

## Recreational ZOTA ACRONYMS

A-N	Agricultural-Natural
ESA	Environmentally Sensitive
LCVB	Lexington Convention and Visitors Bureau
NAT	Natural Area
PDR	Purchase of Development Rights
RSALMP	Rural Service Area Land Management Plan
USB	Urban Service Boundary
ZOTA	Zoning Ordinance Text Amendment

ZONING ORDINANCE TEXT AMENDMENT (ZOTA) WORK GROUP  
*Final Report*

Origins and Background

There has been informal conversation among some Council Members and Division of Planning staff about the need for a coordinated, detailed study of the zoning ordinance with a goal of expanding recreational opportunities related to tourism. On February 21, 2012, Vice Mayor Linda Gorton created the Zoning Ordinance Text Amendment (ZOTA) Work Group relating to recreation.

Lexington's Zoning Ordinance, Chapter 20 of the Code of Ordinances, has never been revised specifically in regards to comprehensive changes to permitted recreational uses, county-wide.

The task force was comprised of:

Kevin Atkins	Chief Development Officer of the LFUCG
Todd Clark	Fayette County Farm Bureau
Philip DeSimone	Wineries
Linda Gorton	Vice Mayor
Gina Greathouse	(Kelly Cain) Commerce Lexington
Todd Johnson	Homebuilders Association of Lexington
Ed Lane	Council Member 12 <sup>th</sup> District
Jan Meyer	Board of Adjustment
Mike Owens	Planning Commission
Frank Penn	Planning Commission
Mary Quinn Ramer	Lexington Convention and Visitor's Bureau
Don Robinson (Chair)	Kentucky Thoroughbred Association and the Fayette Alliance
Ryan Sharp	Director of Adventure Programs, Eastern Kentucky University
Emma Tibbs	Fayette County Neighborhood Association
Billy Van Pelt	Purchase of Development Rights (PDR) Program

The task force held 20 meetings, from March 26, 2012 to December 17, 2012. Each meeting was scheduled for 90 minutes and open to the general public, with a 10 minute period reserved for public comment. Business was conducted by parliamentary procedure and all substantive decisions were made by motion and majority vote.

The task force's primary goal was to review the Zoning Ordinance in relation to recreational/tourism uses and to propose revisions.

### Goals

The Work Group adopted the following goals on April 9, 2012 by unanimous vote:

*To: Showcase Lexington-Fayette County as the Horse capital of the World by preserving and promoting its unique agricultural industries, environment, cultural landscape and historic resources.*

*Encourage agritourism opportunities that are incidental to the primary Agricultural use for signature Fayette County farmland,*

*Explore recreational and tourism opportunities that support the quality of life, Infrastructure, and environment of urban, neighborhood, and rural areas.*

Please refer to Tab 1 for the following documents, which add detail to the origins and background of the Work Group:

- 2-21-12 Vice Mayor's Memo Appointing Work Group
- 2-21-12 Press Release
- 2-29-12 Kentucky.com Article
- 4-9-12 Purpose and Goals adopted by Work Group
- 4-20-12 Vice Mayor's Memo Appointing Additional Work Group Member
- 8-30-12 ZOTA Work Group Interim Report to Council

### Work Process

Chris King, Director of the Division of Planning, and his staff, including Bill Sallee, Traci Wade, and Barbara Rackers, assisted throughout the process. The Law Department and GIS assisted as well. Bill Sallee briefed the Work Group on "The Basics of Zoning in Fayette County" and the Intent of each zone as expressed in the Zoning Ordinance. Staff provided inventories and maps identifying current recreational uses in every zone, inside and outside the Urban Service Boundary (USB). They also provided research on what types of recreational uses other communities allow by zones. The Planning staff then developed agritourism and ecotourism grids for every zone in Fayette County, which enabled the group to consider new uses and to work through its recommendations in a methodical manner. Definitions of each use will need to be crafted along with the changes to the zoning ordinance.

