
Sec. 1-11. Definitions.

Accessory Living Quarters means a portion of a dwelling unit designed for the purpose of shared or intergenerational living that may contain a second kitchen and other components of a dwelling, such as an independent means of egress. A non-separated, continuous, and open access shall exist between the accessory living quarters and remainder of the dwelling unit. Total occupancy of a dwelling unit containing Accessory Living Quarters shall be limited to one family or housekeeping unit.

Dwelling means a building, or portion thereof, occupied exclusively for residential purposes, not including a mobile home or trailer.

Dwelling, multiple-family, means a building, or portion thereof, occupied exclusively for residential purposes by more than two (2) families or more than two (2) housekeeping units.

Dwelling, single-family, means a building occupied exclusively for residential purposes by one (1) family or one (1) housekeeping unit. Townhouses are included in this definition.

The term "dwelling" also includes a building occupied by five (5) or more unrelated individuals at any time within five (5) years prior to January 1, 2010, subject to the following:

- (a) The occupancy is restricted to six (6) or less unrelated individuals;
- (b) The use of the building as a rental dwelling has not been abandoned;
- (c) The building shall not be enlarged or expanded beyond the existing square footage as of January 1, 2010:
 1. By more than twenty-five percent (25%) unless the building has been expanded by twenty-five percent (25%) or more under a building permit issued on or after January 1, 2005, in which case, then by no more than five percent (5%); or
 2. Unless approved by the board of adjustment as a conditional use after January 1, 2010.

Dwelling, two-family, means a building occupied exclusively for residential purposes by two (2) families or two (2) housekeeping units, commonly known as a duplex. Townhouses are not included in this definition.

The term "dwelling, two-family" also includes a building occupied by five (5) or more unrelated individuals in a unit at any time within five (5) years prior to January 1, 2010, subject to the following:

- (a) The occupancy of each unit is restricted to six (6) or less unrelated individuals;
- (b) The use of the building as rental dwellings has not been abandoned;
- (c) The building shall not be enlarged or expanded beyond the existing square footage as of January 1, 2010:
 1. By more than twenty-five percent (25%) unless the building has been expanded by twenty-five percent (25%) or more under a building permit issued on or after January 1, 2005, in which case, then by no more than five percent (5%); or
 2. Unless approved by the board of adjustment as a conditional use after January 1, 2010.
- (d) The limitation on enlargement of the building set forth in Subsection (c) of this definition, above shall not apply in the case of the addition of a second unit in a Two-Family (R-2) Zone, provided that both units thereafter conform to the limitation of four (4) unrelated persons per dwelling unit.

Dwelling unit means one (1) room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by a family as owner, by rental or lease on a weekly, monthly or longer

basis; physically separated from any other rooms or dwelling units which may be in the same building, and containing independent kitchen and sleeping facilities.

Dwelling unit, accessory (ADU) means a smaller, secondary independent housekeeping establishment located on the same lot as a principal dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:

- (a) **Converted** Detached Structures. Examples include garages or other accessory structures.
- (b) Attached Units. Attached units are connected to or part of the principal dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.

Kitchen facilities means equipment arranged in a room or some other space in a structure which facilitates the preparation of food, including, but not limited to, a combination of two (2) or more of the following: a range, microwave oven, dishwasher, kitchen sink, or refrigerator.

Detached accessory structures shall not be permitted to contain kitchen facilities unless that structure is an accessory dwelling unit. A wet bar, including a single sink with a waste drain and an under counter refrigerator may be installed in an accessory structure, provided there are no bathroom facilities, unless such facilities are separated and independently accessed. A wet bar may not include provisions for cooking, other than a microwave oven.

Mobile home means any factory-built structure, with or without a permanent foundation, as defined in KRS 227.550, which is designed and constructed on a permanent chassis to permit occupancy for dwelling or sleeping purposes, either permanent or temporary, when connected to the required utilities; and includes the plumbing, heating, air-conditioning and electrical systems contained therein. These are also known as "manufactured homes," which are regulated by the federal government and the state fire marshal, and are required to carry only a "HUD" seal applied by the manufacturer.

Principal structure means a building in which is conducted a principal or conditional use. In any residential zone, any structure containing a dwelling unit (**other than an accessory dwelling unit**) shall be deemed a principal structure on the lot on which the same is located. Where a non-conforming use is the primary use on the property, the building in which it is located shall be deemed a principal structure.

Sec. 3-12. General regulations for accessory dwelling units (ADUs).

- (a) Pre-Application Conference. Prior to filing an application for a building permit for an ADU, the applicant shall meet with appropriate staff members of the Division of Planning to discuss the proposed permit. The purpose of this conference is to discuss, at the earliest stages, the requirements, procedures and issues related to the proposed ADU, and to provide guidance for the property owner relative to the Homeowner's Guide to Accessory Dwelling Units (ADU Manual).

