

AN ORDINANCE AMENDING ARTICLE 22 OF THE ZONING ORDINANCE TO ESTABLISH THE LUIGART PLANNED UNIT DEVELOPMENT-2 (PUD-2) ZONE IN A NEW APPENDIX 22B. (URBAN COUNTY PLANNING COMMISSION).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered text amendments to Article 22 of the Zoning Ordinance to establish the Luigart Planned Unit Development-2 (PUD-2) zone in a new Appendix 22B zone; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on October 23, 2014; and

WHEREAS, the Planning Commission did recommend APPROVAL of the text amendment by a vote of 10-0; 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 22 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

APPENDIX 22B

LUIGART PLANNED UNIT DEVELOPMENT (PUD-2) ZONE

22B-1 INTENT - The intent of the Luigart Planned Unit Development (PUD-2) is to:

1. Implement the recommendations of the 2009 Central Sector Small Area Plan and the 2011 North Limestone Sustainability Plan.
2. Promote the innovative reuse and redevelopment of an older, mixed-use neighborhood in the urban core of Lexington-Fayette County, which is consistent with the Goals and Objectives of the Comprehensive Plan.

This Planned Unit Development zone is established to support infill and redevelopment that maintains neighborhood character, preserves housing affordability and strengthens opportunities for new applied arts and skilled crafts businesses and jobs, which are vital to the 21st century economy of Lexington-Fayette County. Live/Work districts such as this Planned Unit Development zone provide a desirable housing option to creative professionals and a benefit to the surrounding community when located so as to be compatible with existing uses. The Planned Unit Development-2 (PUD-2) is hereby created to accompany lands located between North Limestone Street (to the west), Maple Street (to the east), the R.J. Corman Rail Line (to the north) and West Seventh Street (to the south); and the regulations hereunder shall be established in addition to the applicable regulations contained in this Zoning Ordinance. Where there are conflicts between the regulations hereunder, and those contained elsewhere in the Zoning Ordinance, the use, dimensions and other requirements hereunder shall apply.

22B-2 RELATIONSHIP TO THE COMPREHENSIVE PLAN - This PUD-2 zone is based

upon furthering the goals, objectives and land use policies of the 2013 Comprehensive Plan for the Lexington-Fayette Urban County Government (LFUCG) (including the 2009 Central Sector Small Area Plan) and the 2011 North Limestone Sustainability Plan.

22B-3 DEFINITIONS – As used in this article, the following terms shall have the meaning given herein, otherwise definitions of Article 1 shall apply:

1. Live/Work Space - A dwelling unit that is also used for non-residential uses permitted herein such as, but not limited to, the production, showing and sale of art; both visual and performing arts; office uses; and related uses.
2. Artist Studio – A studio working in all art forms, including, but not limited to, painters; sculptors; authors; screenwriters; playwrights; filmmakers; dancers; potters; weavers; jewelers; exhibitors; printers; costumers; musicians; and photographers.
3. Artisan Food and Beverage Production - On-site production of food and beverage products, involving small batch processing. Typical uses include, but are not limited to, coffee roasting; ice cream; bakery; candy, and other foodstuffs; and alcoholic beverage manufacturing. This may include on-site sales and consumption.
4. Artisan Manufacturing - On-site production of goods by hand manufacturing, involving the use of hand tools and small scale, light mechanical equipment. Typical uses include, but are not limited to, wood working; ceramic studios; jewelry manufacturing; and uses that have no negative external impacts on surrounding properties. Welding is also permitted.
5. Digital Makerspace – A facility for digital design and fabrication utilizing hardware and software tools.
6. Urban Agriculture - The production and distribution, including on-site sales, in an urban neighborhood of agricultural or horticultural crops, including, but not limited to, poultry; poultry products; grain; hay; pastures; soybeans; timber; orchard fruits; vegetables; flowers or ornamental plants. This use does not include livestock or livestock products.
7. Visiting Artist Housing – A dwelling unit or living quarters made available for visiting artists that may be rented or occupied for less than one week at a time. A maximum of one such housing unit shall be permitted per lot.
8. Accessory Dwelling Unit (ADU) - A separate and complete dwelling unit that is contained on the same lot as the structure of a single-family dwelling or business. Such a dwelling unit shall be clearly incidental and subordinate to the principal use of the lot.

