

ORDINANCE NO. 020 - 2023

AN ORDINANCE AMENDING ARTICLES 1-4, 8-5(a), 8-9(a), 8-10(a), 8-11(a), 8-12(a), 8-13(a), 8-14(a), 8-15(a), 8-16(a), 8-17(a), 8-18(a), 8-19(a), 8-20(a), 8-21(a), 8-22(a), 8-23(a), 8-24(a), 10-1, 11-1, 22-1, 22A-1, 22B-1, 23A-5(a), 23A-6(a), 23A-7(a), 23A-8(a), 23A-9(a) and 23A-10(a) OF THE ZONING ORDINANCE TO UPDATE THE INTENT STATEMENT FOR VARIOUS ZONING CATEGORIES TO MORE CLEARLY ALIGN WITH THE ADOPTED COMPREHENSIVE PLAN. (URBAN COUNTY PLANNING COMMISSION).

WHEREAS, the Lexington-Fayette Urban County Planning Commission considered and adopted text amendments to Articles 1-4, 8-5(a), 8-9(a), 8-10(a), 8-11(a), 8-12(a), 8-13(a), 8-14(a), 8-15(a), 8-16(a), 8-17(a), 8-18(a), 8-19(a), 8-20(a), 8-21(a), 8-22(a), 8-23(a), 8-24(a), 10-1, 11-1, 22-1, 22A-1, 22B-1, 23A-5(a), 23A-6(a), 23A-7(a), 23A-8(a), 23A-9(a), 23A-10(a) of the Zoning Ordinance to update the intent statement for various zoning categories to more clearly align with the adopted Comprehensive Plan. The Planning Commission did recommend approval by a vote of 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission and further desires to amend Article 1-4; 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 1-4 of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

ARTICLE 1-4. INTERPRETATION

In the interpretation and application of this Zoning Ordinance, the provisions herein shall be held to be the minimum or maximum requirements (as appropriate) adopted for the promotion of health, safety, morals, comfort, prosperity and general welfare. It is not intended by this Zoning Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law, ordinance or resolution, or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or with any private restrictions placed upon property by covenant, deed or recorded plat; provided, however, where this Zoning Ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires greater lot areas, larger yards, or other open spaces than are imposed or required by such existing provisions of law, ordinance or resolution, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Zoning Ordinance shall control.

The intent section preceding each zoning category is to clarify the application of the Comprehensive Plan during the establishment of the zone and provide additional guidance for consideration. Such intent sections are neither exhaustive nor preclusive of any specific provision in each zoning category.

Section 2 - That Article 8-5(a) of the Lexington-Fayette Urban County Government

Zoning Ordinance is hereby amended as follows:

ARTICLE 8-5. SINGLE FAMILY RESIDENTIAL (R-1A) ZONE

8-5(a)-INTENT - The intent of this zone is to provide for low density, single family detached residences and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 3 – That Article 8-9(a) of the Lexington-Fayette Urban County Government

Zoning Ordinance is hereby amended as follows:

ARTICLE 8-9: SINGLE FAMILY RESIDENTIAL (R-1E) ZONE

8-9(a)-INTENT - The intent of this zone is to provide for low density, single family detached residences and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone may be used for zero-lot-line houses, patio houses, and other compact housing types. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 4 – That Article 8-10(a) of the Lexington-Fayette-Urban County

Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-10. TOWNHOUSE RESIDENTIAL (R-1T) ZONE

8-10(a)-INTENT - The intent of this zone is to provide for low density, single family residences, emphasizing the incorporation of attached single family dwellings (townhomes) and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. Attached single family dwellings should be located along road frontage and should not adversely impact the associated pedestrian system. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 5 – That Article 8-11(a) of the Lexington-Fayette Urban County

Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-11. MIXED LOW DENSITY RESIDENTIAL (R-2) ZONE

8-11(a)-INTENT - The intent of this zone is to provide for a mix of low density residential development and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan. This zone may be used for zero-lot-line houses, patio houses, and other compact housing types.

