

ORDINANCE NO. 142-2013

AN ORDINANCE AMENDING ARTICLE 8 OF THE ZONING ORDINANCE TO CREATE A "FLEX SPACE PROJECT" IN THE WHOLESALE AND WAREHOUSE BUSINESS (B-4) AND LIGHT INDUSTRIAL (I-1) ZONES. (URBAN COUNTY PLANNING COMMISSION).

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered text amendments to Article 8 of the Zoning Ordinance to create a "flex space project" in the Wholesale and Warehouse Business (B-4) and Light Industrial (I-1) zones; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on October 24, 2013; and

WHEREAS, the Planning Commission did recommend APPROVAL of the staff alternative text amendment by a vote of 7-0; and

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

WHEREAS, the recommendation form 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 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

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

8-21(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 building, as recommended for the Office/Warehouse land use category in the Comprehensive Plan. This zone is also intended to encourage the adaptive reuse of older structures in or adjoining the Infill and Redevelopment Area to promote

revitalization of these buildings, and the flexible use of sites outside of the Infill and Redevelopment Area. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs.

8-21(b) Principal Uses

26. Flex Space Project, as further regulated in 8-21(o)5.

8-21(o) Special Provisions:

5. Flex Space Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
  - a. The site must be located outside of the defined Infill and Redevelopment Area.
  - b. Principal uses in Flex Space Projects shall include:
    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.
    3. Churches and private clubs.
    4. Establishments for the retail sale of merchandise, food and food products, if under 20,000 square feet in area.
    5. Restaurants, if under 4,000 square feet in area.
    6. Offices.
    7. Health clubs, athletic clubs and spas.
  - c. Accessory uses that are clearly incidental and subordinate to the principal uses.
  - d. Conditional uses:
    1. Drive-through facilities.
  - e. Prohibited uses:
    1. All adult uses, as listed in Section 8-16(e)(14 through 17).
  - f. Parking.
    1. Restaurants. As set forth in the B-1 zone.
    2. All other uses, one space per 600 square feet.
  - g. Signage, lot, yard and height requirements shall be as set forth in the underlying zone.
  - h. The Planning Commission shall, with the approval of any development plan, consider the following locational and compatibility factors:
    1. A Flex Space Project shall generally not be located on a major arterial. (If the Project is located on a major arterial, the applicant shall address whether additional parking needs to be provided to accommodate "impulse" customers).
    2. The Project shall generally be located in an area of mixed uses and zones.
    3. The Project shall generally be located in an area that has historically had a mixture of retail and wholesaling land uses.
    4. The Project shall generally be located in a B-4 or I-1 area in which, due to small lot size, adjacent uses, or the nature of the roadway system, it would not be