22B-4 MINIMUM SITE LOCATION - Application for a map amendment request to a PUD-2 zone shall be made only on property that meets the following criteria:

22B-4(a) LOCATION - The property must be entirely or substantially located within an area between North Limestone Street (to the west), Maple Street (to the east), the R.J. Corman Rail Line (to the north) and West Seventh Street (to the south);

22B-5 PERMITTED USES - The following uses shall be permitted in the PUD-2 zone. All uses other than those specifically listed as permitted uses or substantially similar to the permitted uses shall be prohibited.

22B-5(a) PRINCIPAL PERMITTED USES

1. Live/Work Space.
2. Dwelling Units.
3. Artist Studio.
4. Artisan Food and Beverage Production.
5. Artisan Manufacturing.
6. Digital Makerspace.
7. Urban Agriculture.
8. Visiting Artist Housing.
9. Libraries, museums, art galleries and reading rooms.
10. Community Centers, churches and Sunday schools.
11. Indoor theaters.
12. Tattoo Parlors.
13. Shoe repair, clothing alterations and tailoring services.
14. Beauty shops and barber shops.
15. Radio and television studios.
16. Banks and financial institutions, without drive-through facilities.
17. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations.
18. Establishments for the retail sale of food products.
19. Establishments for the retail sale of merchandise as permitted in the B-1 zone, unless prohibited by Section 22B-5(d).
20. Common use open space and recreational areas.

22B-5(b) ACCESSORY USES - The following uses are permitted when incidental and subordinate to principal permitted uses:

1. Private garages, off-street parking areas, and storage sheds only if accessory to a principally permitted use which does not contain a principal structure, such as, but not limited to, an Urban Agriculture use.
2. Swimming pools, tennis courts, clubhouses and other private or common use open space and recreational areas.
3. Private, non-commercial parks and open space.
4. A ground mounted satellite dish antenna, as regulated by Article 15-8.
5. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the property shall not exceed six (6).
6. One or two pool or billiard tables within an establishment.
7. Sale of finished products related or incidental to the principal use.
8. Accessory dwelling units.
9. Temporary structures designed for use or occupancy for up to 60 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.
10. Sidewalk cafes, when accessory to any permitted restaurant.

22B-5(c) CONDITIONAL USES – (Permitted only with Board of Adjustment approval.)

1. Parking areas.
2. Family child care for seven (7) and not more than twelve (12) children. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
3. Restaurants and brew-pubs, except as prohibited under Sections 8-16(e)(14) and (15). This does not include drive-in restaurants.
4. The sale of malt beverages, wine or alcoholic beverages, when accessory to a restaurant permitted herein.
5. Indoor or outdoor live entertainment and/or dancing, when accessory to a restaurant or brew-pub. Indoor uses shall be sound-proofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood. The Board may also impose time and other restrictions to minimize nuisance to the surrounding neighborhood.
6. Cocktail lounges or nightclubs unless prohibited under Section 8-16(e)(14) and (15).
7. Temporary structures designed for use or occupancy for 61-180 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.
8. Retail sales not otherwise permitted herein.
9. Private clubs or banquet facilities.
10. Kindergartens, nursery schools, day nurseries and child care centers for four (4) or more children. For any lot or property which will also be used for residential purposes, no more than twelve (12) children shall be permitted. All kindergartens, nursery schools, day nurseries, and child care centers shall provide a fenced outdoor play area which shall contain not less than twenty-five (25) square feet per child.

22B-5(d) 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. Drive-through facilities.
2. Beer, liquor, and wine stores.
3. General contractors, such as plumbing; heating; carpentry and cabinet shops; masonry; plastering; electrical; tile and terrazzo work; electroplating; drilling; excavating; wrecking; construction; and paving. This is not intended to prohibit the administrative office of such.

22B-6 DESIGN STANDARDS – The following design standards and criteria shall be applicable in the PUD-2 zone. All new structures and alterations or additions to existing structures shall be constructed to a height, scale, proportion and gross volume compatible with the existing structures that are within two hundred (200) feet or are substantially related to them visually. The existing rhythm created by existing building masses and spaces between them should be preserved.

The following table shall establish what standards and what process is required for each project or parcel. If all of the standards of Column A can be met by the applicant and/r property owner, then no development plan shall be required. If any one or more of the standards in Column A can not be met by the applicant and/or property owner, then the standards established in Column B shall apply and a development plan shall be required to be filed for consideration by Planning Commission, or by the Division of Planning staff

under the provisions of Article 21-7, herein.

