

AN ORDINANCE AMENDING ARTICLES 8-17(O), 8-18(O) AND 8-19(O) OF THE ZONING ORDINANCE TO PROVIDE FOR GREATER CORRELATION BETWEEN THE TOWN BRANCH COMMONS CORRIDOR AND DEVELOPMENT THAT IS ADJACENT TO, CONNECTED TO, OR INTERACTS DIRECTLY WITH THE TOWN BRANCH COMMONS CORRIDOR IN THE B-2 ZONES. (URBAN COUNTY COUNCIL).

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Articles 8-17(o), 8-18(o) and 8-19(o) of the Zoning Ordinance to provide for greater correlation between the Town Branch Commons corridor and development that is adjacent to, connected to, or interacts directly with the Town Branch Commons corridor, in the B-2 zones. The Planning Commission did recommend APPROVAL of the staff alternative text by a vote of 8-0; 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 8-17(o) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended as follows:

8-17(o) Special Provisions:

1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2 zone where such provisions are more restrictive than those set out in this zone.
2. For those floors of buildings containing dwelling units with windows for habitable rooms, there shall be provided a height-to-yard ratio of 3:1 for light and air. Public street right-of-way width may be used as part of this setback requirement, except that a minimum setback of five (5) feet from the property line, other than property lines adjoining street right-of-way, shall be required in any case. No setback shall be required for those floors containing non-residential uses or dwelling unit walls without windows.
3. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.
4. For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan & Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.

Section 2 – That Article 8-18(o) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended as follows:

8-18(o) Special Provisions:

1. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.
2. For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with

**CERTIFICATE**

I do hereby certify that the title to this enactment contains an accurate synopsis of the contents thereof and may be used to satisfy the reading and publication requirements of law.

*Tracy N. Jones*  
DEPARTMENT OF LAW

the Town Branch Commons Masterplan & Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.

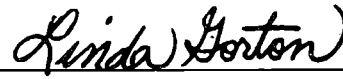
Section 3 - That Article 8-19(o) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended as follows:

8-19(o) Special Provisions:

1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2 zone where such provisions are more restrictive than those set in this zone.
2. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.
3. For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan & Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: October 10, 2019



MAYOR

ATTEST:



Clerk of Urban County Council

PUBLISHED: October 17, 2019-1t

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Recd by KT  
Date: 9/16/19


**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE: ZOTA 2019-4: AMENDMENT TO ARTICLE 8: B-2 ZONES FOR TOWN BRANCH COMMONS** - petition for a Zoning Ordinance text amendment to update Article 8 to require compliance with the Town Branch Commons Masterplan and Design Standards in the downtown business zones.

Having considered the above matter on **August 22, 2019**, at a Public Hearing and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL of the Staff Alternative text** for this matter for the following reasons:

1. The proposed text amendment to Article 8 of the LFUCG Zoning Ordinance to require compliance with the Town Branch Commons Masterplan and Design Standards between the Town Branch Commons Corridor and development that is adjacent to, connected to, or interacts directly with the Town Branch Common Corridor supports the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles (Theme D, Goal #1.a). Additionally, through the implementation of the Masterplan and the Design Standards, the Urban County will also be providing quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #1.d).
2. The proposed text amendment will implement Appendix B of the Comprehensive Plan, while also supporting the Policies of the Comprehensive Plan (Growth Policy #2, Livability Policy #8, and Sustainability Policy #4).

**ATTEST:** This 16<sup>th</sup> day of September, 2019.

  
\_\_\_\_\_  
Secretary, Jim Duncan

**MIKE OWENS**  
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Hal Baillie, Senior Planner, Division of Planning, Planning Services Section.**

OBJECTIONS

- None

OBJECTORS

- None

**VOTES WERE AS FOLLOWS:**

AYES: (8) de Movellan, Forester, Mundy, Nicol, Owens, Penn, Plumlee, and Pohl

NAYS: (0)

ABSENT: (3) Bell, Brewer, and Wilson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval** of **ZOTA 2019-4** carried.

Enclosures: Application  
Staff Report, with Recommended Text attached  
Applicable excerpts of minutes of above meetings

RESOLUTION NO. 281 -2019

A RESOLUTION INITIATING A TEXT AMENDMENT TO ARTICLE 8, SECTIONS 8-17(O), 8-18(O) AND 8-19(O) OF THE ZONING ORDINANCE TO PROVIDE FOR GREATER CORRELATION BETWEEN THE TOWN BRANCH COMMONS CORRIDOR AND DEVELOPMENT THAT IS ADJACENT TO, CONNECTED TO, OR INTERACTS DIRECTLY WITH THE TOWN BRANCH COMMONS CORRIDOR, IN THE B-2B ZONE.

