

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT**

**ZOTA 2013-2: HOSPICE FACILITIES IN THE ECONOMIC DEVELOPMENT (ED) ZONE**

INITIATED BY: Urban County Council

PROPOSED TEXT: Underlined text indicates an addition to the current Zoning Ordinance.

**ARTICLE 1-11: DEFINITIONS**

HOSPICE – A facility which provides support and care for persons in the last stage of an incurable disease or condition, and to their families. Overnight, in-patient and out-patient facilities may be included, as well as offices, storage, and an associated pharmacy. Medical care, palliative care, counseling and education may be provided.

**ARTICLE 23A: EXPANSION AREA ZONING CATEGORIES AND RESTRICTIONS**

**23A-10 ECONOMIC DEVELOPMENT (ED) ZONE**

**23A-10(b) PRINCIPAL USES**

3. Medical and dental offices, clinics and laboratories, and hospices.

**23A-10 (i)**

Hospices – One (1) space for every four (4) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

**STAFF REVIEW:**

Hospice of the Bluegrass has filed a petition for a Zoning Ordinance text amendment in order to define “hospice;” add hospice facilities as a principal permitted use, and regulate parking for such uses in the Economic Development (ED) zone, a zoning category only permitted in the designated Expansion Area of Lexington-Fayette County.

The Expansion Area Master Plan, an adopted element of both the 2001 and 2007 Comprehensive Plans, was intended to establish a new approach to development coordination and regulations than had previously been used in the Urban Service Area. Specifically, the Plan encourages new development within the Expansion Area to function as a “community” with a mix of uses, housing types and land for economic development and community facilities. At the time it was adopted, it also created seven new land use categories, including the ED category. Following that community-wide planning effort, the Zoning Ordinance was amended to create comparable zoning categories that would only be utilized in the Expansion Areas, including the ED zone.

Hospice of the Bluegrass currently operates within a hospital setting, providing medical and palliative care to persons who are in the final stages of life, as well as offices and pharmacy services, all being coordinated locally from St. Joseph Hospital. Hospice of the Bluegrass also tends to individuals in their private residences, if desired. Now the petitioner wishes to construct a stand-alone facility to better serve their clients and families, and has found an available site within the ED zone.

The ED zone currently permits medical clinics; however, by definition, they cannot provide overnight, in-patient care, as is necessary for a hospice facility. The ED zone also permits a regional medical campus, consisting of an integrated complex of medical service providers and related support facilities on at least 50 acres; but the special provisions of the ED zone require a 1,000-foot distance between the use and the Urban Service Area boundary.

Unfortunately, a hospice facility does not fit within that land use concept either, nor could it meet the spacing requirement of the Ordinance based on their desired location, for which they already have tendered a final development plan for consideration. These circumstances have led Hospice of the Bluegrass to request this text amendment.

The intent of the ED zone, as stated in Article 23A-10 of the Zoning Ordinance, is to “provide land within the Expansion Area for employment opportunities compatible with the overall character of development as provided in the Expansion Area Master Plan.” A hospice facility is similar in nature to a hospital and has historically been permitted as part of a hospital use, but a hospice care facility is more similar in scale to a medical clinic or office building; therefore, the staff believes it is an appropriate use for the ED zone and meets the intent of the zone.

The proposed definition of “hospice” is acceptable to the staff, although the proposed parking generator appears to be inadequate for the use. The applicant suggests that a ratio of one parking space for every four beds, plus one space for each employee on the maximum shift would suffice. By comparison, hospitals are currently required by the Zoning Ordinance to provide one space for every three beds, plus one place for each employee on the maximum shift. Due to the palliative care a hospice provides, the staff would expect that the number of visitors per patient would tend to be greater than for a hospital use. For this reason, the staff suggests a parking ratio of one space per two beds be required for this new use, plus one parking space for each employee on the maximum shift.

Additionally, the staff suggests adding “hospices” to the list of principal uses that are permitted to have accessory pharmacies in the ED zone. Typical retail uses are strictly prohibited in the ED zone; and even as an accessory use, a pharmacy should be treated similarly for all medical-related uses. The addition of “hospices” to accessory use #10 in the ED zone will clarify that any hospice pharmacy is limited in its location on the site, signage, and public entrances.

Staff Alternative Text (all other changes remain the same):

**23A-10(c) ACCESSORY USES**

10. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies with a drive-through window, provided it meets the following conditions:
  - a) Establishments limited to the filling of prescriptions shall be located in a building, the primary use of which is for medical uses; including, but not limited to, hospitals; in-patient treatment facilities; **hospices**; outpatient facilities; surgery centers; medical and dental offices, clinics or laboratories.
  - b) Establishments principally used for the retail sale of pharmaceutical and medical supplies shall be internally oriented to the site (e.g., not located on adjoining arterial streets).
  - c) It shall have no more than one public entrance and one service entrance directly to the outside of the building.
  - d) Signage for such establishments may be directly, indirectly or internally illuminated; there shall be no more than one (1) wall-mounted business sign per such establishment, not to exceed thirty-two (32) square feet in area; and no more than one (1) free standing monument type business sign, eight (8) feet in height, with a maximum size of thirty-two (32) square feet.

**23A-10 (i)**

Hospices – One (1) space for every ~~four (4)~~ **two (2)** beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

The Staff Recommends: **Approval**, for the following reason:

1. The text amendment to define a “hospice,” create a parking generator and permit the use in the ED zone will expand the opportunities for employment in this area of the Expansion Area.
2. A hospice facility is similar in nature to medical clinics and hospitals, which are currently principal permitted uses in the ED zone; therefore, this is a timely update to the Zoning Ordinance to add such a use in the ED zone.