The Work Group discussed potential changes to allowable recreation uses in the context of:

- The Intent of each zone as reflected in the Zoning Ordinance (Tab 2)
- The Rural Service Area Land Management Plan (RSALMP), specifically Chapter III (“Recommended Land Use Plan Categories”), Sec B (“Natural Areas Category [NAT]”) and Chapter IV (“Special Plan Elements”), Sec B (“Rural Roadways”) (Tab 5)
- “Tourism Facts for Lexington 2011” Report by LCVB (Tab 8)
- Preston-Osborne “2011 Conversion Study Results” (Tab 8)  
This study showed the top two reasons for considering Lexington as a vacation destination in 2008 & 2011 were 1)Scenic beauty, and 2)Horse-related activities

### Subcommittees

During its work, the members decided to give special attention to two unique zones through subcommittee work: the B-1 zone outside the USB, and the Agricultural-Natural (A-N) zone. The subcommittees made recommendations to the full Work Group, approved and incorporated these into the final Work Group recommendations.

B-1 - Per the RSALMP, “.various pockets of non-agricultural zoning exists from Pre-Urban Service Area” time. (Tab 1)

A-N - An area on the zoning map is identified as A-N; however, currently there are no parcels zoned A-N, so all remain Agricultural-Rural (A-R). A-N uses would first need to be rezoned to A-N.

“Protection, preservation, and proper management of the environmentally sensitive areas are critical for the quality of life not only in the rural areas of the county, but our urban areas and the region as well.”

“Quite often, the special concerns of the ESA’s (Environmentally Sensitive Areas) are relatively overlooked in the rural area (in comparison to urban areas) due to low population density and lack of threat of development. However, the proper protection and enhancement of these areas is critical to the overall health of the local and regional environment.” (RSALMP Chapter IV, Sec A, page 2)

Short-term Vacation Rental- A separate ZOTA recommendation is included regarding Short-term Vacation Rentals (Tab 7).



**THE OFFICE OF LINDA GORTON, RN**  
VICE MAYOR  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

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**MEMORANDUM**

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TO: Mayor Jim Gray  
Council Members

FROM: *Linda Gorton*  
Linda Gorton  
Vice Mayor

CC: Stacey Maynard  
Council Administrator

DATE: February 21, 2012

SUBJECT: Zoning Ordinance Text Amendment (ZOTA) Work Group Appointments

The purpose of this memo is to appoint a Work Group to address issues which have been discussed and debated during the past few months regarding tourism in Fayette County. The Work Group will serve as an advisory body, representing key stakeholders and community interests. The purpose of the Work Group is to study the need for and develop recommendations for the Urban County Council and the Planning Commission concerning the preparation of amendments to the Zoning Ordinance of Lexington-Fayette Urban County, Kentucky, governing and regulating commercial and non-commercial recreational activities as they relate to tourism.

The Work Group will issue a report to the Vice Mayor and Council no later than 30 August 2012. My hope is that the Council will take the results of the Work Group and initiate a text amendment, sending it to the Planning Commission for their discussion and action.

I have attached the list of citizens who have agreed to serve on the ZOTA Work Group.

**THE OFFICE OF LINDA GORTON, RN**  
VICE MAYOR  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT



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MEMORANDUM

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TO: Council Members

FROM: *Linda Gorton*  
Linda Gorton  
Vice Mayor

DATE: April 20, 2012

I hereby confirm the appointment of Dr. Ryan Sharp, Director of Adventure Programs in Eastern Kentucky University's Campus Recreation Department, to the ZOTA Task Force effective immediately. Dr. Sharp's qualifications include a Masters Degree in Outdoor Recreation and a PhD in Natural Resources Management. He also served on the National Park Service Planning Committee in Denver, Colorado, focusing on outdoor recreation while preserving natural resources.

Purpose of ZOTA Work Group:

...to develop recommendations for LFUCG concerning the preparation of amendments to the Zoning Ordinance, governing and regulating commercial and non-commercial recreational activities as they relate to tourism.