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BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That a text amendment to Article 8, Sections 8-17(o), 8-18(o) and 8-19(o) of the zoning ordinance to provide for greater correlation between the Town Branch Commons corridor and development that is adjacent to, connected to, or interacts directly with the Town Branch Commons corridor, in the B-2B zone, as described in the proposed attached text is hereby initiated for Planning Commission consideration and recommendation.

Section 2 – That the draft proposed text amendment to the Zoning Ordinance is attached hereto and incorporated herein as an exhibit to this resolution.

Section 3 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 6, 2019

  
MAYOR

ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL

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**RECEIVED**  
JUL 12 2019  
BY: \_\_\_\_\_

## 8-17 DOWNTOWN BUSINESS (B-2) ZONE

8-17(a) Intent - This zone is intended to accommodate existing and future development in the Central Business District.

8-17(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-1 zone.
2. Amusement enterprises, such as indoor billiard or pool halls; indoor theaters; bowling alleys; dance halls; skating rinks.
3. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing or the sale of alcoholic beverages.
4. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats; provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
5. Establishments engaged in blueprinting, printing, publishing and lithographing; interior decorating; upholstering; laundering, clothes cleaning and dyeing; clothing alterations and tailoring services.
6. Hotels and motels.
7. Passenger transportation terminals.
8. Any type of dwelling unit.
9. Wholesale establishments.
10. Minor automobile and truck repair.
11. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
12. Pawnshops.
13. Stadium and exhibition halls.
14. Telephone exchanges; radio and television studios.
15. Cable television system signal distribution centers and studios.
16. Animal hospitals or clinics, provided all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.
17. Athletic club facilities.
18. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers; provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
19. Parking lots and structures, provided such use conforms to the conditions of Article 16.

8-17(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Storage, wholesaling, and warehousing.
2. Storage yards for delivery vehicles of a permitted use.
3. Sidewalk café, when accessory to any permitted restaurant.
4. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
5. Satellite dish antennas, as further regulated in Article 15-8.
6. Micro-brewery, when accessory to a restaurant permitted herein; shall be located at least 100 feet from a residential zone, and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
7. Parking areas or structures.

8-17(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Helistops, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
2. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
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. Adult arcades, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, except as permitted herein; provided none shall be located within a 500-foot radius of any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
5. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
  - a. To check all operating equipment;
  - b. To check fire suppression system(s);
  - c. To check the condition of the fire alarm(s);
  - d. To check for indications of fuel leaks and spillage;

- e. To remove trash from the site;
- f. To monitor the general condition of the site.
- 6. Rehabilitation homes, when located closer than 500 feet from a residential zone, school for academic instruction or a child care center.
- 7. Temporary structures designed for use or occupancy for 61 to 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. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
- 9. Automobile and vehicle refueling stations, provided such use conforms to all requirements of Article 16.
- 10. Ecotourism activities to include commercial hiking, bicycling, equine and zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; botanical gardens; nature preserves; and seasonal activities.

8-17(e) 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. The prohibited uses in the B-1 zone, items 1 through 7, except as permitted herein.
- 2. Outdoor kennels or outdoor animal runs.
- 3. Establishments engaged in the display, rental, or repair of farm equipment, trucks exceeding one and one-half (1½) tons, and contractor's equipment.
- 4. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
- 5. Hospitals.
- 6. Campgrounds and hunting clubs.
- 7. Farm tours, hayrides, corm mazes, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or trapping, sportsmen's farms, zoological gardens and classes related to agricultural products or skills.

Lot, Yard and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-17(f) Minimum Lot Size - No limitation.

8-17(g) Minimum Lot Frontage - No limitation.

8-17(h) Minimum Front Yard - No limitation.

8-17(i) Minimum Each Side Yard - No limitation.

8-17(j) Minimum Rear Yard - No limitation.

8-17(k) Minimum Usable Open Space - No limitation (except that residential uses shall provide useable open space equal to not less than 10% of only those floors occupied by dwelling units).

8-17(l) Maximum Lot Coverage - No limitation.

8-17(m) Maximum Height of Building - No limitation.

8-17(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units; then one (1) space for every 2,000 square feet of residential floor area.

All Other Permitted Uses - Off-street parking not required.

Off-street loading shall be as required in Article 16.