It is intended that this conference will help to alleviate possible conflicts by early recognition of existing conditions, necessary facilities, and the recommendations of the ADU Manual pertaining to design, layout, and other considerations. The applicant shall arrange the conference, which shall be held not less than five (5) working days nor more than three (3) months prior to submitting the application.

The staff shall keep a record of the conference date and include the information in the records of the building permit file. The Division of Planning shall not accept an application for a zoning compliance permit for an ADU for which a pre-application conference has not been held.

- (b) Construction. An ADU may be created through **new construction**, an alteration of an existing structure, addition to an existing structure, or conversion of an existing structure to an ADU while simultaneously constructing a new primary dwelling unit on the site, ~~unless further restricted under 3-12(p).~~ **A modular or**

manufactured home may be utilized as an ADU, provided it meets all other requirements of this section and is attached to a permanent foundation.

- (c) Number of Units. One (1) ADU is permitted per single family dwelling per lot.
- (d) Minimum Lot Size. None.
- (e) Maximum ADU Size. Eight hundred (800) square feet, except, Conversion: There is no limit on the size for the conversion of an existing basement to an ADU, so long as the conversion remains within the footprint of the structure.
- (f) Maximum Floor Area (FAR) and Lot Coverage. For an attached ADU, the maximum FAR and lot coverage shall be that of the underlying zone.
- (g) Yard requirements. For an attached ADU, the yard requirements shall be those required for a principal structure in the underlying zone.
- (h) Maximum Height. For an attached ADU, the maximum height shall be that of the underlying zone
- (i) Off-Street Parking. For ADUs located in a zone with a maximum parking requirement, one (1) additional space may be permitted.
- (j) Short-Term Rentals ~~shall be operated in accordance with Article 3-13.(as defined in the Code of Ordinances).~~
 - ~~(1) The use of an ADU as an un-hosted short term rental shall only be allowed as a conditional use.~~
 - ~~(2) If either dwelling unit is used as a short term rental, as defined in the Code of Ordinances, the property owner is required to occupy one of the dwelling units.~~
- (k) Design Standards.
 - Entrances: Only one (1) pedestrian entrance to the structure may be located on the primary wall plane of the dwelling unit.
 - Exterior Stairs: Any exterior stairs to serve as the primary entrance to an ADU within the principal structure shall be located on the side or rear of such the primary dwelling.
- (l) Alterations of existing structures: If a detached ADU is created from an existing detached accessory structure that does not meet one or more of the standards within Article 3-12, the structure is exempt from the standard(s) it does not meet as per Article 3-2.
 - However, as per Article 4-4, any alterations that would result in the structure becoming less conforming to those standards it does not meet is not allowed.
- (m) Maximum Occupancy Limit. A maximum of two (2) persons and any children related to either of them or under their care through a duly authorized custodial relationship may reside in the ADU.
- ~~(n) Owner Occupancy. The owner of the property must occupy either the principal dwelling unit or the ADU as the owner's permanent residence.~~
- ~~(o) Deed Restriction. A deed restriction shall be submitted prior to the issuance of a zoning compliance permit which states that the owner(s) agree to restrict use of the principal and ADU in compliance with the requirements of Article 3-12.~~
 - ~~At the request of the property owner and after an inspection verifying that the ADU has been removed from the owner's property, LFUCG shall record a release of any previously recorded deed restriction for that ADU.~~
- ~~(p) Special Provisions. Detached Accessory Dwelling Units are only permitted in detached structures which:~~
 - ~~(1) Were constructed prior to October 31, 2021; or~~

~~(2) Had on file with the Lexington-Fayette Urban County Government, prior to October 31, 2021 an application for a building permit.~~

(Ord. No. 102-2021 , § 2, 10-28-2021)

Sec. 3-13. General regulations for Short Term Rentals (STRs).

(c) Maximum Occupancy Limit (for accessory uses in residential zones): A maximum of two (2) individuals per bedroom, plus an additional four (4) individuals; or a total of 12 individuals, whichever is less. Any host or other permanent residents of the dwelling unit present during the short term rental period shall count toward the maximum occupancy. ~~Occupancy for accessory dwelling units used as short term rentals shall be in accordance with Article 3-12(m).~~

Article 8 SCHEDULE OF ZONES¹

Sec. 8-1. Agricultural Rural (A-R) Zone.

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

8. ~~Accessory Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.~~

Sec. 8-2. Agricultural Buffer (A-B) Zone.

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

8. ~~Accessory Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.~~

Sec. 8-3. Agricultural-Natural Areas (A-N) Zone.

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

8. ~~Accessory Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.~~

Sec. 8-5. Single-Family Residential (R-1A) Zone.

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

2. ~~Accessory Living quarters, without cooking facilities and not rented, for guests and employees of the premises.~~

10. Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance.