

AN ORDINANCE AMENDING ARTICLE 23A-10 OF THE ZONING ORDINANCE TO CORRECT AN ERROR IN THE MUNICODE PUBLICATION FOR THE ECONOMIC DEVELOPMENT ZONE.

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WHEREAS, the Lexington-Fayette Urban County Planning Commission and Urban County Council considered and adopted text amendments to the Economic Development zone, contained in Article 23A-10 of the Zoning Ordinance; and thereafter an error was discovered in the Municode Publication; and

WHEREAS, this Council is acting to correct said error in the Municode Publication;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 23A-10 of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

Sec. 23A-10. - Economic Development (ED) Zone.

- (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.
- (b) *Principal Uses.*
1. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations.
  2. Computer and data processing centers.
  3. Medical and dental offices, clinics and laboratories, and hospices.
  4. Research development and testing laboratories or centers, including agricultural research and experimentation facilities.
  5. Mail order businesses.
  6. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of articles of merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious and semi-precious metals, precious and semi-precious stones, rubber, sheet metal (excluding large stampings), shell, textiles, tobacco, wax, wire, wood (excluding sawmills, planing mills), and yarn.
  7. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of such products as: bakery goods; billboards; candy; ceramics; cosmetics; drafting instruments; electrical parts; appliances; electric or neon signs; electronic instruments; food products; meat packaging; ice cream; medical and dental instruments; musical instruments; pharmaceuticals; pottery, china, or figurines; radios; record players; rubber and metal stamps; rubber products; scientific instruments and equipment; shoes; television receivers; toiletries, soaps and detergents; toys; and watches and clocks.
  8. Other industrial and manufacturing uses such as auto parts rebuilding; battery manufacturing; beverage manufacturing; dairy and non-dairy and food and non-food product bottling plants; box and crate assembly; building materials sales; rental storage yard; bag, carpet and rug cleaning and dyeing;

cabinet shop; cannery; caterers; cooperage; crematory; dextrin and starch manufacturing; enameling, lacquering, and japanning; felt manufacturing; electric foundry; furniture manufacturing; heating equipment manufacturing; inflammable underground liquid storage; iron works (ornamental) and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; radium extraction; stone monument works; tool manufacturing, welding, and other metal working shops.

9. Regional medical campus consisting of an integrated complex of medical service providers and related support facilities on a campus of not less than fifty (50) gross acres governed by a single development plan. The development plan must demonstrate that the regional medical campus will contain hospitals and similar in-patient treatment facilities, which may include accessory cafeterias, pharmacies and gift shops. In addition, the following uses shall be considered part of a regional medical campus: outpatient clinics and treatment facilities, surgery centers, nursing homes, medically-supervised assisted living facilities, and extended-stay hotels.
10. Colleges, universities, business colleges, technical or trade schools, and other schools and institutions for academic instruction.
11. Offices of purchasers, processors, and handlers of agricultural products, limited to administrative uses only.
12. Breweries, wineries, and distilleries.
13. Nursing homes and assisted living facilities.
14. Supportive uses, as further regulated by section 23A-10(j).
  - a. Adult day care centers.
  - b. Automobile service stations, and automobile and vehicle refueling stations, including the accessory retail sale of convenience type merchandise.
  - c. Banks, credit agencies, security and commodities brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
  - d. Beauty shops and barber shops.
  - e. Cable television system signal distribution centers and studios.
  - f. Community centers and private clubs.
  - g. Dwelling units, provided the units are not located on the first floor of a structure.
  - h. Hotels and motels.
  - i. Kennels, animal hospitals or clinics.
  - j. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  - k. Libraries, museums, art galleries, and reading rooms.
  - l. Multi-family dwellings and townhouses, three (3) or more units.
  - m. Pharmacy and retail sale of medical equipment and supplies.
  - n. Restaurants, with or without drive-through facilities.
  - o. Studios for work or teaching of fine arts.
  - p. Telephone exchanges, radio and television studios, including line of sight relay facilities.
  - q. Television system signal distribution centers and studios, including line of sight relay facilities.
  - r. Ticket and travel agencies.

(c) *Accessory Uses.*

1. Off-street parking areas and structures, and loading facilities.
2. A dwelling unit for watchmen or caretakers, provided that such facilities shall be located on the same premises as the permitted use.
3. Offices.
4. Recreational facilities, except as otherwise permitted herein.
5. Sale of finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than five percent (5%) of the total floor and storage area.
6. Storage and warehousing.
7. Meeting and conference centers.
8. Satellite dish antennas, as further regulated by Article 15-8. When located within 200 feet of the Urban Service Area boundary, satellite dish antennas shall be limited to:
  - a) A maximum height of four (4) feet above the highest point of the principal building on the lot.
  - b) If located on the ground, satellite dish antennas shall not be visible from the road, and shall be screened with landscape material.
9. For premises not permitted under 23A-10(b)(14) above, facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.
10. Drive-through facilities for the provision of services otherwise permitted herein.