8-17(o) Special Provisions:

- 1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2 zone where such provisions are more restrictive than those set out in this zone.
- 2. For those floors of buildings containing dwelling units with windows for habitable rooms, there shall be provided a height-to-yard ratio of 3:1 for light and air. Public street right-of-way width may be used as part of this setback requirement, except that a minimum setback of five (5) feet from the property line, other than property lines adjoining street right-of-way, shall be required in any case. No setback shall be required for those floors containing non-residential uses or dwelling unit walls without windows.
- 3. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.
- 4. For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan & Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.



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

8-18(a) Intent - This zone is intended 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.

8-18(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-2 zone.

8-18(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the B-2 zone.

8-18(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the B-2 zone.

8-18(e) 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. The prohibited uses in the B-2 zone.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-18(f) Minimum Lot Size - No limitation.

8-18(g) Minimum Lot Frontage - No limitation.

8-18(h) Minimum Front Yard - 10 feet.

8-18(i) Minimum Each Side Yard - No limitation, except that side street side yard shall be ten (10) feet.

8-18(j) Minimum Rear Yard - No limitation.

8-18(k) Minimum Usable Open Space - No limitation, except that residential uses shall provide useable open space equal to not less than ten percent (10%) of only those floors occupied by dwelling units.

8-18(l) Maximum Lot Coverage - No limitation.

8-18(m) Maximum Height of Building - Three (3)

stories, or 35 feet, except that buildings up to ten (10) stories shall be permitted if the Planning Commission approves a development plan; and for every story in excess of three (3) stories, one percent (1%) of the total lot area shall be added to the otherwise required front yard, or such area shall be provided as ground level open space on land adjoining the right-of-way.

8-18(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Twenty-five percent (25%) of the least parking area required in any zone, other than the B-2 or B-2B zones which permit the principal or a similar use. Off-street loading and unloading areas shall be as required in Article 16.

8-18(o) Special Provisions:

1. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.
2. For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan & Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.

**8-19 LEXINGTON CENTER BUSINESS (B-2B) ZONE**

**8-19(a) Intent** - This zone is intended 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 some 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.

**8-19(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Civic Center and convention facilities.
2. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions; savings and loan companies, holding and investment companies.
3. Offices and clinics.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Studios for work or teaching of fine arts, such as photography, music, drama, dance or theater.
7. Churches, Sunday schools, and parish houses.
8. Ticket and travel agencies.
9. Restaurants, cocktail lounges and nightclubs, including those serving alcoholic beverages and/or offering live entertainment, except as prohibited under Section 8-19(e).
10. Establishments for the retail sale of primarily new merchandise.
11. Beauty shops and barber shops.
12. Shoe repair, clothing alterations or tailoring services.
13. Retail sale of plant, nursery or greenhouse products, or agricultural produce.
14. Commercial farm markets and market gardens.
15. Hotels or motels.
16. Any type of residential use.
17. Antique shops.
18. Establishments for the display, rental or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats; provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
19. Amusement enterprises, such as circuses; carnivals; horse racing or automobile racing, special events, festivals, and concerts provided such activity is operated on a temporary basis of a duration not exceeding two weeks.

20. Establishments engaged in blueprinting, printing, publishing, and lithography; interior decoration and upholstery; repair of household appliances.
21. Bookstores, except as prohibited under Section 8-19(e).
22. Indoor amusement enterprises, such as motion picture theaters, except as prohibited under Section 8-19(e); billiard or pool halls; bowling alleys; dance halls, skating rinks; and arcades.
23. Computer and data processing centers.
24. Telephone exchanges, radio and television studios.
25. Cable television system signal distribution centers and studios.
26. Private clubs, except as prohibited under Sections 8-19(e)(7, 8 and 9).
27. 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 25 square feet per child.
28. Pawnshops which: (1) were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or (2) had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.
29. Historic house museums.

**8-19(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Storage area for delivery vehicles of a permitted use.
2. Sidewalk café, when accessory to any permitted restaurant.
3. Health clubs, athletic clubs and spas, when operated solely for the use of occupants of residential uses, employees, tenants and owners of office uses, or registered guests of hotels and motels.
4. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
5. Parking lots and parking structures, when accessory to principal permitted uses.
6. Satellite dish antennas, as further regulated by Article 15-8.
7. Micro-brewery, when accessory to a restaurant permitted herein; shall be located at least 100 feet from a residential zone, and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.