Section 6 – That Article 8-12(a) of the Lexington-Fayette Urban County

Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-12. PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE

8-12(a)-INTENT - The intent of this zone is to provide for medium density mixed residential development, including multi-family dwellings, group residential housing, compact housing types, attached and detached single family dwellings, and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should provide a variety of housing options rather than a single type. The medium density residential uses

should be located along local and collector streets, with lower density residential uses located along local streets. Adequate multi-modal connections should be available to all residents, so to allow for long term viability and incremental growth. Low and Medium density residential land uses should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 7 – That Article 8-13(a) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-13. MEDIUM DENSITY RESIDENTIAL (R-4) ZONE

8-13(a)-INTENT - The intent of this zone is to provide for medium to medium-high density multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. The medium to medium-high density residential uses should be located along collector and arterial streets. Where lower density development occurs in this zone, it should be located along local streets. Adequate multi-modal connections should be available to all residents. Development should be in areas of the community where necessary services and facilities will be adequate to serve the anticipated population. Medium to medium-high density multi-family dwellings should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 8 – That Article 8-14(a) of the Lexington-Fayette Urban County

Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-14: HIGH DENSITY RESIDENTIAL (R-5) ZONE

8-14(a)-INTENT - The intent of this zone is to provide for high density multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. The high density residential uses should be located along collector and arterial streets. Adequate multi-modal connections should be available to all residents. Development should be in areas of the community where necessary services and facilities will be adequate to serve the anticipated population. High density multi-family dwellings should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 9 – That Article 8-15(a) of the Lexington-Fayette Urban County

Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-15. PROFESSIONAL OFFICE (P-1) ZONE

8-15(a)-INTENT - The intent of this zone is to provide for offices and related professional uses. Retail sales are prohibited, except where directly related to office functions. Consideration should be given to the relationship of this zone to the surrounding land uses, the established built context, and the adequacy of the street system to serve the anticipated traffic needs. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 10 – That Article 8-16(a) of the Lexington-Fayette Urban County

Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-16. NEIGHBORHOOD BUSINESS (B-1) ZONE

8-16(a)-INTENT - The intent of this zone is to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be oriented to support and enhance a residential neighborhood. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 11 – That Article 8-17(a) of the Lexington-Fayette Urban County

Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-17. DOWNTOWN BUSINESS (B-2) ZONE

8-17(a)-INTENT - The intent of this zone is to accommodate existing and future development in the downtown core area. The zone is a specialized district for the location of high density residential and high intensity commercial and mixed-use developments. This zone recognizes the downtown core as the focal point of business, recreation, and transportation facilities and activities for Lexington. Development within this zone should coordinate with adopted plans and studies, including corridor studies and streetscape plans. This zone should be located and developed within the Downtown Place-Type and should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 12 – That Article 8-18(a) of the Lexington-Fayette Urban County

Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-18. DOWNTOWN FRAME BUSINESS (B-2A) ZONE

8-18(a)-INTENT - The intent of this zone is to accommodate existing and proposed development in the transitional "frame," which surrounds the downtown core area, by providing for comparable and compatible uses while anticipating the future expansion of the downtown core area. Development within this zone should coordinate with adopted plans and studies, including corridor studies and streetscape plans. This zone should be located and developed within the Downtown Place-Type and should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 13 – That Article 8-19(a) of the Lexington-Fayette Urban County

Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-19. LEXINGTON CENTER BUSINESS (B-2B) ZONE

8-19(a)-INTENT - The intent of this zone is to ensure compatible land uses, the preservation of existing attractions compatible with the Lexington Center, and the encouragement of new uses necessary to the proper development of the downtown area. The permitted land uses in the zone should have a logical relation to the Lexington Center and to the downtown core, should promote tourism, should promote the economic health of the community, should provide for an aesthetically pleasing environment, and should prevent the creation of influences adverse to the prospering of the Lexington Center and the downtown area. Development within this zone should coordinate with adopted plans and studies, including corridor studies and streetscape plans. This zone should be located and developed within the Downtown Place-Type and should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 14 – That Article 8-20(a) of the Lexington-Fayette Urban County

Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-20. HIGHWAY SERVICE BUSINESS (B-3) ZONE

8-20(a)-INTENT - The intent of this zone is to provide for retail and commercial uses, which are necessary to the economic vitality of the community but may be inappropriate in the more neighborhood oriented zones. Development in this zone should front on an arterial or major collector roadway and should serve the needs of the broader Lexington community. Consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs. Developments should avoid nuisance impacts of light, air, and sound that may be caused on adjacent neighborhoods. Where necessary, developments should include service

roads to reduce the impact on highway movement, while also providing appropriate frontage to meet the needs of businesses. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 15 – That Article 8-21(a) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-21. WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE

