

In the continued effort to examine and modernize the Zoning Ordinance following the adoption of the 2018 Comprehensive Plan, Planning staff is currently bringing forward Zoning Ordinance Text Amendments to address a multitude of topics, as discussed in Theme E, Accountability Policy #2.

A key component to addressing Lexington's need for affordable housing is to address some of the underlying regulatory and financial constraints that result from provisions within the zoning ordinance. The 2018 Plan has numerous provisions aimed at ensuring the construction of adequate housing for Lexington's projected population growth across all income levels.

Revised parking requirements for affordable housing is supported within the Comprehensive Plan by the following Goals, Themes, and Policies:

Policies:

Theme A, Equity Policy #1: Meet the demand for housing across all income levels.

Theme A, Equity Policy #2: Provide affordable housing across all areas, affirmatively furthering fair housing, complying with HUD guidance.

Theme B, Sustainability Policy #5: Reduce/discourage vehicle oriented development patterns, such as drive-through businesses within the Urban Service Boundary, especially in the urban core areas. Reduce parking footprints.

Theme C, Prosperity Policy #10: Encourage flexible parking and shared parking arrangements.

Theme D, Connectivity Policy #3: Provide equitable multi-modal access for those who do not drive due to age, disability, expense, or choice.

Goals and Objectives:

Theme A, Goal 1: Expand housing choices.

Objective A: Pursue incentives and regulatory approaches that encourage creativity and sustainability in housing development.

Objective B: Accommodate the demand for housing in Lexington responsibly, prioritizing higher density and mixture of housing types.

Objective C: Plan for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents.

Objective D: Create and implement housing incentives that strengthen the opportunities for higher density and housing affordability.

Timeline:

July 2: Planning Commission Zoning Committee meeting

July 23: Planning Commission public hearing

August 14: Final report sent to Council

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT****PLN-ZOTA-20-00003: ARTICLES 8 AND 16 – REVISE PARKING REQUIREMENTS FOR MIXED-INCOME HOUSING DEVELOPMENTS**

REQUESTED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: See attached

(Note: Text underlined indicates an addition to the existing Zoning Ordinance; text ~~stricken through~~ indicates a deletion.)

STAFF REVIEW:

Through the adoption of the 2018 Comprehensive Plan, the Urban County Planning Commission initiated a text amendment to Articles 8 and 16 of the Zoning Ordinance in order to reduce the required number of parking spaces for Mixed Income Housing developments on February 29th, 2019.

Since the adoption of *Imagine Lexington*, the 2018 Comprehensive Plan, staff has begun implementation efforts to update the Zoning Ordinance. The plan's adopted goals and objectives have a strong focus on providing affordable housing, expanding housing choices, and supporting infill efforts. Throughout the last few years, during pre-development meetings with providers of affordable housing, developers have indicated that some of the Zoning Ordinance requirements create significant barriers for these projects. The two most substantial hurdles are the R-3 and R-4 Floor Area Ratio (FAR) limits, as well as the parking requirements that exceed the needs of their residents and make the projects financially infeasible. The Planning Commission has recently taken action to modify the FAR regulations, and this text amendment aims to further assist in supporting affordable housing by addressing the parking requirements in a targeted manner.

Existing parking requirements are a significant barrier to new affordable housing projects for a couple of reasons. In many cases, the requirements are setup to be the most punitive to developments that are most likely to be affordable. The market demands for affordable housing often requires that those units contain more bedrooms than typical market-rate multi-family housing developments. In the market for affordable housing, developers are serving larger family/household sizes. Under Lexington's Zoning Ordinance, parking for multi-family residential development is most often determined based on the number of bedrooms in a unit. The problem is compounded by the fact that, on average, families in the bottom 40% of income are far less likely to own a vehicle, much less two. In effect, the ordinance requires more parking for those least likely to ever need it.

To compound the deleterious effects of our existing parking requirements, complying with the ordinance comes at the direct expense of additional housing units while also increasing the costs of the units that are able to be constructed. A two parking space per unit requirement can add up to 20% to the overall cost of a project for affordable housing developers, which does not include the



potential units lost to the land consumed by the additional parking. That additional development cost can increase rents by up to 12% to a household renting those units. Lexington's 0.9 per bedroom requirement means that each three (3) bedroom unit requires three (3) parking spaces, with every sixth unit only required two (2). This is an unnecessarily burdensome requirement to our most disadvantaged residents and an inefficient use of Lexington's vitally important developable land.

The Infill and Redevelopment Steering Committee in 2008-2009 recommended and implemented the creation of the current mixed-income housing parking incentives. The definition and regulation of these projects was established in Articles 1 and 3. These projects were targeted for P-1 and B-1 zones in the hopes it would assist in the redevelopment of existing structures into affordable housing units. To date, there has not been a project that has utilized these provisions. This text amendment removes the P-1 and B-1 zone restrictions in Article 8 and opens the application of this definition to all housing that meets the definition in any zone. The parking reduction has been relocated to the general parking provisions in Article 16. Further, the allowable reduction is proposed to change from a 10% reduction to a flat parking requirement of (one) 1 space per dwelling unit.

The proposed Zoning Ordinance text amendment is in agreement with the 2018 Comprehensive Plan: *Imagine Lexington*, as it focuses on adding housing options in varying formats. Theme A, Goal #1 calls for Lexington to expand its housing choices, which certainly includes affordable housing. One vital component of that strategy is supporting affordable housing by removing regulatory barriers. Theme A, Goal #1.c. explicitly calls for implementing affordable housing incentives. Theme A, Goal #1.d. aims to support policies that improve housing affordability. For Lexington to grow responsibly and equitably for both the current and future residents, the Zoning Ordinance must provide opportunities for affordable housing development to succeed.

The Staff Recommends: **Approval**, for the following reason:

1. The proposed text amendment is in agreement with *Imagine Lexington*, the 2018 Comprehensive Plan for the following reasons:
 - a) The proposed text allows for additional flexibility for affordable housing and provides for additional housing choice for disadvantaged residents. (Theme A, Goal #1)
 - b) The proposed text supports the provision of safe, affordable and accessible housing to meet the needs of Lexington-Fayette County's older and disadvantaged residents. (Theme A, Goal #1.c.)
 - c) The proposed text creates incentives and strengthens opportunities for housing affordability throughout Lexington-Fayette County. (Theme A, Goal #1.d.)

CT/CW/HBB/TLW/dw

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8-15 PROFESSIONAL OFFICE (P-1) ZONE

8-15(a) Intent - This zone is primarily for offices and related uses. Retail sales are prohibited, except where directly related to office functions. This zone should be located as recommended in the Comprehensive Plan.

8-15(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations, including, but not limited to, real estate sales offices.
3. Research development and testing laboratories or centers.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Funeral parlors.
7. Medical and dental offices, clinics, and laboratories.
8. Telephone exchanges, radio and television studios.
9. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
10. Community centers and private clubs.
11. Hospitals, nursing homes, personal care facilities and assisted living facilities.
12. Computer and data processing centers.
13. Ticket and travel agencies.
14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
15. Cable television system signal distribution centers and studios.
16. Dwelling units, provided the units are not located on the first floor of a structure and provided that at least the first floor is occupied by another permitted use or uses in the P-1 zone, with no mixing of other permitted uses and dwelling units on any floor.
17. Business colleges, technical or trade schools or institutions.
18. Athletic club facilities, when located at least one hundred fifty (150) feet from a residential zone.
19. Beauty shops and barber shops not exceeding 2,000 square feet in floor area, which employ not more than five licensed cosmetologists, with all service provided only by licensed cosmetologists and/or barbers.
20. Rehabilitation homes, but only when more than five hundred (500) feet from a residential zone.
21. Adult day care centers.
22. Day Shelters.

23. Places of religious assembly.
24. Offices of veterinarians, animal hospitals or clinics, provided that: (a) all exterior walls are completely soundproofed; (b) animal pens are located completely within the principal building; and (c) boarding is limited to only animals receiving medical treatment.

8-15(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies.
2. Parking areas or structures.
3. Incidental retail sales or personal services, including facilities for serving food, only for employees, residents or visitors to any permitted use, and having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of 5,000 square feet.
4. Sales offices for the display of merchandise and the acceptance of orders.
5. Swimming pools, tennis courts, putting greens, hiking and bicycling trails, botanical gardens, nature preserves and other similar non-commercial recreational uses.
6. Satellite dish antennas, as further regulated by Article 15-8.
7. One dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be part of the building and located above, to the side, or to the rear of such permitted use.
8. Retail sales and storage areas accessory to internet-based businesses, for which Certificates of Occupancy are issued after November 15, 2001; provided that the retail sales and storage area occupies no more than twenty-five percent (25%) of the business area, nor more than 2,500 square feet, whichever is less; and having no display space, storage space or signs visible from the exterior of the building.
9. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-15(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Drive-through facilities for sale of goods or products or the provision of services otherwise permitted herein.
2. Parking lots and structures.
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. Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.
 5. Extended-stay hotels, except as permitted in a Professional Office Project.
 6. Mail service facilities, except as permitted in a Professional Office Project.
 7. Ecotourism activities to include equine or zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; and seasonal activities.