**8-19(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Automobile service stations at which only minor automobile and truck repair is performed, and provided such use conforms to all requirements of Article 16.
2. Automobile rental facilities; parking lots and parking

structures, when not accessory to a principal permitted use, provided such uses conform to all requirements of Article 16.

3. Secondhand shops.
4. Self-service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
5. Helistops, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
6. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
7. Health clubs, athletic clubs and spas, except as a permitted in 8-19(c)(3).
8. Recycling drop-off centers for aluminum; steel; plastic; glass; newspapers; cardboard and other paper products; oil and other household recyclable waste, provided that such an establishment shall be located at least 200 feet from any residential zone. Any appeal for a conditional use permit to operate a recycling drop-off center shall include as part of the application: Reasons for the location of the proposed use at a specific site, description of equipment to be used, physical arrangement, and operation of the proposed center. The Board of Adjustment shall consider the necessity of screening, if needed.
9. 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.
10. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
  - a. To check all operating equipment;
  - b. To check fire suppression system(s);
  - c. To check the condition of the fire alarm(s);
  - d. To check for indications of fuel leaks and spillage;
  - e. To remove trash from the site;
  - f. To monitor the general condition of the site.

11. Temporary structures designed for use or occupancy for 61 to 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.
12. Tattoo parlors.
13. Ecotourism activities to include commercial hiking, bicycling, equine and zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; botanical gardens; nature preserves, and seasonal activities.

8-19(e) Prohibited Uses (All uses other than those listed as 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. Establishments primarily engaged in agricultural equipment sales and services.
2. Warehouse, as well as storage uses, except as accessory uses herein.
3. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; plastering; painting; metal work; electrical; sign painting; tile, mosaic and terrazzo work; electroplating; drilling; excavating; wrecking, construction and paving. This is not intended to prohibit administrative offices of such.
4. Manufacturing, compounding, assembling, bottling, processing and packaging, and other industrial uses for sale or distribution other than as retail on the premises.
5. Truck terminals and freight yards.
6. Drive-in restaurants or drive-in theaters.
7. Establishments offering live entertainment in which a person is unclothed, or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, the male or female genitalia, or the buttocks.
8. Establishments at which any employee is unclothed or in the attire, costume, or clothing described above, or is clothed in such a manner as to simulate the breast, genitalia, buttocks, or any portion thereof.
9. Establishments having as a substantial or significant portion of their stock in trade for sale, rent or display, pictures, books, periodicals, magazines, appliances and similar material which are distinguished or characterized by their emphasis on matter depicting, describing or relating to such sexual activities, as (a) depiction of human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy, or (c) holding or other erotic touching of human genitals, pubic region, buttocks or breasts.
10. Animal kennels, hospitals, clinics, outdoor runways or pens, and animal grooming facilities.
11. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.

12. Pawnshops, except as permitted herein.
13. Campgrounds and hunting clubs.
14. Farm tours, hayrides, corn mazes, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or trapping, sportsmen's farms, zoological gardens and classes related to agricultural products or skills.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-19(f) Minimum Lot Size - No limitation.

8-19(g) Minimum Lot Frontage - No limitation.

8-19(h) Minimum Front Yard - No limitation.

8-19(i) Minimum Each Side Yard - No limitation.

8-19(j) Minimum Rear Yard - No limitation.

8-19(k) Minimum Usable Open Space - No limitation, except that 10% shall be required for any residential area.

8-19(l) Maximum Lot Coverage - No limitation.

8-19(m) Maximum Height of Building - No limitation.

8-19(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units: then one (1) space for every 2,000 square feet of residential floor area.

Hotels or Motels - One (1) space per suite, with a minimum of five (5) spaces.

8-19(o) Special Provisions:

1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2B zone where such provisions are more restrictive than those set in this zone.
2. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.
3. For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan & Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT**

**ZOTA 2019-4: AMENDMENT TO ARTICLE 8: B-2 ZONES FOR TOWN BRANCH COMMONS**

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: See attached. Underlined text indicates an addition, ~~strickentthrough~~ text indicates a deletion to the current Zoning Ordinance.