8-21(a)-INTENT - The intent of this zone is to provide for wholesaling, warehousing, storage operations and establishments whose activity is of the same general character as the above. Establishments within this zone should focus on supportive uses to both industrial and residential needs and should act as a buffer between more intense and less intense land uses. To a lesser extent and where applicable, this zone is also intended to provide for the mixture of uses that promotes the adaptive reuse and redevelopment of older structures. The reuse of older structures is intended to allow for a more sustainable option for the revitalization of applicable properties, while providing employment, residential, and/or entertainment opportunities for the surrounding neighborhoods. 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. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 16 – That Article 8-22(a) of the Lexington-Fayette Urban County government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-22. LIGHT INDUSTRIAL (I-1) ZONE

8-22(a)-INTENT - The intent of this zone is to provide appropriately located manufacturing, industrial, and related uses. The zone is intended to bolster Lexington's economy through diverse employment opportunities for the Bluegrass Region. The uses allowable within this zone involve low-impact manufacturing, industrial, and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. To a lesser extent and where applicable, this zone is also intended to provide for the mixture of uses that promotes the adaptive reuse and redevelopment of older structures. The reuse of older structures is intended to allow for a more sustainable option for the revitalization of applicable properties, while providing employment, residential, and/or entertainment opportunities for the surrounding neighborhoods. Adequate buffering and separation from lower intensity land uses is necessary. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 17 – That Article 8-23(a) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-23. HEAVY INDUSTRIAL (I-2) ZONE

8-23(a)-INTENT - The intent of this zone is to provide appropriately located manufacturing, industrial, and related uses. The zone is intended to bolster Lexington's economy through diverse employment opportunities for the Bluegrass Region. The uses allowable within this zone involve potential nuisance factors, which necessitates adequate buffering and separation from lower intensity land uses. To a lesser extent and where applicable, this zone is also intended to provide for the mixture of uses that promotes the adaptive reuse and redevelopment of older structures. The reuse of older structures is intended to allow for a more sustainable option for the revitalization of applicable properties, while providing employment, residential, and/or entertainment opportunities for the surrounding neighborhoods. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 18 – That Article 8-24(a) of the Lexington-Fayette Urban County

Government Zoning Ordinance is hereby amended as follows:

ARTICLE 8-24. UNIVERSITY RESEARCH CAMPUS (P-2) ZONE

8-24(a)-INTENT – The intent of this zone is to provide for a mixture of compatible office, and research uses in a campus setting that adheres to high quality standards. Residential, retail, and hotel/motel uses are intended to be supportive uses for the organizations located on the research campus. The establishment and implementation of the zone should be conducted in accordance with all adopted master plans and the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 19 – That Article 10-1 of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

ARTICLE 10 Mobile Home Park (M-1P) Zone

10-1 INTENT – The intent of this zone is to ensure that mobile home parks are located in residential areas near major traffic corridors, and are context sensitive to surrounding land uses. The development of such parks should include planned open space and pedestrian circulation. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 20 – That Article 11-1 of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

ARTICLE 11 INTERCHANGE SERVICE BUSINESS (B-5P) ZONE

11-1 INTENT - The intent of this zone is to permit the establishment of limited commercial facilities which should be located at limited access highway interchange areas so that the traveling public is conveniently provided with transient type services without endangering the movement along, as well as access to and from, the limited access highway. The standards contained in this Article are intended to provide adequate protection for, and consideration of, the traveling public. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 21 – That Article 22-1 of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

ARTICLE 22 Planned Unit Development (PUD) Zones

22-1 INTENT – The intent of this zone is to establish zones that encourage innovative design which may not be accomplished using traditional zoning practices. Certain customary restrictions may not be necessary, or may be altered based on the size and scale of the project. Customary standards are to be relaxed in these zones; therefore, close government scrutiny will be necessary to ensure that the overall standards for the health, safety, and welfare of the community will be maintained. These zones also promote the use of qualified professionals. It is further intended that the Planned Unit Development zones promote context sensitive development in accordance with the Goals, Objectives, Policies and Development Criteria of the Comprehensive Plan.

