located in an area of mixed uses and zones.~~
3. ~~The Project shall generally be located in an area that has historically had a mixture of retail and wholesaling land uses.~~
4. ~~The Project shall generally be located in a B-4 or I-1 area in which, due to small lot size, adjacent uses, or the nature of the roadway system, it would not be appropriate to construct larger B-4 or I-1 uses, such as truck terminals, manufacturing facilities or large warehousing facilities.~~
5. ~~The property is the site of an existing building with substantial lot coverage that does not allow substantial expansion of the building or parking facilities.~~
6. ~~The Project shall generally not be located in a block front that contains residential zoning.~~

l. Height - No maximum height for adaptive reuse of existing buildings. New buildings shall not be more than 12 feet taller than the tallest structure that is being adaptively reused on the same lot or the adjacent lot, or 48 feet, whichever is greater.

m. The applicant shall submit a compliance statement with the development plan that specifies how the project will further the Goals and Objectives and other elements of the Comprehensive Plan.

n. Prior to holding a hearing on the development plan, the applicant shall post a sign, with dimensions set out in Article 23B-5(b), at a visible location on the property at least 14 days prior to the hearing, informing the public of the location, date and time of the hearing. Evidence of the sign having been posted shall be submitted to the Planning Commission at the hearing.

o. The Planning Commission shall have the power to approve, modify or disapprove the development plan, as set out in Article 21. In addition, if the Planning Commission approves the development plan, it must adopt a finding that the development plan furthers the Goals and Objectives or other elements of the Comprehensive Plan.

- p. For additional land to be added to an Industrial Reuse Project area, the new portion must be adjacent to the current project area. An updated compliance statement must be submitted, which shall implement those elements that have been applied across the project area.
- q. For any amendment that seeks to expand the originally approved project, the added portion of the project must meet all requirements of Sec. 8-18(o)(4)(d) separate from the original project.
- r. Flex Space Projects that have been approved prior to August 1, 2021, shall be regulated per the approved development plan.

(Code 1983, § 8-21; Ord. No. [263-83](#), § 1, 12-15-1983; Ord. No. [47-85](#), §§ 1, 2, 3-7-1985; Ord. No. [89-86](#), § 20, 5-29-1986; Ord. No. [153-87](#), § 1, 7-9-1987; Ord. No. [58-91](#), § 1, 4-4-1991; Ord. No. [93-91](#), § 1, 5-16-1991; Ord. No. [152-91](#), §§ 2, 4, 7-18-1991; Ord. No. [30-92](#), § 13, 3-3-1992; Ord. No. [134-92](#), §§ 1, 2, 7-9-1992; Ord. No. [44-93](#), §§ 2—4, 3-25-1993; Ord. No. [213-94](#), § 7, 1-20-1994; Ord. No. [292-95](#), § 1, 12-7-1995; Ord. No. [85-96](#), § 2, 5-30-1996; Ord. No. [258-96](#), § 1, 12-12-1996; Ord. No. [10-2002](#), § 1, 1-24-2002; Ord. No. [98-2002](#), § 1, 5-16-2002; Ord. No. [307-2002](#), § 1, 12-5-2002; Ord. No. [77-2005](#), § 1, 3-24-2005; Ord. No. [299-2005](#), § 2, 11-3-2005; Ord. No. [227-2008](#), §§ 2—5, 10-23-2008; Ord. No. [60-2009](#), § 19, 5-7-2009; Ord. No. [99-2011](#), § 8, 8-25-2011; Ord. No. [100-2011](#), §§ 7, 8, 8-25-2011; Ord. No. [114-2011](#), § 1, 8-25-2011; Ord. No. [5-2013](#), § 2, 1-31-2013; Ord. No. [89-2013](#), § 1, 8-15-2013; Ord. No. [142-2013](#), § 1, 12-5-2013; Ord. No. [155-2013](#), § 2, 12-10-2013; Ord. No. [137-2016](#), § 2(8-21), 7-7-2016; Ord. No. [22-2017](#), § 3(8-21), 3-2-2017; Ord. No. [166-2017](#), § 3(8-21), 11-16-2017)

Sec. 8-22. - Light Industrial (I-1) Zone.