**STAFF REVIEW:**

The Urban County Council initiated a text amendment on June 6, 2019 to Article 8 of the LFUCG Zoning Ordinance to require compliance with the Town Branch Commons Masterplan and Design Standards between the Town Branch Commons Corridor and development that is adjacent to, connected to, or interacts directly with the Town Branch Common Corridor. This requirement will only apply in the Downtown Business zones (B-2, B-2A, B-2B). The following provision has been proposed for the special provisions for the B-2, B-2A, B-2B zones:

*For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan & Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.*

By incorporating compliance with the Town Branch Commons Masterplan and Design Standards for those properties adjacent to, connected to, or interacts directly with the Town Branch Common Corridor, subsequent development will need to consider the impacts that they may have to a vital portion of the community's multi-modal infrastructure, but also the surrounding context of their development. It is necessary to apply such standards within the context of the downtown area, as these developments will be a major beneficiary of the improvements made by the city, but can also lead to the most detrimental impacts to the trail, if not regulated. Furthermore, by maintaining consistent design standards along the Corridor, the Urban County Government will be able to create a more enticing space for potential residents, visitors, and businesses into the downtown commercial area.

The incorporation of the Masterplan and Design Standards for the Corridor is supported by the 2018 Comprehensive Plan as it supports the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles (Theme D, Goal #1.a). Additionally, through the implementation of the Masterplan and the Design Standards, the Urban County will also be providing quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #1.d).

The Town Branch Commons Masterplan and Design Standards was also adopted as Appendix B of the 2018 Comprehensive Plan. The adoption of the documents is outline in Placemaking Policy #1, which stresses the importance of the implementation of the Masterplan for access management, design guidelines, economic development, green infrastructure, and continued education. Beyond the inclusion of the Appendix B, the Comprehensive Plan references the importance of the Town Branch Commons in several different sections. Growth Policy #2 indicates that it is important to capitalize on the current momentum of downtown development and how projects like the Commons can be catalytic in spurring additional smaller developments downtown. Livability Policy #8 stresses the importance of regional greenspace to promote quality of life aspects, as an attraction to new businesses and residents. Finally, Sustainability Policy #4 stresses the need for connected greenspace and community centers.

In addition to the language recommended by the Urban County Council, staff is recommending the deletion of two sections of the LFUCG Zoning Ordinance: 8-17(o)(1) and 8-19(o)(1). Each of these sections references the Urban Renewal Project Area and the Urban Renewal Plan. Both of the Area and the Plan are outdated and are no longer utilized by the Planning Commission in review of development in the B-2 and the B-2B zones.

**The Staff Recommends: Approval of the Staff Alternative Text.** for the following reason:

1. The proposed text amendment to Article 8 of the LFUCG Zoning Ordinance to require compliance with the Town Branch Commons Masterplan and Design Standards between the Town Branch Commons Corridor and development that is adjacent to, connected to, or interacts directly with the Town Branch Common Corridor supports the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles (Theme D, Goal #1.a). Additionally, through the implementation of the Masterplan and the Design Standards, the Urban County will also be providing quality of life opportunities that

attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #1.d).

2. The proposed text amendment will implement Appendix B of the Comprehensive Plan, while also supporting the Policies of the Comprehensive Plan (Growth Policy #2, Livability Policy #8, and Sustainability Policy #4).

HB/TLW

7/30/2019

Planning Services/Staff Reports/ZOTA/ 2019/ZOTA 2019-4 Article 8.doc

## **8-17 DOWNTOWN BUSINESS (B-2) ZONE**

**8-17(a) Intent** - This zone is intended to accommodate existing and future development in the Central Business District.

**8-17(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-1 zone.
2. Amusement enterprises, such as indoor billiard or pool halls; indoor theaters; bowling alleys; dance halls; skating rinks.
3. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing or the sale of alcoholic beverages.
4. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats; provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
5. Establishments engaged in blueprinting, printing, publishing and lithographing; interior decorating; upholstering; laundering, clothes cleaning and dyeing; clothing alterations and tailoring services.
6. Hotels and motels.
7. Passenger transportation terminals.
8. Any type of dwelling unit.
9. Wholesale establishments.
10. Minor automobile and truck repair.
11. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
12. Pawnshops.
13. Stadium and exhibition halls.
14. Telephone exchanges; radio and television studios.
15. Cable television system signal distribution centers and studios.
16. Athletic club facilities.
17. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers; provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
18. Parking lots and structures, provided such use conforms to the conditions of Article 16.

**8-17(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Storage, wholesaling, and warehousing.

2. Storage yards for delivery vehicles of a permitted use.
3. Sidewalk café, when accessory to any permitted restaurant.
4. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
5. Satellite dish antennas, as further regulated in Article 15-8.
6. Micro-brewery, when accessory to a restaurant permitted herein; shall be located at least 100 feet from a residential zone, and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
7. Parking areas or structures.