Section 22 – That Article 22A-1 of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

APPENDIX 22A. Residential Planned Unit Development (PUD-1) Zone

22A-1 INTENT – The intent of this zone is to encourage unified design and development of large tracts of land in the new growth areas of Lexington-Fayette County. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

Section 23 – That Article 22B-1 of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

APPENDIX 22B. Luigart Planned Unit Development (PUD-2) Zone

22B-1 INTENT – The intent of the Luigart Planned Unit Development (PUD-2) zone is to implement the recommendations of the 2009 Central Sector Small Area Plan and the 2011 North Limestone Sustainability Plan. The establishment of the zone should promote the innovative reuse and redevelopment of an older, mixed-use neighborhood in the urban core of Lexington-Fayette County in accordance with the Goals, Objectives, Policies and Development Criteria of the Comprehensive Plan.

Section 24 – That Article 23A-5(a) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

ARTICLE 23A-5. EXPANSION AREA RESIDENTIAL 1 (EAR-1) ZONE

23A-5(a) INTENT - This zone is intended to provide a mixture of low density residential uses which will serve as a transition between the more intensely developed land uses and the Rural Service Area. Development in the EAR-1 zone shall comply with the Community Design Element of the Expansion Area Master Plan. The zone should be established in accordance with the Goals, Objectives, Policies and Development Criteria in the Comprehensive Plan.

Section 25 – That Article 23A-6(a) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

ARTICLE 23A-6. EXPANSION AREA RESIDENTIAL 2 (EAR-2) ZONE

23A-6(a) INTENT - The intent of the Expansion Area Residential 2 zone is to provide a mixture of residential uses and housing types, to allow density transfer from areas which should not be developed, and to provide for well-designed neighborhoods. Development in the EAR-2 Zone shall comply with the Community Design Element of the Expansion Area Master Plan. The zone should be established in accordance with the Goals, Objectives, Policies and Development Criteria in the Comprehensive Plan.

Section 26 – That Article 23A-7(a) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

ARTICLE 23A-7. EXPANSION AREA RESIDENTIAL 3 (EAR-3) ZONE

23A-7(a) INTENT - The intent of the Expansion Area Residential 3 Zone is to provide a mixture of residential uses and housing types at a higher density than the other Expansion Area Residential zones, to allow density transfer from areas that should not be developed and to provide for well-designed neighborhoods. Development in the EAR-3 Zone shall comply with the Community Design Element of the Expansion Area Master Plan. The zone should be established in accordance with the Goals, Objectives, Policies and Development Criteria in the Comprehensive Plan.

Section 27 – That Article 23A-8(a) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

ARTICLE 23A-8. TRANSITION AREA (TA) ZONE

23A-8(a) INTENT - The intent of the Transition Area zone is to create an overlay district to be used in conjunction with an EAR zoning category to allow for the development of residential uses and civic, cultural, religious, and educational institutions on lands which are located immediately adjacent to Community Center zones. Development in the TA Zone shall comply with the Community Design Element of the Expansion Area Master Plan. The zone should be established in accordance with the Goals, Objectives, Policies and Development Criteria in the Comprehensive Plan.

Section 28 – That Article 23A-9(a) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

ARTICLE 23A-9. COMMUNITY CENTER (CC) ZONE

23A-9(a) INTENT -The intent of this zone is to implement the Community Center land use designation in the Expansion Area Master Plan by providing a mixture of residential uses and non-residential uses which serve the needs of the surrounding residential neighborhoods. Development in the CC Zone shall comply with the Community Design Element of the Expansion Area Master Plan. The zone should be established in accordance with the Goals, Objectives, Policies and Development Criteria in the Comprehensive Plan.

Section 29 – That Article 23A-10(a) of the Lexington-Fayette Urban County government Zoning Ordinance is hereby amended as follows:

ARTICLE 23A-10. ECONOMIC DEVELOPMENT (ED) ZONE

23A-10(a) INTENT - The purpose of the Economic Development zone 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. Development in the ED Zone shall comply with the Community Design Element of the Expansion Area Master Plan. The zone should be established in accordance with the Goals, Objectives, Policies and Development Criteria in the Comprehensive Plan.

Section 30 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 9, 2023



MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: March 16, 2023-1t
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