- (a) *Intent.* This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow ~~Industrial Mixed use projects and Adaptive Reuse Projects~~ **and Industrial Reuse Projects**. The Comprehensive Plan should be used to determine appropriate locations for this zone and for ~~Industrial Mixed use Projects~~. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
 1. The principal permitted uses in the B-4 zone.
 2. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of articles of merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious and semi-precious metals, precious and semi-precious stones, rubber, sheet metal (excluding large stampings), shell, textiles, tobacco, wax, wire, wood (excluding sawmills, planing mills), and yarn.
 3. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of such products as: bakery goods; billboards; candy; ceramics; cosmetics; drafting instruments; electrical parts; appliances; electric or neon signs; electronic instruments; food products; meat packaging; ice cream; medical and dental instruments; musical instruments; pharmaceuticals; pottery, china, or figurines; radios; record players; rubber and metal stamps; rubber products; scientific instruments and equipment; shoes; television receivers; toiletries, soaps and detergents; toys; and watches and clocks.
 4. Other industrial and manufacturing uses, such as auto parts rebuilding; battery manufacturing; beverage manufacturing; micro-brewery as regulated by KRS 243.157 and KRS 243.150; dairy and non-dairy and food and non-food product bottling plants; box and crate assembly; building materials sales; rental storage yard; bag, carpet and rug cleaning and dyeing; cabinet shop; cannery; cooperage; columbariums and crematories; dextrine and starch manufacturing; enameling, lacquering, and japanning; felt manufacturing; electric foundry; furniture

manufacturing; heating equipment manufacturing; inflammable underground liquid storage; iron works (ornamental), and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; radium extraction; railway or truck terminal; stone monument works; tool manufacturing; vehicle storage yards for which occupancy permits were issued prior to May 1, 1985; welding, and other metal working shops.

5. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, and processing of paper shall be permitted only when wholly conducted in a completely enclosed building.

~~6. Industrial Mixed use Projects, as further regulated by Subsection (e) of this section.~~

~~6.7. Adaptive Reuse Projects, as set out in Section 8-21(b)23 and Section 8-21(o)4.~~

7. Industrial Reuse Projects, as set out in Section 8-21(b)26 and Section 8-21(o)5.

8. Commercial wood lots, provided that:

- a. All wood storage and processing activities are located at least three hundred (300) feet from the nearest residential zone;
- b. Wood piles are no greater than fifteen (15) feet in height, no greater than twenty (20) feet in width, no greater than one hundred (100) feet in length, and are spaced no less than twenty (20) feet from any property line; and
- c. Cutting and splitting of timber takes place only between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

(c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Off-street parking areas and structures; loading facilities.
2. Dwelling units for watchmen or caretakers, provided that such facilities shall be located on the same premises as the permitted use.
3. Outdoor storage of products manufactured on the premises or materials to be used in manufacture on the premises.
4. Facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.
5. Offices.
6. Recreational facilities, except as prohibited herein.
7. Sale of manufactured goods.
8. Sale of finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than thirty percent (30%) of the total floor and storage area.
9. Satellite dish antennas, as further regulated by Section 15-8.
10. Beauty salons where accessory to an athletic club facility, provided that the area of the salon shall not constitute more than ten percent (10%) of the total floor area, that the salon has no separate external entrance, nor separate business signage.
11. Retail sale of liquid propane (limited to twenty-pound (20-lb.) containers), when accessory to retail sale of building materials and lumber permitted under Section 8-21(b)(18).

(d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)

1. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
2. Public utilities and public service uses and structures.
3. Penal or correctional institutions.
4. Grain drying, when operated in a fully enclosed building at least three hundred (300) feet from the nearest residential, business, or professional office zone.
5. The above- or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station or limited by Subsection (e) of this section; and provided such operations conform to the standards prescribed by the National Fire Protection Association, the Kentucky Occupational Safety and Health Standards for General Industry, and any requirements of the Fire Marshall. Such conformance shall be certified in writing by the Fire Marshall, and any required protective measures for the containers shall be met in all ways.
6. Banks, with or without drive-through facilities, except as provided as part of an ~~Industrial Mixed use Project~~ or an Adaptive Reuse Project or an Industrial Reuse Project, provided:
 - a. The site lies within the area of a development plan approved by the Planning Commission, having a minimum one hundred (100) acres zoned industrial;
 - b. There shall be an on-site stacking capacity of a minimum of twenty (20) cars for each bank having drive-through facilities;
 - c. The site shall not have direct access to an arterial street;
 - d. There exists, within the development plan area, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least five hundred (500) employees;
 - e. There exists, within a one-mile radius of the property boundaries of the proposed site, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least two thousand, five hundred (2,500) employees;
 - f. A site development plan is submitted to, and approved by, the Board of Adjustment and the Planning Commission.
7. Concrete mixing and concrete products, 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, and only under the following conditions:
 - a. That no concrete mixing operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.
 - b. Noise, Air and Water Quality: The facility shall be operated at all times in compliance with applicable federal, state and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Section 6-7, Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
 - c. Development Plan: The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, stormwater and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.
 - d. Drainage and Erosion Control: All operations shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event that adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
 - e. Roads: All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from