(d) *Conditional Uses.*

1. Kindergartens, nursery schools and childcare centers, where enrollment of children is sponsored and licensed by established places of religious assembly and non-profit community based groups; and/or where enrollment may be limited to children of employees and staff of an office, business or commercial establishment that is located within the contiguous ED zone as the proposed childcare facility. A fenced and screened play area shall be provided in an area located a minimum of ten (10) feet from a collector or arterial street, and shall contain not less than twenty-five (25) square feet per child.
2. Helistops and heliports, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
3. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a) That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b) That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c) That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
4. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (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.

5. Ecotourism activities to include campgrounds; commercial hiking and bicycling trails; equine and zip line trails; tree canopy tours; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities.

6. Market gardens.

(e) *Prohibited Uses.*

1. All uses listed as permitted or prohibited within the B-4, I-1 and I-2 zones, except as expressly permitted herein.

2. Radio, telephone or television transmitting towers.

3. Dormitories.

Lot, Yard, Height, and Density Requirements.

(f) *Maximum Height of Building.* 120 feet.

(g) *Floor Area Ratio.* A maximum of 1.0.

(h) *Minimum Front Yard.* Five (5) feet.

(i) *Off-Street Parking Requirements.* Parking shall be as provided elsewhere in the Zoning Ordinance within the zone where the use is first permitted.

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

(j) *Special Provisions.*

1. At least 25% of the net developable acreage of any development within an ED zone shall be open space. Such open space may be clustered across multiple lots or tracts to facilitate the common use of the land.

2. No structures other than sidewalks, transparent fences, or stone fences shall be located within five (5) feet of any public street right-of-way.

3. No more than half of the required off-street parking area shall be located between a building and any collector street.

4. Each parcel in an ED zone shall have direct access to a pedestrian access way.

5. The development shall be screened from adjoining zones and arterial highways as for an industrial zone under Section 18-3(a)(1).

6. All principal uses, other than supportive uses, shall be conducted in a completely enclosed building, except for outdoor storage uses, which shall be enclosed on all sides by a solid wall or fence not less than six (6) feet in height.

7. All buildings and structures shall be at least one hundred (100) feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access.

8. No buildings or structures in the ED zone, other than driveways, transparent fences and stone fences, shall be located in a Scenic Resource Area; however, the Scenic Resource Area may be used to calculate the required floor area ratio.

9. No outdoor loudspeakers shall be permitted.

10. No portion of a regional medical campus shall be located within one thousand (1,000) feet of the boundary of the Urban Service Area.

11. There shall be no more than one extended-stay hotel for a regional medical campus that contains 100 acres or less; a second extended-stay hotel is permitted for a regional medical campus that contains more than 100 acres, provided that there shall be no more than two (2) extended-stay hotels in a regional medical campus. The extended-stay hotel shall be: a) a part of a building that also contains medical facilities permitted on the campus; or b) physically connected by interior access ways to facilities containing medical

services permitted on the campus. Extended-stay hotels shall be internally oriented to the site (e.g., not located on adjoining arterial streets).

12. Supportive uses shall be principal permitted uses, regulated subject to the following requirements:
  - a. Supportive uses shall not exceed a maximum of eighteen percent (18%) of the otherwise permitted floor area within a development, as identified on the associated final development plan. Mixed Use buildings shall count toward the maximum permitted floor area of supportive uses herein, but not count toward the residential use maximum identified below in Article 23A-10(j)(12)(b). Structures dedicated solely to residential use shall not count toward the supportive use maximum because they will be limited by Article 23A-10(j)(12)(b) and (d).
  - b. Residential land uses shall not exceed eight and one-half percent (8.5%) of the gross land area within a development, as identified on the associated final development plan.
  - c. A maximum of twenty percent (20%) of all supportive uses may be constructed prior to construction of other principal permitted uses listed in Article 23A-10(b). The allowable floor area for supportive uses shall be calculated based upon the total number of gross acres within the boundary of the final development plan and the permitted maximum Floor Area Ratio established in Article 23A-10(g).
  - d. The maximum density for townhouses (3 or more units attached) shall be 12 dwelling units per gross acre, not to exceed 360 total townhouses. The maximum density of multi-family dwellings shall be 24 dwelling units per gross acre, not to exceed 360 total multi-family dwellings

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

PASSED URBAN COUNTY COUNCIL: March 11, 2021



MAYOR

ATTEST:



Clerk of Urban County Council

PUBLISHED: March 18, 2021-1t