

ORDINANCE NO. \_\_\_\_\_-2012

AN ORDINANCE AMENDING ARTICLES 9 AND 9 OF THE ZONING ORDINANCE TO ALLOW GROUP RESIDENTIAL PROJECTS IN THE HIGH RISE APARTMENT (R-5) ZONE.

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 9 of the Zoning Ordinance to allow Group Residential Projects in the High Rise Apartment (R-5) zone; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on March 22, 2012; and

WHEREAS, the Planning Commission did recommend APPROVAL of this proposed 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 9-1 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

INTENT - The intent of this Article is to provide a means to permit two or more detached buildings for residential purposes to be placed on the same parcel or lot of land in any R-1T, R-3, R-4, or R-5 zone, if approved as a Group Residential Project as provided herein, and to allow slight variations from the requirements of the zone in which it is located only as specifically provided herein.

Section 2 - That Article 9-2 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

WHERE REQUIRED - Any development in an R-1T, R-3, R-4, or R-5 zone, which proposes two or more detached buildings for residential purposes on the same lot or parcel, shall be considered a Group Residential Project, and shall conform to the provisions of this Article.

Section 3 - That Article 9-3 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

PERMITTED USES - The permitted uses shall be those

principal and accessory uses listed in Article 8 for the zone in which the Group Residential Project is located. All other uses are prohibited, except that (a) schools for academic instruction, (b) churches, (c) canteens of less than five hundred (500) square feet in size for the sale of sundries and other incidental items to residents of the Project, (d) a sales or rental office of less than one thousand two hundred (1,200) square feet in size, where contracts or leases can be obtained or executed, (e) up to two (2) clubhouses for each project, and (f) recreational facilities, with or without game rooms and/or one (1) indoor theater shall be permitted in a project approved by the Commission. Single family detached units permitted under the R-3 and R-4 zone are also prohibited from construction under the provisions of this Article. Such uses shall follow the requirements for subdividing, as required for single family residential zones.

Section 4 - That Article 9-5 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

**REVIEW AND APPROVAL** - The Division of Planning may approve site plans for a zoning compliance permit, after which the Division of Building Inspection may issue permits for the construction of a Group Residential Project on a lot of five (5) acres or less; provided the proposed Project meets the requirements set forth under Section 9-6. The Planning Commission shall review all other Group Residential Projects on lots of more than five (5) acres within ninety (90) days of their filing with the Division of Planning, unless the applicant agrees to a longer period. Projects of five (5) acres or less may also be submitted to the Commission. Regardless of the size, the Commission may only approve those Projects which meet the requirements of Section 9-6. The following procedure shall be followed for approval of Group Residential Projects by the Commission:

- (a) **DEVELOPMENT PLAN REQUIRED** – The Commission shall require a final development plan containing the information as required by Article 21; and, in addition, specifying the number and type of dwelling units for each building and use of other structures. The Commission shall review the plan for provision of safe, convenient, efficient and harmonious groupings of buildings in relation to their intended use; transportation and utilities in relations to the buildings served and general circulation needs; open space in relation to the needs of the occupants; and for conformance to any other necessary requirements. The Project shall be planned to properly blend with all surrounding property.
- (b) **PUBLIC HEARING REQUIRED** – The Commission shall advertise and hold a public hearing before proceeding to postpone,

approve, conditionally approve or disapprove the plan for a Group Residential Project. Amendments to the plan shall follow the same procedure as provided in Section 21-7.

- (c) CERTIFICATION OF APPROVAL – The certification of approval for a Group Residential Project development plan shall be as provided in Section 21-4(d).
- (d) PERMITS REQUIRED – After certification by the Secretary of the Commission, the Divisions of Planning and Building Inspection may issue permits in conformance with the approved plan upon receipt of a certified copy of the plan.

Section 5 - That Article 9-6 of the Zoning Ordinance of the Lexington-Fayette

Urban County Government is hereby amended to read as follows:

**GROUP RESIDENTIAL PROJECTS MINIMUM DESIGN STANDARDS** – All Group Residential Projects shall conform to the following minimum design standards.

- (a) SIZE – The parcel or lot on which the Project is located shall not be less than the minimum lot area for the zone in which it is located.
- (b) MAXIMUM FLOOR AREA RATIO AND LOT COVERAGE – For projects in the R-3, R-4, or R-5 zone, the total floor area of all buildings shall not exceed the maximum floor area permitted in the zone in which the Project is located, unless specific permission is given by the Commission to exceed said permitted floor area by not more than one percent (1%) for each one percent (1%) of additional usable open space that is provided over the minimum required by Section 9-6(h). In any case, the maximum floor area shall not exceed by more than ten percent (10%) the maximum floor area otherwise permitted in the zone. The maximum lot coverage shall be as provided in the zone in which the Project is located. For Projects located in the R-1T zone, the total lot coverage shall not exceed twenty-five percent (25%). There shall be no maximum floor area ratio for Group Residential Projects in the R-1T zone.
- (c) YARD REQUIREMENTS - The minimum width of required yards shall be as follows:
  - (1) FRONT YARD – Frontage along any public or private street shall constitute a front yard, and more than one may be designated for each Project, as appropriate. The front yard shall be established as follows:

<u>Zone</u>	<u>Minimum Distance</u>
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R-1T	10 feet
R-3	20 feet
R-4	20 feet
R-5	20 feet

- (2) PROJECT EXTERIOR YARD - The Project exterior yard shall be established along the outside boundary of the property, except where a front yard has been established as required in Section 9-6(c)(1). Where a Project exterior yard is required, the distance between principal buildings and the outside boundary of the property upon which the Project is located shall be not be less than the height of the building, nor twenty (20) feet, whichever is less.
- (3) DISTANCES REQUIRED BETWEEN BUILDINGS - The distances between principal buildings, other than those specified above, shall not be less than twice the required side yard in the zone in which the Project is located. Where the walls of the buildings are not parallel, or are broken or otherwise irregular, the average distance between the principal buildings shall not be less than as specified above, and shall at no point be less than one-half (1/2) the required side yard for the zone in which it the Project is located.
- (d) PROXIMITY TO DRIVE – A part of every residential building shall not be farther than one hundred sixty (160) feet from an access roadway or drive providing vehicular access from a public street. Residential buildings shall not be closer than five (5) feet to any access roadway or drive.
- (e) MAXIMUM HEIGHT – The maximum height of non-residential buildings within a Project shall be thirty-five (35) feet. The maximum height of residential or mixed-use buildings within a Project shall be as follows:

<b>Zone</b>	<b>Maximum Height</b>
R-1T	35 feet
R-3	40 feet
R-4	60 feet
R-5	80 feet

- (f) PARKING AREA – One and one-half (1 1/2) off-street parking spaces shall be provided per dwelling unit or 0.9 spaces per bedroom in a multi-family dwelling, whichever is greater. Parking minimums may be reduced for the provision of bicycle and transit facilities as specified in Article 16-10 of the Zoning

Ordinance.

- (g) SERVICE AREAS – Proper open spaces shall be devoted to service needs of the Project, including, among others, refuse collection area and equipment service areas.
- (h) USABLE OPEN SPACE AND SCREENING – proper usable open spaces shall be devoted to the recreation needs of the Project for active and passive use. For projects with less than ten (10) dwelling units, no usable open space shall be required. Projects with ten (10) or more dwelling units shall provide usable open space based on the density of the project as follows:

Density (d.u./net acre)	Usable open space required (% of net project area)
<5 d.u./acre	5%
5 to 15 d.u./acre	20%
16 to 40 d.u./acre	15%
>40 d.u./acre	10%

- (i) PRIVATE STREETS – Private streets may be permitted by the Commission. Plans containing private streets shall conform to the requirements of the Subdivision Regulations concerning private streets.
- (j) MAINTENANCE OF COMMON SPACES – Where the design of the Group Residential Project indicates a need or desire to subdivide property and to provide for common areas, a Home Owners’ Association, or other mechanism for the provision of maintenance, improvement, and operations for all common areas, including streets; parking areas; open space, etc.; shall be required to be established by the applicant. The applicant’s responsibility to create such a mechanism shall be noted on the development plan of the Group Residential Project. A requirement that each property owner be individually responsible for maintenance of the common space abutting the lot shall not be considered as acceptable for fulfilling the requirements of this section.
- (k) OTHER REQUIREMENTS – Except as modified herein, the Project shall conform to the requirements of this Zoning Ordinance for the zone in which it is located.

Section 6 - That Article 9-7 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

GROUP RESIDENTIAL PROJECTS IN THE INFILL AND REDEVELOPMENT AREA – Projects in the Infill and Redevelopment Area shall follow the same procedures set out as provided in Section 9-5 and 9-6 herein for Group Residential Projects, except that such Projects may utilize the following alternative minimum design standards:

- (a) PROVISIONS OF THE UNDERLYING ZONE – Projects in the Infill and Redevelopment Area may choose to comply in whole with all the height; front, rear and side yard setbacks; and parking requirements as for the underlying zone rather than with Article 9-6(b) through 9-6(f) above.
- (b) BONUS FLOOR AREA – The maximum floor area shall not exceed one hundred twenty-five percent (125%) of the otherwise permitted maximum floor area in the zone in which the Project is located, provided the required usable open space has not been granted a dimensional variance. Any Project that proposes a total floor area of more than one hundred percent (100%) of that permitted in the zone in which the Project is located, shall require notice be provided to all property owners within four hundred (400) feet of the site, as outlined in Article 6-4(b) herein prior to Planning Commission consideration.
- (c) OPEN SPACE REDUCTIONS – For projects located within one thousand (1,000) feet of an existing LFUCG park space, the Planning Commission may consider reducing the minimum required open space by fifty percent (50%).
- (d) FRONT YARD AVERAGING – The front yard may be averaged as permitted in Section 15-2(a)(1) only if the primary wall plane of the building is parallel to the public or private street.

Section 7 - That Article 8-14(b) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

- 1. Multi-family dwellings.
- 2. Dormitories.
- 3. Group Residential Projects, as provided by Article 9.
- 4. Offices, limited to multi-family structures with six (6) or more stories, provided offices are limited to no more than the first two stories with no missing of offices and apartments on the same floor.

Section 8 — That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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Clerk of Urban County Council

REB:X:\Cases\PLANNING\12-LE0001\LEG\00343001.DOC