- State highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.
- f. Screening: Screening shall be provided as defined in accordance with LFUCG Article 18 of this Zoning Ordinance.
 - g. Transportation Plan: A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
 - 1) Product shipping and deliveries;
 - 2) Mode of transportation;
 - 3) Route(s) to and from the site;
 - 4) Schedule and frequency of shipments;
 - 5) Delivery and shipping spillage control methods;
 - 6) Employee parking.
 - h. Storage: Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three (3) sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.
 - i. Excess Product and Waste: Excess product and waste, when disposed of on-site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.
8. Cable television system facilities, including transmitting towers; antennas; earth stations; microwave dishes; relays; business offices; television studios; and storage facilities.
 9. Vehicle storage yards, for which occupancy permits were applied for on or after May 1, 1985.
 10. Commercial composting, provided that the following requirements are met:
 - a. That all such composting shall be conducted in a fully enclosed building.
 - b. That a permit-by-rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
 - c. That a development plan, indicating access points and circulation routes; proposed signage; screening and landscaping; fencing and other significant geological or physical features of the property, be submitted as part of any application.
 - d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.
 11. Helistops and heliports, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
 12. 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:

- a. 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;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. 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.
13. Places of religious assembly, Sunday schools, and schools for academic instruction, when affiliated with a place of religious assembly or a religious entity, except as provided as part of an Adaptive Reuse Project.
 14. Retail sale, except as provided as part of an Adaptive Reuse Project, of furniture and household-related items, such as antiques; fabrics; fixtures; furnishings; glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.
 15. Community centers, except as provided as part of an Adaptive Reuse Project.
 16. Childcare centers, except as provided as part of an Adaptive Reuse Project.
 17. Agricultural market and market gardens.
 18. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
 19. Circus, provided all structures are located not less than two hundred (200) feet from any residential zone; and further provided that all structures for housing animals shall be two hundred (200) feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
 20. Day shelters.
 21. Ecotourism activities to include campgrounds, commercial hiking, bicycling, and zip line trails; tree canopy trails; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities.
- (e) *Prohibited Uses.* (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)
1. The prohibited uses in the B-4 zone, Section 8-21(e)3 through 11, and 14 through 16.
 2. All uses first permitted in the I-2 zone, except as specifically permitted herein.
 3. A facility for the storage and distribution of gas by railroad tank cars, through gas piping, or by tank trucks, which each have a water capacity in excess of four thousand (4,000) gallons.
 4. Slaughterhouses.
 5. Equine trails, children's rides, pony rides and petting zoos.
- Lot, Yard, and Height Requirements. (See Articles 3 and 15 for additional regulations.)
- (f) *Minimum Lot Size.* No limitation.
 - (g) *Minimum Lot Frontage.* No limitation.
 - (h) *Minimum Front Yard.* Twenty (20) feet.
 - (i) *Minimum Each Side Yard.* No limitation, except as provided in Subsection (o) of this section.
 - (j) *Minimum Rear Yard.* No limitation, except as provided in Subsection (o) of this section.

- (k) *Minimum Useable Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Seventy-five (75) feet, except when a side or rear yard abuts a Professional Office or Residential zone, then a 3:1 height-to-yard ratio.
- (n) *Off-Street Parking.* (See Article 16 for additional parking regulations.)

As for B-4.

Manufacturing or Industrial Uses: One (1) space for every two (2) employees on a maximum working shift, with a minimum of five (5) spaces.

Automobile Race Tracks: One (1) space for every five (5) seats.

Correctional or Penal Institutions: One (1) space for each employee.

Accessory Dwelling Units: One (1) space per dwelling unit.

Retail Sales Facility for manufactured goods: One (1) space for every four hundred (400) square feet of floor area.

~~Industrial Mixed use Projects: As for MU-3, except that off-site parking may be provided in conformity with Section 16-1(d).~~

Conditional Uses: Parking requirements for conditional uses are minimum requirements; the Board of Adjustment may require additional parking, as needed.

Combinations: Combined uses shall provide parking equal to the sum of individual requirements.