**8-17(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Helistops, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
2. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
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. Adult arcades, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, and sexual entertainment establishments, and sexual entertainment centers, except as permitted herein; provided none shall be located within a 500-foot radius of any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
5. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
  - a. To check all operating equipment;
  - b. To check fire suppression system(s);
  - c. To check the condition of the fire alarm(s);
  - d. To check for indications of fuel leaks and spillage;
  - e. To remove trash from the site;
  - f. To monitor the general condition of the site.
6. Rehabilitation homes, when located closer than 500

feet from a residential zone, school for academic instruction or a child care center.

7. Temporary structures designed for use or occupancy for 61 to 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. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or personal care facility. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
9. Automobile and vehicle refueling stations, provided such use conforms to all requirements of Article 16.
10. Ecotourism activities to include commercial hiking, bicycling, equine and zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; botanical gardens; nature preserves; and seasonal activities.

8-17(e) 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. The prohibited uses in the B-1 zone, items 1 through 7, except as permitted herein.
2. Outdoor kennels or outdoor animal runs.
3. Establishments engaged in the display, rental, or repair of farm equipment, trucks exceeding one and one-half (1½) tons, and contractor's equipment.
4. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
5. Hospitals.
6. Campgrounds and hunting clubs.
7. Farm tours, hayrides, corm mazes, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or trapping, sportsmen's farms, zoological gardens and classes related to agricultural products or skills.

Lot, Yard and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-17(f) Minimum Lot Size - No limitation.

8-17(g) Minimum Lot Frontage - No limitation.

8-17(h) Minimum Front Yard - No limitation.

8-17(i) Minimum Each Side Yard - No limitation.

8-17(j) Minimum Rear Yard - No limitation.

8-17(k) Minimum Usable Open Space - No limitation (except that residential uses shall provide useable open space equal to not less than 10% of only those floors occupied by dwelling units).

8-17(l) Maximum Lot Coverage - No limitation.

8-17(m) Maximum Height of Building - No limitation.

8-17(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units; then one (1) space for every 2,000 square feet of residential floor area.

All Other Permitted Uses - Off-street parking not required.

Off-street loading shall be as required in Article 16.

8-17(o) Special Provisions:

1. For any development ~~within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2 zone where such provisions are more restrictive than those set out in this zone. that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan & Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.~~
2. For those floors of buildings containing dwelling units with windows for habitable rooms, there shall be provided a height-to-yard ratio of 3:1 for light and air. Public street right-of-way width may be used as part of this setback requirement, except that a minimum setback of five (5) feet from the property line, other than property lines adjoining street right-of-way, shall be required in any case. No setback shall be required for those floors containing non-residential uses or dwelling unit walls without windows.
3. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.



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

8-18(a) Intent - This zone is intended 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.

8-18(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

19. The principal permitted uses in the B-2 zone.

8-18(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the B-2 zone.

8-18(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the B-2 zone.

8-18(e) 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. The prohibited uses in the B-2 zone.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-18(f) Minimum Lot Size - No limitation.

8-18(g) Minimum Lot Frontage - No limitation.

8-18(h) Minimum Front Yard - 10 feet.

8-18(i) Minimum Each Side Yard - No limitation, except that side street side yard shall be ten (10) feet.

8-18(j) Minimum Rear Yard - No limitation.

8-18(k) Minimum Usable Open Space - No limitation, except that residential uses shall provide useable open space equal to not less than ten percent (10%) of only those floors occupied by dwelling units.

8-18(l) Maximum Lot Coverage - No limitation.

8-18(m) Maximum Height of Building - Three (3) stories, or 35 feet, except that buildings up to ten (10) stories shall be permitted if the Planning Commission approves a development plan; and for every story in excess of three (3) stories, one percent (1%) of the total lot area shall be added to the otherwise required front yard, or such area shall be provided as ground level open space on land adjoining the right-of-way.

8-18(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Twenty-five percent (25%) of the least parking area required in any zone, other than the B-2 or B-2B zones which permit the principal or a similar use. Off-street loading and unloading areas shall be as required in Article 16.

8-18(o) Special Provisions:

1. For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan & Design standards, taking precedent over the Downtown Streetscape Master Plan where conflicts occur.

2. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.

**8-18 LEXINGTON CENTER BUSINESS  
(B-2B) ZONE**

**8-19(a) Intent** - This zone is intended 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 some 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.