	Column A	Column B
	Without Development Plan Approval	With Development Plan Approval
Lot Coverage	50%	100%
Maximum Vehicular Use Area (VUA) Coverage	30%	50%
Building Height	Average of Principal Structures on Immediately Adjoining Lots	75 Ft.
Lot Size	Max: 7,500 Sq. Ft.	No Maximum
Floor Area Ratio (FAR)	0.5	2.0
Yards		
Front	Min: 7 Ft.	No Minimum
	Max: 20 Ft.	Max: 20 Ft.
Side	No Minimum	No Minimum
Rear	No Minimum	No Minimum
Side Street Side	1/2 the established Front Yard	
Open Space	None Required	
Signage	As Permitted in 17-7(o)	

22B-6(a) OFF-STREET PARKING – No off-street parking shall be required except for where the Planning Commission or Board of Adjustment may establish off-street parking requirements, as needed.

22B-6(b) VARIANCES – Requests for variances to the dimensional requirements of Article 22B will only be considered for the standards established above in Column B.

22B-7 REVIEW PROCEDURES - All applications for a PUD-2 shall be reviewed under the following procedure.

22B-7(a) AUTHORIZATION TO PREPARE REQUIRED MATERIALS - In order to ensure that the Planned Unit Development Plan has been prepared in a professional manner using a multi-discipline approach, it shall be certified by an architect registered to practice in the State of Kentucky and one or more of the following professionals:

- (1) An urban planner who is a full member of AICP.
- (2) A landscape architect licensed to practice in the State of Kentucky.
- (3) A civil engineer registered to practice in the State of Kentucky.

22B-7(b) MAP AMENDMENT REQUEST - Any map amendment request to a PUD-2 zone shall be filed in such form and such materials as required by Article 6 of this Zoning Ordinance and the bylaws of the Planning Commission. In addition, a site inventory and analysis shall be included with the application as the minimum requirements for filing.

22B-7(b)(1) SITE INVENTORY - The inventory shall include text and map information indicating existing vegetative cover, including tree stands and the general type and size of trees, any existing utilities on site; the location and use of any existing structures on the site; identification and location of any historic structures or other natural or man-made features of historic interest; any existing easements; and any other significant site features. When a Planned Unit Development Plan is required, the inventory shall also include soil types and their locations and development limitations; existing drainage features including watercourses, natural swales, ponds, floodplains, etc.

22B-7(b)(2) SITE ANALYSIS AND RECOMMENDATIONS - Based on the site inventory information, a Site Analysis including recommendations shall be provided. The Site Analysis may recommend public infrastructure improvements, uses, scale and context, in keeping with the stated intent of the PUD-2 zone.

22B-7(c) PLAN AND PERMIT PROCESS

22B-7(c)(1) ISSUANCE OF A ZONING COMPLIANCE PERMIT - When a property meets all of the requirements of the table in Section 22B-6 Column A, the Division of Planning is authorized to issue a Zoning Compliance Permit without a Planned Unit Development Plan.

22B-7(c)(2) PLANNED UNIT DEVELOPMENT PLAN - A Planned Unit Development Plan shall be required when a property does not meet the requirements of Section 22B-7(c)(1). When a Planned Unit Development Plan is required, the requirements of the table in Section 22B-6 Column B shall apply. The content and review process for the Plan shall follow Article 21. Zoning Compliance and other applicable permits may be issued once certification of the Planned Unit Development Plan is complete.

22B-7(c)(3) RELATIONSHIP TO THE SITE INVENTORY - The design of the planned unit development shall respond to the natural and manmade features of the site. The design shall not necessitate excessive grading, filling, the destruction or other alteration of the natural features. Where possible, the streets should follow the natural terrain. The design shall provide adequately for any historic feature on the site as well as any existing structure which is to be retained. The applicant shall use the flexibility of the PUD-2 zone to preserve such desirable natural and man-made features to the greatest feasible extent.

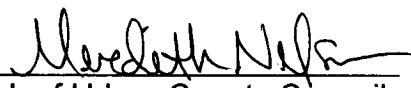
22B-8 APPLICABILITY OF OTHER ZONING ORDINANCE AND SUBDIVISION REGULATION ARTICLES - Except as specifically modified herein, all other provisions of the Zoning Ordinance and Subdivision Regulations generally applicable to development in the Lexington-Fayette Urban County shall be applicable within the PUD-2 zone.

Section 2-That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: December 4, 2014

MAYOR 

ATTEST:


Clerk of Urban County Council
Published: December 11, 2014-1t