(o) *Special Provisions.*

1. All industrial uses shall be conducted in a completely enclosed building, except for outdoor storage uses, which shall be enclosed on all sides by a solid wall or fence not less than six (6) feet in height.
2. ~~Except for Industrial Mixed use Projects,~~ all **All** buildings and structures shall be at least one hundred (100) feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access.
3. Landscape buffer areas shall be required as set forth in Article 18.
4. ~~An Industrial Mixed use Project may be permitted by the Planning Commission upon the approval of a development plan, subject to the following requirements:~~
 - a. ~~The property must be in a location recommended in the Comprehensive Plan for Industrial Mixed use, and should not displace an existing agriculture-related use permitted in the I-1 zone.~~
 - b. ~~At least twenty percent (20%) of the total floor area shall be devoted to residential use, at least ten percent (10%) shall be devoted to a principal permitted use in this zone or the Wholesale and Warehouse Business (B-4) Zone, and no more than forty percent (40%) of the total floor area shall be occupied by retail uses.~~
 - c. ~~At least forty percent (40%) of the front building wall(s) of new buildings proposed for an Industrial Mixed use Project shall be required to be built at the 20-foot setback.~~
 - d. ~~In addition to the uses otherwise permitted in the Light Industrial (I-1) zone, the following uses shall be permitted in an Industrial Mixed use Project:~~

~~As Principal Permitted Uses:~~

1. ~~Dwelling units.~~

~~2.— Uses permitted in the Professional Office (P-1) zone, excluding a Professional Office Project.~~

~~3.— Uses permitted in the Neighborhood Business (B-1) zone.~~

~~As Conditional Uses:~~

~~1.— Restaurants, without live entertainment or dancing, which devote more than twenty percent (20%) of the public floor area exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.~~

~~2.— Restaurants or nightclubs offering live entertainment and/or dancing, brew pubs, cocktail lounges or nightclubs, wine or spirit tasting rooms, unless prohibited under Sections 8-16(e)14 and 15. Such uses shall be located at least one hundred (100) feet from any residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.~~

~~As Prohibited Uses:~~

~~1.— All adult uses listed in Sections 8-16(e)14 through 17 of this Zoning Ordinance.~~

~~e.— The minimum and maximum mix of uses shall be calculated based on the overall Industrial Mixed use Project shown on the development plan. Each building within the Industrial Mixed use Project shall not be required to contain a mixture of uses, provided that at least one (1) structure shall contain a mixture of uses.~~

(Code 1983, § 8-22; Ord. No. [263-83](#), § 1, 12-15-1983; Ord. No. [89-86](#), § 21, 5-29-1986; Ord. No. [35-87](#), §§ 1, 2, 3-5-1987; Ord. No. [154-88](#), § 1, 7-7-1988; Ord. No. [93-89](#), § 1, 6-1-1989; Ord. No. [154-89](#), § 1, 8-31-1989; Ord. No. [58-91](#), § 2, 4-4-1991; Ord. No. [84-91](#), § 2, 5-2-1991; Ord. No. [93-91](#), § 1, 5-16-1991; Ord. No. [30-92](#), §§ 14, 15, 3-3-1992; Ord. No. [134-92](#), § 3, 7-9-1992; Ord. No. [213-94](#), § 8, 1-20-1994; Ord. No. [31-95](#), § 1, 2-9-1995; Ord. No. [258-96](#), § 1, 12-12-1996; Ord. No. [7-99](#), § 1, 1-28-1999; Ord. No. [50-2004](#), § 1, 3-18-2004; Ord. No. [339-2006](#), §§ 1—6, 11-21-2006; Ord. No. [43-2007](#), § 1, 2-22-2007; Ord. No. [227-2008](#), §§ 7, 8, 10-23-2008; Ord. No. [1-2011](#), § 8, 1-13-2011; Ord. No. [99-2011](#), § 9, 8-25-2011; Ord. No. [100-2011](#), § 9, 8-25-2011; Ord. No. [114-2011](#), § 2, 8-25-2011; Ord. No. [153-2012](#), § 1, 12-6-2012; Ord. No. [5-2013](#), § 2, 1-31-2013; Ord. No. [89-2013](#), § 1, 8-15-2013; Ord. No. [155-2013](#), § 2, 12-10-2013; [Ord. No. 68-2015](#), § 1(8-22), 6-18-2015; [Ord. No. 137-2016](#), § 2(8-22), 7-7-2016; [Ord. No. 166-2017](#), § 3(8-22), 11-16-2017)



STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

**PLN-ZOTA-21-00002: AMENDMENT TO ARTICLES 8-21 AND 8-22:
ADAPTIVE REUSE, FLEX SPACE, AND INDUSTRIAL MIXED USE PROJECTS**

APPLICANT: Urban County Planning Commission

PROPOSED TEXT: See attached documentation
(Note: Text underlined indicates an addition to the existing Zoning Ordinance;
text ~~stricken through~~ indicates a deletion.)