Goals

The following land-use goals should be advanced to further cultural tourism; economic development; and public pride and enjoyment in Lexington-Fayette County and beyond:

- I. Showcase Lexington-Fayette County as the Horse Capital of the World by preserving and promoting its unique agricultural industries, environment, cultural landscape, and historic resources.
- II. Encourage agritourism opportunities that are incidental to the primary agricultural use of our signature Fayette County farmland.
- III. Explore recreational and tourism opportunities that support the quality of life, infrastructure, and environment of urban, neighborhood, and rural areas.

February 21, 2012

Contact: Jenifer Benningfield  
859-258-3828  
[Jbenningfield@lexingtonky.gov](mailto:Jbenningfield@lexingtonky.gov)

### Vice Mayor Gorton Appoints Zoning Ordinance Text Amendment Work Group

Vice Mayor Linda Gorton announced today the creation of a Zoning Ordinance Text Amendment Work Group to address issues regarding tourism in Fayette County.

“It is important for us to recognize our strengths, such as our strong agricultural farms and businesses in Fayette County. This Work Group will be a mechanism for proactive evaluation of our potential for recreational opportunities,” said Gorton.

The Work Group will serve as an advisory body and will represent key stakeholders and community interests. The Work Group will study the need for and develop recommendations for the Urban County Council and the Planning Commission concerning the preparation of amendments to the Zoning Ordinance of the Lexington-Fayette Urban County, Kentucky, which govern and regulate commercial and non-commercial recreational activities as they relate to tourism.

Don Robinson of the Kentucky Thoroughbred Association and the Fayette Alliance will Chair the Work Group. Robinson will issue a report to the Urban County Council no later than August 30<sup>th</sup>, 2012.

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NEWS, SPORTS AND ENTERTAINMENT  
FROM THE LEXINGTON HERALD-LEADER

## Task force right to look at zoning more recreation

12:00am on Feb 29, 2012; Modified: 1:39am on Feb 29, 2012

Fayette County has many unrealized opportunities and outdoor recreation is one of them.

Located in a temperate climate in the center of the country, with some of the most beautiful countryside in the world and bordered by a river, we should be attracting people from all over to come and play here.

When developer Burgess Carey recently proposed a canopy tour on Boone Creek in southern Fayette County it became apparent that our zoning laws simply don't address that type of project.

Vice Mayor Linda Gorton, seeing the opportunity and the problem, decided to form a work group to study this issue.

The group will develop a zoning proposal for including more recreational opportunities throughout the county while preserving landscape and agricultural use in the rural area and neighborhoods and urban functions in town.

It's an ambitious task but one that has the potential to serve our community, and its visitors well for decades to come. A clear, well-thought-out zoning approach to recreation will give developers like Carey more certainty about what the community requires in a project while also reassuring neighbors like those who expressed concern about aspects of his proposal that their concerns are addressed.

Gorton's 14-member group will begin work in the next couple of weeks with a goal of making a recommendation by the end of August.

There are no specific recreation advocates, such as runners, walkers, cyclists or water sports enthusiasts, Gorton said, because she was concerned about appearing to favor one activity or project over another.

Still, the group would benefit from a member who has experience and knowledge in the field of recreation.

This is an opportunity for those already on the frontlines of outdoor recreation in this area to join the process. All work group meetings will be open to the public and include opportunities for public input. Join the process and help Fayette County realize this opportunity.

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TO: Vice Mayor Linda Gorton  
Urban County Council Members

FROM: Don Robinson, Chair

SUBJECT: Zoning Ordinance Text Amendment (ZOTA) Work Group-Interim Report

DATE: August 30, 2012

On February 21, 2012, Vice Mayor Linda Gorton created the ZOTA Work Group, whose purpose is to study the need for and develop recommendations for the Urban County Council and the Planning Commission concerning the preparation of amendments to the Zoning Ordinance of Lexington-Fayette Urban County, Kentucky, governing and regulating commercial and non-commercial recreational activities as they relate to tourism.