**8-19(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

20. Civic Center and convention facilities.
21. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions; savings and loan companies, holding and investment companies.
22. Offices and clinics.
23. Schools for academic instruction.
24. Libraries, museums, art galleries, and reading rooms.
25. Studios for work or teaching of fine arts, such as photography, music, drama, dance or theater.
26. Places of religious assembly.
27. Ticket and travel agencies.
28. Restaurants, cocktail lounges and nightclubs, including those serving alcoholic beverages and/or offering live entertainment, except as prohibited under Section 8-19(e).
29. Establishments for the retail sale of primarily new merchandise.
30. Beauty shops and barber shops.
31. Shoe repair, clothing alterations or tailoring services.
32. Retail sale of plant, nursery or greenhouse products, or agricultural produce.
33. Commercial farm markets and market gardens.
34. Hotels or motels.
35. Any type of residential use.
36. Antique shops.
37. Establishments for the display, rental or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats; provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
38. Amusement enterprises, such as circuses; carnivals; horse racing or automobile racing, special events, festivals, and concerts provided such activity is operated on a temporary basis

of a duration not exceeding two weeks.

39. Establishments engaged in blueprinting, printing, publishing, and lithography; interior decoration and upholstery; repair of household appliances.
40. Bookstores, except as prohibited under Section 8-19(e).
41. Indoor amusement enterprises, such as motion picture theaters, except as prohibited under Section 8-19(e); billiard or pool halls; bowling alleys; dance halls, skating rinks; and arcades.
42. Computer and data processing centers.
43. Telephone exchanges, radio and television studios.
44. Cable television system signal distribution centers and studios.
45. Private clubs, except as prohibited under Sections 8-19(e)(7, 8 and 9).
46. 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 25 square feet per child.
47. Pawnshops which: (1) were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or (2) had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.
48. Historic house museums.
49. Health clubs, athletic clubs and spas.

**8-19(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Storage area for delivery vehicles of a permitted use.
2. Sidewalk café, when accessory to any permitted restaurant.
3. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
4. Parking lots and parking structures, when accessory to principal permitted uses.
5. Satellite dish antennas, as further regulated by Article 15-8.
6. Micro-brewery, when accessory to a restaurant permitted herein; shall be located at least 100 feet from a residential zone, and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.

**8-19(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Automobile service stations at which only minor automobile and truck repair is performed, and provided such use conforms to all requirements of Article 16.
2. Automobile rental facilities; parking lots and parking structures, when not accessory to a principal permitted

use, provided such uses conform to all requirements of Article 16.

3. Secondhand shops.
4. Self-service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
5. Helistops, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
6. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
7. Recycling drop-off centers for aluminum; steel; plastic; glass; newspapers; cardboard and other paper products; oil and other household recyclable waste, provided that such an establishment shall be located at least 200 feet from any residential zone. Any appeal for a conditional use permit to operate a recycling drop-off center shall include as part of the application: Reasons for the location of the proposed use at a specific site, description of equipment to be used, physical arrangement, and operation of the proposed center. The Board of Adjustment shall consider the necessity of screening, if needed.
8. 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.
9. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
  - a. To check all operating equipment;
  - b. To check fire suppression system(s);
  - c. To check the condition of the fire alarm(s);
  - d. To check for indications of fuel leaks and spillage;
  - e. To remove trash from the site;
  - f. To monitor the general condition of the site.
10. Temporary structures designed for use or occupancy for 61 to 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.

11. Tattoo parlors.
12. Ecotourism activities to include commercial hiking, bicycling, equine and zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; botanical gardens; nature preserves, and seasonal activities.

8-19(e) Prohibited Uses (All uses other than those listed as 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. Establishments primarily engaged in agricultural equipment sales and services.
2. Warehouse, as well as storage uses, except as accessory uses herein.
3. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; plastering; painting; metal work; electrical; sign painting; tile, mosaic and terrazzo work; electroplating; drilling; excavating; wrecking, construction and paving. This is not intended to prohibit administrative offices of such.
4. Manufacturing, compounding, assembling, bottling, processing and packaging, and other industrial uses for sale or distribution other than as retail on the premises.
5. Truck terminals and freight yards.
6. Drive-in restaurants or drive-in theaters.
7. Establishments offering live entertainment in which a person is unclothed, or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, the male or female genitalia, or the buttocks.
8. Establishments at which any employee is unclothed or in the attire, costume, or clothing described above, or is clothed in such a manner as to simulate the breast, genitalia, buttocks, or any portion thereof.
9. Establishments having as a substantial or significant portion of their stock in trade for sale, rent or display, pictures, books, periodicals, magazines, appliances and similar material which are distinguished or characterized by their emphasis on matter depicting, describing or relating to such sexual activities, as (a) depiction of human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy, or (c) holding or other erotic touching of human genitals, pubic region, buttocks or breasts.
10. Animal kennels, hospitals, clinics, outdoor runways or pens, and animal grooming facilities.
11. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
12. Pawnshops, except as permitted herein.