STAFF REVIEW:

Over the course of the last fifteen years, the adaptive reuse of older structures in Lexington's warehousing and industrial built environment has led to the revitalization and reinvigoration of areas that have historically been slated for demolition and redevelopment. These projects have resulted in economically stimulating, environmentally sustainable, and socially significant developments that preserve a local sense of place and allow for greater density and intensity of use without displacing residential or viable commercial operations. Despite the success of these projects, it is imperative that Lexington review the three types of projects that allow for the adaptive reuse of structures (Adaptive Reuse, Flex Space, and Industrial Mixed Use) to evaluate the successes and challenges, and what updates are necessary for the changing urban environment. The 2018 Comprehensive Plan specifically calls for an update to the Zoning Ordinance's regulation of adaptive reuse (Theme D, Placemaking Policy #11, Theme E, Growth Policy #4).

During the staff's review of existing adaptive reuse projects, there was a particular focus on incorporating those areas that worked well, while also highlighting different needs for future projects. During this analysis, information regarding all projects was collected to see what categories were applied to achieve project status, and modern day best practices were compared to understand what these projects are being used for today and how best practices might apply to Lexington's warehousing and industrial built environment. Finally, the Goals, Objectives, Policies, and Development Criteria of the 2018 Comprehensive Plan were reviewed so to see where they might be applied to future projects. The attached language is the result of that analysis and represents a shift in focus and expansion of where these projects might occur. This language will guide the next ten to fifteen years of adaptive reuse within Lexington's Urban Service Area.

The Adaptive Reuse Projects (Article 8-21(o)(4)) have been the most commonly applied for project type. Twelve viable projects have been approved and implemented throughout the defined Infill and Redevelopment Area. This project type was added to the Zoning Ordinance in 2008, and has allowed for the redevelopment of the warehousing and industrial built environment in areas where the high intensity of use is often no longer appropriate. Many of Lexington's downtown industrial, as reflected by being located in the Infill and Redevelopment Area, has had significant residential and commercial development constructed closer and closer, resulting in divergent land use intensity for neighboring



land uses. Adaptive Reuse Projects have allowed for the construction of more community focused development that retains and respects the built context, while adding more complementary uses.

Staff recommends the retention of many of the concepts with some modification to the age of properties that can be included and the inclusion of elements that are recommended by the Comprehensive Plan. Currently, the regulation is focused on the 50 year age of the structure in association with a size requirement or inclusion in the National Register of Historic Places (NRHP), which similarly utilizes the 50 year timespan. Staff recommends the shifting of the time periods that are utilized to achieve project status from 50 years to 75 years. Staff recommends the retention of the inclusion to the NRHP, but also the inclusion of a construction date of prior to 1950 for those properties that do not intend to seek inclusion to the NRHP.

The most substantial change to the Adaptive Reuse Project is the elements that must be applied to a development to achieve project status. Currently, a project must meet three of nine potential criteria. The proposed modification requires that a project choose one element from three categories (1. Primarily Land Use, Building Form, and Design, 2. Transit, Infrastructure, and Connectivity, 3. Quality of Life Components). Each of the elements within the categories is provided a point score and is weighted by the need within our built context. This includes the increase in pedestrian facilities, the upgrading of stormwater infrastructure, the increase in tree canopy, or the addition of affordable housing. A development must total a point score of ten or higher to achieve project status. Each of these categories, and the elements contained therein, reflect the Goals, Objectives, and Policies of the 2018 Comprehensive Plan, while also allowing for flexibility for different project areas.

The next project type in the Zoning Ordinance is the Flex Space Project (Article 8-21(o)(5)), which was developed in 2013 and was focused on small lot development in areas that included incompatible uses. The Flex Space Project has been seldom utilized, with the majority of projects located on Regency Road. Over the course of the review of these projects and the potential changes, it became apparent that the Flex Space Project should remain locationally dependent, so as to avoid taking up areas that are appropriately located for warehouse and industrial uses, but should also be more flexible, to allow for greater utilization of existing built square footage.

Staff recommends the modification of the Flex Space Project to both provide a clear delineation from other types of “flex space projects” and match closer to goals and standards of the Adaptive Reuse Project. As such, staff is recommending renaming the Flex Space Project to the Industrial Reuse Project. Staff also recommends that the development be analyzed in the same way as the Adaptive Reuse Project, while keeping the language that is focused on location and the size restrictions of the developments unchanged. This will allow for the promotion of economic development through the preservation of strategically and appropriated located industrial and production zoned land (Theme C, Livability Policy #9), while also allowing for the revitalization of established areas, which have been surrounded by non-compatible land uses over time.

The final project type within the Zoning Ordinance is the Industrial Mixed-Use Project. This zoning tool was recommended by the Newtown Pike Extension Corridor Study and no project has been developed utilizing these regulations. The lack of use is largely due to the success of the Adaptive Reuse Project, which allowed for greater flexibility. Staff recommends removing this language from the Zoning Ordinance, as the proposed changes to the Adaptive Reuse Project and the Industrial Reuse Project (replacing Flex Space Project) will cover any potential development.