The Work Group has met 13 times since February and has adopted the following goals:

*To: Showcase Lexington-Fayette County as the Horse Capital of the World by preserving and promoting its unique agricultural industries, environment, cultural landscape, and historic resources,*

*Encourage agritourism opportunities that are incidental to the primary Agricultural use of our signature Fayette County farmland,*

*Explore recreational and tourism opportunities that support the quality of life, infrastructure, and environment of urban, neighborhood, and rural areas.*

The following topics have been explored in depth:

Zoning Basics, including conditional uses & accessory uses

GIS maps, including discussion of the following:

rural area, PDR-protected lands, public lands, Rural

Settlements, Bed & Breakfasts, B-1 zoned areas in Rural Service Area,

Rural Activity Centers, National Historic Registered areas, Scenic Byways & Viewsheds

Agritourism – definition, matrix of uses

Ecotourism – definition, matrix of uses

Future meetings will involve discussions regarding issues such as commercial/non-commercial, Lexington Convention & Visitors Bureau data, definitions of uses & recommendations. Attached you will find a list of the Work Group members.

## **F. EXISTING NON-AGRICULTURAL ZONING IN THE RSA**

The RSA contains various pockets of non-agricultural zoning left over from the "Pre-Urban Service Area" era. The majority of this land is residentially zoned and associated with the rural settlements, which are discussed elsewhere in this report. Also, there are areas not zoned agricultural which are associated with Rural Activity Centers as defined in the Comprehensive Plan. However, there are certain locations where business zoning was established for businesses which no longer exist, or for which no business use was ever developed. Many of these sites have the potential for being developed in a manner incompatible with a program of rural preservation. It is recommended that most of the sites be zoned to A-R or another appropriate category unless the site is currently supporting a business which serves the rural area.

The following sites were identified through review of the zoning maps, and a windshield survey taken to ascertain the existence of commercial uses. The following is a list of these non-residential sites, their current zoning, and commentary as to existing uses and structures with recommendations for future rezoning consideration. A map depicting the sites appears as Figure 4-14.



*An abandoned store along Old Richmond Rd. near the Kentucky River.*

## B. RURAL ROADWAYS

### Overview

The rural road network provides the framework for land use in the RSA. The network serves the needs of the agricultural economy and links its residents to urban areas and adjoining counties. The narrow roadways with numerous small hills and curves are adequate for the slow moving agricultural vehicles that are often found in the rural area. Conflicts arise when non-agricultural traffic fails to respect the farmer's needs.

The rural roadways form the "window" through which the RSA is viewed and appreciated as a landscape. Proper planning for the RSA must take into account both the need for traffic management and viewshed management to protect and enhance the basic rural character of the rural road network. The primary objective should be to manage growth in the rural area so that only minimal road improvement is needed.

### Traffic Management

Traffic, in particular, roadway capacity, is clearly a significant factor to take into account as part of the Rural Service Area Land Management Plan. To a large degree, the rural character of Fayette County is dependent upon low volumes of traffic on the rural roadways. High traffic volumes can lead to safety concern which, in turn, can result in the public need or desire to improve roadways, oftentimes with a corresponding loss of scenic character.

The Siemon, Larsen & Marsh Tentative Draft Rural Landscape Management Plan (October 1996) expressed this concern in great detail, and advocated a travel shed analysis approach as an adjunct to approval of most types of rural development. However, that plan did not attempt to quantify the capacity of the rural roadways of Fayette County. Rather, it was assumed that traffic impact would be analyzed as a part of the development review process. The staff felt that it was preferable to attempt to develop this information as a part of the *planning* phase of the rural plan rather than at the *regulatory* phase. In that way, the limitations of the rural road network can be taken into account in determining the appropriate levels of on-site development in the rural service area. If additional traffic limitations are needed at the regulatory implementation phase, base data will exist to guide decision-making on the specific development proposal.

The Transportation Planning Section developed rural road capacity principles utilizing recognized sources for determining roadway capacity. Factors influencing the capacity included such features as terrain, percent of no passing zones, percent of truck traffic, peak volumes, design speed, lane and shoulder width, and other factors. Field measurements and observations were utilized as a part of the process. Due to time limitations, this analysis was targeted to the areas of the county where the information would be most beneficial to policy decisions. That information was presented in the Rural Service Area Land Management Report #2 (Division of Planning, February 1998).