13. Campgrounds and hunting clubs.
14. Farm tours, hayrides, corn mazes, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or trapping, sportsmen's farms, zoological gardens and classes related to agricultural products or skills.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-19(f) Minimum Lot Size - No limitation.

8-19(g) Minimum Lot Frontage - No limitation.

8-19(h) Minimum Front Yard - No limitation.

8-19(i) Minimum Each Side Yard - No limitation.

8-19(j) Minimum Rear Yard - No limitation.

8-19(k) Minimum Usable Open Space - No limitation, except that 10% shall be required for any residential area.

8-19(l) Maximum Lot Coverage - No limitation.

8-19(m) Maximum Height of Building - No limitation.

8-19(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units: then one (1) space for every 2,000 square feet of residential floor area.

Hotels or Motels - One (1) space per suite, with a minimum of five (5) spaces.

8-19(o) Special Provisions:

1. For any development ~~within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2B zone where such provisions are more restrictive than those set in this zone that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor.~~ such development of the site shall comply with the Town Branch Commons Masterplan & Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.
2. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.

**C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS**

- 1. **ZOTA 2019-4: AMENDMENT TO ARTICLE 8: B-2 ZONES FOR TOWN BRANCH COMMONS** - petition for a Zoning Ordinance text amendment to update Article 8 to require compliance with the Town Branch Commons Masterplan and Design Standards in the downtown business zones.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

- 1. The proposed text amendment to Article 8 of the LFUCG Zoning Ordinance to require compliance with the Town Branch Commons Masterplan and Design Standards between the Town Branch Commons Corridor and development that is adjacent to, connected to, or interacts directly with the Town Branch Common Corridor supports the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles (Theme D, Goal #1.a). Additionally, through the implementation of the Masterplan and the Design Standards, the Urban County will also be providing quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #1.d).
- 2. The proposed text amendment will implement Appendix B of the Comprehensive Plan, while also supporting the Policies of the Comprehensive Plan (Growth Policy #2, Livability Policy #8, and Sustainability Policy #4).

Staff Text Amendment Presentation – Mr. Baillie presented and summarized the staff report and recommendations for this text amendment, and said that the Urban County Council initiated this Zoning Ordinance text amendment to require compliance with the Town Branch Commons Master Plan and Design Standards between the Town Branch Commons Corridor and development that is adjacent to, connected to, or interacts directly with the Town Branch Common Corridor. This requirement will only apply in the Downtown Business zones (B-2, B-2A, B-2B). The following provision has been proposed for the special provisions for the B-2, B-2A, B-2B zones:

*For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan & Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.*

Mr. Baillie said that the Town Branch Commons Corridor is not only improving mobility, it will also restore and reveal water features, clean-up rainfall areas, and connect mobility patterns throughout the area. He displayed a drawing of the proposed roadway and trails, and photos of the design improvements. He said that by incorporating compliance with the Town Branch Commons Masterplan and Design Standards for those properties adjacent to, connected to, or interacts directly with the Town Branch Common Corridor, subsequent development will need to consider the impacts that they may have to this vital portion of the community's multi-modal infrastructure, but also the surrounding context of their development. It is necessary to apply such standards within the context of the downtown area, as these developments will be a major beneficiary of the improvements made by the City, but can also lead to the most detrimental impacts to the trail, if not regulated. Furthermore, by maintaining consistent design standards along the Corridor, the Urban County Government will be able to create a more enticing space for potential residents, visitors, and businesses into the downtown commercial area.

Mr. Baillie said that in addition to the language recommended by the Urban County Council, staff is recommending the deletion of two sections of the LFUCG Zoning Ordinance: 8-17(o)(1) and 8-19(o)(1). Each of these sections reference the Urban Renewal Project Area and the Urban Renewal Plan. Both of the Area and the Plan are outdated and are no longer utilized by the Planning Commission in review of development in the B-2 and the B-2B zones. He said that the staff is recommending approval of this text amendment, including these minor deletions.

Zoning Action – A motion was made by Mr. Forester, seconded by Ms. Mundy, and carried 8-0 (Bell, Brewer, and Wilson absent) to approve **ZOTA 2019-4: AMENDMENT TO ARTICLE 8: B-2 ZONES FOR TOWN BRANCH COMMONS**, for the reasons provided by the staff.

\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.