Beyond what has been previously noted, the proposed modifications to Articles 8-21 and 8-22 are in agreement with the 2018 Comprehensive Plan. The proposed changes will allow for the expansion and development of more adaptive reuse in Lexington (Theme A, Goal #2.a), while also respecting the context and design features of the existing built environment (Theme A, Goal #2.b, Theme A, #2.a, Theme C, Diversity Policy #5). Through the promotion of the adaptive reuse of the built environment and providing the associated incentives the proposed changes can promote for green building, sustainable development, and transit-oriented development (Theme B, Goal #2.c). The uses that are possible for adaptive reuse can encourage development that promotes and enhances tourism (Theme C, Goal #1.d), and provide entertainment and quality of life opportunities that can attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #2.d). Finally, the modifications to the Zoning Ordinance will allow the protection, promotion, and enhancement of Lexington's cultural and historic resources (Theme D, Goal #3, Theme D, Goal #3.a, Theme D, Goal #3.b, Theme D, Goal #3.c, Theme C, Livability Policy #9, Theme D, Placemaking Policy #9).

Applicable Goals, Objectives, and Policies:

Theme A, Goal #2.a: Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.

Theme A, Goal #2.b: Respect the context & design features of areas surrounding development projects & develop design standards & guidelines to ensure compatibility with existing urban form.

Theme A, Goal #3.a: Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County.

Theme B, Goal #2.c: Provide incentives for green building, sustainable development, and transit-oriented development with civic agencies leading by example through the use of green building standards.

Theme C, Goal #1.d: Encourage development that promotes and enhances tourism.

Theme C, Goal #2.d: Provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington.

Theme D, Goal #3: Protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image.

Theme D, Goal #3.a: Protect historic resources and archaeological sites.

Theme D, Goal #3.b: Incentivize the renovation, restoration, development and maintenance of historic residential and commercial structures.

Theme D, Goal #3.c: Develop incentives to retain, restore, preserve and continue use of historic site and structures, rural settlements and urban and rural neighborhoods.

Theme D, Goal #4: Promote, support, encourage and provide incentives for public art.



Theme C, Livability Policy #9: Promote economic development through the preservation of strategically and appropriately located industrial and production zoned land.

Theme C, Diversity Policy #5: Maximize context-sensitive employment opportunities within the opportunity zone tracts, providing equitable community development and prioritizing local residents for advancement opportunities.

Theme D, Placemaking Policy #9: Honor Lexington's history by requiring new development and redevelopment to enhance the cultural, physical, and natural resources that have shaped the community.

Theme D, Placemaking Policy #11: Update the adaptive reuse ordinance.

Theme E, Growth Policy #4: Promote the adaptive reuse of existing structures.

The Staff Recommends: **Approval** of the proposed Text Amendment to the Zoning Ordinance, for the following reasons:

1. The proposed text amendment supports and implements the 2018 Comprehensive Plan, in the following ways:
 - a. The amendment was developed in response to the implementation item calling for an update to the adaptive reuse ordinance that allows for greater utilization of the built environment (Theme D, Placemaking Policy #11, Theme E, Growth Policy #4).
 - b. The proposed changes will allow for the expansion and development of more adaptive reuse in Lexington (Theme A, Goal #2.a), while also respecting the context and design features of the existing built environment (Theme A, Goal #2.b, Theme A, #2.a, Theme C, Diversity Policy #5).
 - c. The amendment promotes the development of green building, sustainable development, and transit-oriented development (Theme B, Goal #2.c) by encouraging the reuse of existing structures across different locations and zones.
 - d. The amendment will allow for uses that encourage development that promotes and enhances tourism (Theme C, Goal #1.d), and provide entertainment and quality of life opportunities that can attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #2.d).
 - e. The amendment will allow the protection, promotion, and enhancement of Lexington's cultural and historic resources (Theme D, Goal #3, Theme D, Goal #3.a, Theme D, Goal #3.b, Theme D, Goal #3.c, Theme C, Livability Policy #9, Theme D, Placemaking Policy #9).
2. The renaming of the Flex Space Project will clarify the adaptive reuse of developments outside of the defined Infill and Redevelopment Area.
3. The removal of the Industrial Mixed-Use Project will modernize the Zoning Ordinance, removing a project that has not been built and has effectively been replaced by the Adaptive Reuse Project.

HB/TLW

5/4/21

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2. **PLN-ZOTA 21-00002: AMENDMENT TO ARTICLES 8-21 AND 8-22: ADAPTIVE REUSE, FLEX SPACE, AND INDUSTRIAL MIXED USE PROJECTS** (10/7/21)* – a petition for a Zoning Ordinance text amendment to Articles 8-21 and 8-22 of the Zoning Ordinance to revise the Adaptive Reuse and Flex Space Projects, and remove the Industrial Mixed Use Project.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval**.

