

ORDINANCE NO. _____ - 2021

AN ORDINANCE AMENDING 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. (DIVISION OF PLANNING).

WHEREAS, the Lexington-Fayette Urban County Planning Commission considered and adopted text amendments to Articles 8-21 and 8-22 of the Zoning Ordinance to revise the Adaptive Reuse and Flex Space Projects and to remove the Industrial Mixed Use Projects. The Planning Commission did recommend approval of the staff alternative text by a vote of 8-0; and

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

WHEREAS, the recommendation 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 8-21 of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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 to promote revitalization of these buildings, and the flexible use of sites. 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. 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:
 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 one (1) of the following criteria:
 1. 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. 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 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. 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.
 - f. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
 - 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.
 - 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. Industrial Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
 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.

- a. 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. Principal uses in 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. 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. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
 - g. Conditional Uses:
 1. Drive-through facilities
 - h. Prohibited uses:
 1. All adult uses, as listed in Sections 8-16(e)(14 through 17).
 - i. Parking
 1. Dwelling Units – One (1) space for every two (2) units.
 2. 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.
 - j. Signage – Shall be as permitted under Article 17-7(o) for an MU-2 zone.
 - k. Lot and Yard Requirements - No minimum.
 - 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.

Section 2 – That Article 8-22 of the Lexington-Fayette Urban County Government

Zoning Ordinance is hereby amended as follows:

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 Adaptive Reuse Projects and Industrial Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone. 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. 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 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.

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. 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.

Section 3 - 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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