

## ***PLANNED UNIT DEVELOPMENT (PUD-3) ZONE***

### **Sec. 22C-1. Intent.**

The intent of the Planned Unit Development (PUD-3) zoning classification is to:

1. Implement the Goals and Objectives of the 2018 Comprehensive Plan.
2. Promote the innovative reuse and redevelopment of certain underutilized sites in Lexington-Fayette County, which is consistent with the Goals and Objectives of the 2018 Comprehensive Plan.

This Planned Unit Development Zone is established to ensure redevelopment that supplements neighborhood character, offers new entertainment and “live where you work” opportunities, and encourages innovation and unique mixed-use development. This Planned Unit Development Zone provides desirable housing, work, and entertainment options to creative professionals. The regulations hereunder shall be established in addition to the applicable regulations contained in this Zoning Ordinance. Where there are conflicts between the regulations hereunder, and those contained elsewhere in the Zoning Ordinance, the use, dimensions and other requirements hereunder shall apply.

### **Sec. 22C-2. Relationship to the comprehensive plan.**

This PUD-3 zone is based upon furthering the goals, objectives and land use policies of the 2018 Comprehensive Plan.

### **Sec. 22C-3. Definitions.**

As used in this Article, the following terms shall have the meaning given herein; otherwise, definitions of Article 1 shall apply:

1. *Artisan Food and Beverage Production* means on-site production of food and beverage products, involving small batch processing. Typical uses include, but are not limited to, coffee roasting; ice cream; bakery, candy and other foodstuffs; and alcoholic beverage manufacturing. This may include on-site sales and consumption.
2. *Artisan Manufacturing* means on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include, but are not limited to, wood working; ceramic studios; jewelry manufacturing; and uses that have no negative external impacts on surrounding properties. Welding is also permitted.
3. *Craft distillery* means a craft distillery as regulated by KRS 243.120.
4. *Digital Makerspace* means a facility for digital design and fabrication utilizing hardware and software tools.
5. *Entertainment Space* means a facility for uses that hold the attention and interest of users and their patrons and guests, including without limitation live performances, theater, games, and activities.

6. *Flex Space* means a facility for warehouse, office, retail, and similar uses, including without limitation a mix of these uses.
7. *Makerspace* means a facility for innovative uses, products, or services.
8. *Micro-brewery* means a brewery as regulated by KRS 243.150 and KRS 243.157.
9. *Office* means space utilized for commercial, professional, nonprofit, or governmental work.
9. *Restaurant* means an eating establishment where food is served and/or consumed primarily within the building and where consumption of food in motor vehicles on the premises is not encouraged.
10. *Retail* means establishments for the retail sale of merchandise, including: clothing, shoes, fabrics, yard goods; fixtures, furnishings, and appliances, such as floor covering, radios, TV, phonograph products and other visual and sound reproduction or transmitting equipment; furniture; kitchen and laundry equipment; glassware and china; and other establishments for the retail sale of hardware and wallpaper, lawn care products, paint and other interior or exterior care products, hobby items, toys, gifts, antiques, newspapers and magazines, stationery and books, flowers, music, cameras, jewelry and luggage, business supplies and machines; sporting goods and recreational equipment; prescription and non-prescription medicines and medical supplies.
11. *Short-Term Rental* means a dwelling, unit or room that is rented, leased or assigned for a tenancy of less than thirty (30) consecutive days in duration. A short-term rental may be owner occupied or non-owner occupied.
12. *Urban Agriculture* means the production and distribution, including on-site sales, in an urban neighborhood of agricultural or horticultural crops, including, but not limited to, poultry; poultry products; grain; hay; pastures; soybeans; timber; orchard fruits; vegetables; flowers or ornamental plants. This use does not include livestock or livestock products.

**Sec. 22C-4. Minimum site location.**

Application for a map amendment request to a PUD-3 zone shall be made only on property that meets the following criteria:

- (a) *Location*. The property must be entirely or substantially located within an area which is currently zoned, or which could be appropriately zoned pursuant to the adopted Comprehensive Plan, for light industrial, commercial, medium or high density residential, or mixed-use Place-types, Development-types, zones, or principal uses.

**Sec. 22C-5. Permitted uses.**

The following uses shall be permitted in the PUD-3 zone. All uses other than those specifically listed as permitted uses or substantially similar to the permitted uses shall be prohibited.

- (a) *Principal Permitted Uses*.
  1. The principal permitted uses in the I-1 zone.



2. Live/work space.
3. Dwelling units, including without limitation apartments, townhomes, condominiums, and Short-Term Rentals.
4. Artist studios.
5. Artisan food and beverage production.
6. Artisan manufacturing.
7. Digital makerspace.
8. Retail.
9. Craft distillery as regulated by KRS 243.120, including on-site sampling, souvenir package sales, retail drink and package sales, and other sampling or sales of spirits distilled or bottled by the distillery.
10. Libraries, museums, art galleries and reading rooms.
11. Community centers.
12. Places of religious assembly.
13. Indoor theaters.
14. Entertainment Space.
15. Flex Space.
16. Makerspace.
17. Radio and television studios.
18. Banks and financial institutions, without drive-through facilities.
19. Offices.
20. Establishments for the retail sale of food products.
21. Establishments for the retail sale of merchandise as permitted in the B-1 zone, unless prohibited by Subsection (d) of this section.
22. Open space and recreational areas.
23. Restaurant.
24. Brew-pub.
25. Micro-brewery.
26. Establishments for the retail sale of food products, such as supermarkets; dairy, bakery, meat, beer, liquor, and wine and other food product stores; and provided that production of food products is permitted only for retail sale on the premises.
27. Beauty shops, barber shops, and salons.
28. Carnivals, special events, festivals, or concerts on a temporary basis; and upon issuance of a permit by the Divisions of Planning and Building Inspection, which may restrict the permit in terms of time, parking, access, or in other ways to protect

public health, safety, or welfare; or deny such if public health, safety, or welfare is adversely affected. A carnival, special events, festivals, or concerts may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.

29. Arcades, including pinball and electronic games.
30. Athletic club facilities.
31. Private club and banquet facilities.
32. Permanent or temporary commercial farm markets and market gardens.
33. Hotels (including extended stay lodging, executive suites, and inns) and bed-and-breakfast accommodations.
34. The sale of malt beverages, wine or alcoholic beverages.
35. Cocktail lounges and nightclubs.
36. Form-based projects.
  - (a) *Form-Based Project Requirements:* The study will document the architectural and urban design character of the area. It shall demonstrate, through the use of renderings, elevations and similar graphic materials, how the proposed project will enhance and complement the area's character. It will also show its integration with the surrounding neighborhood by using positive design features, such as supplemental landscaping; provision of public space and open space buffers; and improved pedestrian accommodations. These drawings shall be made a part of the final approval, and building permits shall comply with the approved drawings.
  - (b) *Accessory Uses.* The following uses are permitted when incidental and subordinate to principal permitted uses:
    1. Parking structures, lots, private garages, and off-street parking areas.
    2. Swimming pools, tennis courts, clubhouses and other private or common use open space and recreational areas.
    3. Private parks and open space.
    4. A ground-mounted satellite dish antenna, as regulated by Section 15-8.
    5. On-site childcare facilities.
    6. Pool and billiard tables within an establishment.
    7. Sale of finished products related or incidental to the principal use.
    8. Accessory dwelling units.
    9. Sidewalk, patio, and courtyard cafes and dining, when accessory to any permitted restaurant, Micro-brewery, craft distillery, or similar establishment serving food or drink.
    10. Indoor or outdoor live entertainment and/or dancing, when accessory to a restaurant or brew-pub. Indoor uses shall be sound-proofed to the maximum extent feasible



by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood. The Board may also impose time and other restrictions to minimize nuisance to the surrounding neighborhood.

- (c) *Conditional Uses.*
  - 1. Drive-through facilities.
- (d) *Prohibited Uses.* All uses other than those listed as principal, accessory or conditional uses, or substantially similar to principal, accessory or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.
  - 1. General contractors, such as plumbing; heating; carpentry and cabinet shops; masonry; plastering; electrical; tile and terrazzo work; electroplating; drilling; excavating; wrecking; construction and paving. This is not intended to prohibit the administrative offices of such.
  - 2. Establishments offering live entertainment in which a person simulates any sexual act or 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.
  - 3. 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.
  - 4. 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.
  - 5. Indoor motion picture theaters having as a substantial or significant portion of their use the presentation of material having as a dominant theme or characterized or distinguished by an 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.

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**Sec. 22C-6. Design standards.**

The following design standards and criteria shall be applicable in the PUD-3 zone. All new structures and alterations or additions to existing structures shall be constructed to a height, scale, proportion and gross volume compatible with light industrial, commercial, medium or high density residential, or mixed-use Place-types, Development-types, zones, or principal uses.

The following table shall establish what standards and what process is suggested for each project or parcel.

Maximum Lot Coverage	No limit
Building Height	Greater of (a) average of principal structures on adjoining lots or (b) seventy-five (75) feet
Front Yard	Minimum ten (10) feet on any frontage adjoining a major arterial
Side and Rear Yard	No minimum except as required by building or fire codes for safety
Open Space	No limit

- (a) *Off-Street Parking.* No minimum off-street parking shall be required; however, adequate off-street parking shall be provided on-site.

**Sec. 22C-7. Review procedures.**

All applications for a PUD-3 shall be reviewed under the following procedure:

- (a) *Authorization to Prepare Required Materials.* In order to ensure that the Planned Unit Development Plan has been prepared in a professional manner using a multi-discipline approach, it shall be certified by an architect registered to practice in the State of Kentucky and one (1) or more of the following professionals:
- (1) An urban planner who is a full member of AICP.
  - (2) A landscape architect licensed to practice in the State of Kentucky.
  - (3) A civil engineer registered to practice in the State of Kentucky.
- (b) *Map Amendment Request.* Any map amendment request to a PUD-3 zone shall be filed in such form and such materials as required by Article 6 of this Zoning Ordinance and the by-laws of the Planning Commission. In addition, a site inventory and analysis shall be included with the application as the minimum requirements for filing.
- (1) *Site Inventory.* The inventory shall include text and map information indicating existing vegetative cover, including tree stands and the general type and size of trees; any existing utilities on site; the location and use of any existing structures on the site; identification and location of any historic structures or other natural or



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manmade features of historic interest; any existing easements; and any other significant site features. When a Planned Unit Development Plan is required, the inventory shall also include soil types and their locations and development limitations; and existing drainage features, including watercourses, natural swales, ponds, floodplains, etc.

- (2) *Site Analysis and Recommendations.* Based on the site inventory information, a site analysis, including recommendations, shall be provided. The site analysis may identify opportunities for public infrastructure improvements, uses, scale and context, in keeping with the stated intent of the PUD-3 zone.
- (c) *Plan and Permit Process.* Shall be as follows:
- (1) *Issuance of a Zoning Compliance Permit.* When a property meets all of the requirements of the table in Section 22C-6, the Division of Planning shall issue a Zoning Compliance permit without a Planned Unit Development Plan.
  - (2) *Planned Unit Development Plan.* A Planned Unit Development Plan shall be required when a property does not meet the requirements of the table in Section 22C-6 of this section. The content and review process for the Plan shall follow Article 21. Zoning Compliance and other applicable permits may be issued once certification of the Planned Unit Development Plan is complete.
  - (3) *Relationship to the Site Inventory.* The design of the Planned Unit Development shall respond to the natural and manmade features of the site. The design shall not necessitate excessive grading, filling, or the destruction or other alteration of the natural features unless necessary to achieve the identified goals and purposes of this PUD-3 zone. Where feasible, the streets should follow the natural terrain. The design shall adequately consider any historic features on the site, as well as any existing structure which is to be retained. The applicant shall use the flexibility of the PUD-3 zone to preserve such desirable natural and manmade features to the extent feasible.

**Sec. 22C-8. Applicability of other zoning ordinance and subdivision regulation articles.**

Except as specifically or implicitly modified herein, all other provisions of this Zoning Ordinance and Subdivision Regulations generally applicable to development in the Lexington-Fayette Urban County shall be applicable within the PUD-3 zone.

**Sec. 22C-9. Timing of development.**

Within five (5) years of the approval of the final Zoning Compliance Permit or Planned Unit Development Plan (as applicable), unless an extension of the time period is granted, the applicant shall be required to obtain building permits for all structures shown thereon. No permits for unconstructed buildings may be issued after that date based on the final Zoning Compliance Permit or Planned Unit Development Plan. The applicant may submit a new final plan for review or may request that the previous plan be re-evaluated to determine if time has necessitated changes in the plan for the health, safety, or welfare of the community. In either case, the procedure for

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submission and review shall be as required for a final Zoning Compliance Permit or Planned Unit Development Plan (as applicable) contained herein.