The Staff Recommends: **Approval** of the proposed Text Amendment to the Zoning Ordinance, for the following reasons:

1. The proposed text amendment supports and implements the 2018 Comprehensive Plan, in the following ways:
 - a. The amendment was developed in response to the implementation item calling for an update to the adaptive reuse ordinance that allows for greater utilization of the built environment (Theme D, Placemaking Policy #11, Theme E, Growth Policy #4).
 - b. The proposed changes will allow for the expansion and development of more adaptive reuse in Lexington (Theme A, Goal #2.a), while also respecting the context and design features of the existing built environment (Theme A, Goal #2.b, Theme A, #2.a, Theme C, Diversity Policy #5).
 - c. The amendment promotes the development of green building, sustainable development, and transit-oriented development (Theme B, Goal #2.c) by encouraging the reuse of existing structures across different locations and zones.
 - d. The amendment will allow for uses that encourage development that promotes and enhances tourism (Theme C, Goal #1.d), and provide entertainment and quality of life opportunities that can attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #2.d).
 - e. The amendment will allow the protection, promotion, and enhancement of Lexington's cultural and historic resources (Theme D, Goal #3, Theme D, Goal #3.a, Theme D, Goal #3.b, Theme D, Goal #3.c, Theme C, Livability Policy #9, Theme D, Placemaking Policy #9).
2. The renaming of the Flex Space Project will clarify the adaptive reuse of developments outside of the defined Infill and Redevelopment Area.
3. The removal of the Industrial Mixed-Use Project will modernize the Zoning Ordinance, removing a project that has not been built and has effectively been replaced by the Adaptive Reuse Project.

Staff Text Amendment Presentation – Mr. Baillie presented and summarized the staff report and recommendations for this text amendment, and said that the Urban County Planning Commission initiated this Zoning Ordinance text amendment to revise the Adaptive Reuse and Flex Space Projects, and remove the Industrial Mixed Use Project.

Mr. Baillie said that adaptive reuse means the process of adapting abandoned, vacant or underutilized buildings and structures for new purposes, focusing on incorporating changes that rejuvenate and/or increase the sustainability of the site and/or neighborhood while retaining historic features of the original buildings and/or structures. He said that adaptive reuse is referenced in three different places within the Zoning Ordinance, which are the Adaptive Reuse Projects, the Flex Space Projects, and the Industrial Mixed Use Projects. He added that all of these applications were submitted as text amendments by members of the public. The Adaptive Reuse Project was established in 2008, and was applied for by the Pepper Distillery, LLC. This project type has been applied throughout the Infill and Redevelopment area and is permitted in the Wholesale and Warehouse Business (B-4), Light Industrial (I-1), and Heavy Industrial (I-2) zones. This has revitalized the underutilized and often deteriorated properties that are typically by-passed for redevelopment because of the constraints on those areas.

Mr. Baillie said that the current requirements for an Adaptive Reuse Project is that there be a single building that is going to be adaptively reused. The proposed change is to add public art or a public art easement, which is a recommendation of the 2018 Comprehensive Plan. He added that artwork has been utilized in every single case of adaptive reuse that has been applied for since its establishment. The staff perceived that as being a community want and an aspect of development that interested developers.

Mr. Baillie said that the size and the age of the properties is also being changed. The site needs to be a single building of more than 30,000 square feet, 75 years old or older, or a total project area of 80,000 square feet with at least 2 adaptive reuse buildings over 75 years old. He said that the age of the building is being changed from 50 years old to 75 years old, which has been discussed within the Historic Preservation and the Cultural Resource Management communities. A constructed by date has also been added for these properties built before 1950. He said that a point scale is proposed containing three elements, which are as follows: 1) Primary Land Use, Building Form, and Design; 2) Transit, Infrastructure, and Connectivity; and 3) Quality of Life Components.

Mr. Baillie said that the Primary Land Use, Building Form, and Design is primarily affordable housing, which is heavily weighted and green rated site design, green building design, and green infrastructure, renewable energy, mixed-use residential and commercial site-wide, and innovation credit, which will allow for flexibility for new technology. The Transit, Infrastructure, and

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Connectivity contains parking structures, riparian buffer restorations, daylighting of stream, stream channel restoration, accessible transit shelter and bench, multi-use paths or open space oriented amenities, publicly accessible property that has cross-connectivity, and the innovation credit. The Quality of Life Components contains brownfield recovery sites, increase of tree canopy at different levels, special funding or government incentives, universal design standards for ground floor space, community open space that is not specifically associated with residential, community gardens, and the innovation credit.

Mr. Baillie said that they are also proposing a new principal use of “publically accessible parks” within this project and removing drive-through facilities from the conditional use section and adding it to the prohibited use section. He said that currently there are many reductions for parking requirement that can be applied to a site and the proposed change would make a clear delineation of the amount of parking needed for an Adaptive Reuse Project. This would allow for flexibility for an applicant to obtain the amount of parking that they will need and will fit their site. He said that there is expansion of the project area allowed, but the proposed amendment clarifies that applicant would need to provide the same amount of focus and effort as the initial application to justify an expansion.

Mr. Baillie said that the second type of project is the Flex Space Project, which was established in 2013 and is permitted in the Wholesale and Warehouse Business (B-4), and Light Industrial (I-1) zones. It’s specially focused on the reuse of industrial sites that are not likely to redevelop as industrial due to the site constraints, including the large size of structures and smaller lot size. He added that these are allowed outside of the Infill and Redevelopment area. The flex space project has allowed for some variation while protecting areas that should remain industrial outside of the Infill and Redevelopment Area. He said that the name has been problematic to realtors and developers, because they see it from a national perspective as being flexible in the form of the interior for the user and not the uses. He said that there is also an overlap with the Office/Mixed Use Project, which does not ask for improvements to a site, like the Adaptive Reuse Project does. He said that the amendment would rename the Flex Space Project to the Industrial Reuse Project; to maintain focus on the locational and compatibility factors located outside of the Infill and Redevelopment area; require that it not be located on an arterial roadway; that it should be located within an area of mixed-uses and zones; that it should be located within a B-4 or I-1 zoned area due to small lot size, large size of the building, where it is not feasible for the continuation of it as an industrial type use; and that the property has an existing building coverage that does not allow for substantial expansion of the structure or parking facilities. He added that the project must include one building that will be adaptively reused and public art or a public art easement.

Mr. Baillie said that the applicant must meet at least one of the following criteria: the building lot and age of 75 years old or older, the building size, and its association with a historic element. The applicant should also include one category from each of the three elements, Primary Land Use, Building Form, and Design; Transit, Infrastructure, and Connectivity; and Quality of Life Components.

Mr. Baillie said that since the new Industrial Reuse Project will be a supportive type development, the staff is proposing to include a significant amount of uses that are allowed within the Adaptive Reuse Project. The previous Flex Space Project was generally focused on schools, places of religious assembly or private clubs, offices, health clubs, athletic clubs and spas. He said that this would be a large expansion of the allowable uses. Staff is not recommending that hotels be allowed in the Industrial Reuse Project, but they are allowable in the Adaptive Reuse Project.

Mr. Baillie said that the final project is the Industrial Mixed Use Project, which was established in 2006, and is only permitted in the Light Industrial (I-1) zone. This is based on the recommendations of the Newtown Pike Extension Corridor Plan and is heavily focused on the Oliver Lewis Way area. He said that the staff is proposing the removal of the Industrial Mixed Use Project, because the previous Zoning Ordinance text amendments have made it functionally obsolete and will continue to do so. He said that many of the areas of the Newtown Pike Extension Corridor Plan have been filled in without this project designation.

Mr. Baillie said that the staff and the Zoning Committee are recommending approval of this text amendment. He thanked all of the individuals on staff and the members of the community that assisted with this application.

Commission Question – Mr. Wilson asked for clarification of why the staff chose to change the age of the building to 75 years old. Mr. Baillie said that after 1954, there was more economic activity with construction techniques and strategies changes from the brick and mortar to the steel clad and quick frame structures, which the staff would like to delineate that change and also allow some properties to age in to the project. He said that the 50 year old timespan is associated with the National Register of Historic Properties. He added that the National Registry of Historic Properties has been discussing changing their age of houses to 75 years old.

Mr. Nicol said that it needs to be stated officially, that a building 75 years old is historic, and not 50 years old. Mr. Baillie said that if the building is within a Historic District and has applied to the National Register of Historic Properties, they could still apply that to a building and is still allowable under that regulation. Mr. Nicol stated that he was concerned about them being inconsistent.

Mr. Wilson thanked the staff for the work on this text amendment.

Citizen Comment – There were no citizens present to speak to this application.

Motion – A motion was made by Mr. Wilson, seconded by Mr. Bell, and carried 8-0 (Barksdale, Forester, and Pohl absent) to approve PLN-ZOTA 21-00002: AMENDMENT TO ARTICLES 8-21 AND 8-22: ADAPTIVE REUSE, FLEX SPACE, AND INDUSTRIAL MIXED USE PROJECTS, for the reason provided by the staff.