8-15(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. As for A-R, except offices, institutional uses, dwelling units, and other uses as permitted herein.
2. Any use dependent upon septic tanks or pit privies.
3. Pawn shops.
4. Golf driving ranges.
5. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas; and the above- or below-ground storage of more than five (5) gallons of gasoline. However, jet fuel may be stored only in conjunction with a heliport.
6. Greenhouses, plant nurseries, market gardens and garden centers.
7. Tattoo parlors.
8. Ecotourism activities, except as permitted herein.

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

8-15(f) Minimum Lot Size - 7,500 square feet.

8-15(g) Minimum Lot Frontage - 60 feet.

8-15(h) Minimum Front Yard - 20 feet.

8-15(i) Minimum Each Side Yard - 12 feet.

8-15(j) Minimum Rear Yard - 12 feet.

8-15(k) Minimum Usable Open Space - No limitation, except where residences are provided, then 10%.

8-15(l) Maximum Lot Coverage - 35% and a floor area ratio of 1.3.

8-15(m) Maximum Height of Building - 3:1 height-to-yard ratio.

8-15(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Athletic Club Facilities - One (1) space for every two hundred (200) square feet of floor area, plus one (1) space for each employee on the maximum working shift.

Offices, Fine Arts Studios, Banks and Financial Establishments, Offices of Veterinarians and Animal Hospitals, Medical and Dental Offices, Clinics and Laboratories, and the like - One (1) space for each two hundred (200) square feet of floor area.

Telephone Exchanges, Radio and Television Stations - One (1) space for every two (2) employees on a maximum shift; plus one (1) space for each vehicle owned by the use, with a minimum of five (5) spaces.

Elementary and Junior High Schools - One (1) space for every fifteen (15) auditorium seats; or one (1) space for each classroom, plus one (1) space for each employee, whichever is greater.

All Other Schools for Academic Instruction - One (1) space for every five (5) main auditorium seats, or one (1) space for every five (5) gymnasium seats, or one (1) space for every five (5) classroom seats, whichever is greater.

Professional Office Projects - One (1) space for every four hundred (400) square feet of floor area.

Kindergartens, Nursery Schools, and Child Care Centers - Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.

Places of Religious Assembly - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Libraries, Museums, Community Centers, Art Galleries and Reading Rooms - One (1) space for each six hundred (600) square feet of floor area.

Funeral Parlors - One (1) space for every five (5) seats under maximum occupancy, plus one (1) for

each vehicle owned by the use.

Dwelling Units - One (1) space for each dwelling unit.

Private Clubs - One (1) space for every four (4) members.

Accessory Retail Facilities - One (1) space for every six hundred (600) square feet of floor area for each retail use.

Restaurants - One (1) space for each two hundred (200) square feet of floor area; or one (1) for every four (4) indoor seats plus one (1) for every eight (8) outdoor seats, whichever is greater.

Hospitals, Nursing Homes, Personal Care Facilities, and Rehabilitation Homes - One (1) space for every three (3) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

Assisted Living Facilities - Three (3) spaces for each four (4) bedrooms, plus one (1) space for each employee on the maximum shift.

Extended-Stay Hotels - One (1) space for every dwelling unit, plus one (1) space for each employee on the maximum shift.

Adult Day Care Center - One (1) space for every ten (10) persons being provided care, plus one (1) space per caregiver on the maximum shift.

Day Shelter - One (1) space for every ten (10) persons being provided services, plus one (1) space per staff member on the maximum shift.

Beauty Shops or Barber Shops - One (1) space for every 200 square feet, with a minimum of three (3) spaces.

Mail Service Facilities - One (1) space for each 200 square feet of floor area.

Other Recreational Facilities or Ecotourism activities not otherwise stated herein - Five (5) spaces, plus one (1) space for each employee for each separate use.

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

Conditional Uses - Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements as needed.

Combinations - Combined uses shall provide parking equal to the sum of the individual requirements.

8-15(o) Special Provisions

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
- b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

As a principal permitted use:

1. Hotels, but only when located more than two hundred (200) feet from a residential zone; and the total number of hotels shall not exceed one (1) hotel for every twenty (20) acres of the Professional Office Project.
2. Extended-Stay Hotels.
3. Mail Service Facilities.

As accessory uses:

1. Receiving, shipping, and storage of new fixtures, equipment and other non-perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.

As conditional uses:

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.

In addition to the uses otherwise permitted in the

Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building containing a minimum of 40,000 square feet of floor area.
 - b. It shall occupy not more than twenty-five percent (25%) of the building in which it is located.
 - c. It shall have no more than one public entrance and one service entrance directly to the outside of the building, and that this use shall be at least one hundred fifty (150) feet from any residential zone.
 - d. It shall have no drive-in or drive-through food service.
 - e. There shall be no more than two restaurants within an office building, provided that the 25% limitation is not exceeded.
 - f. Signs permitted per office building may be used to identify the restaurant and/or the office use.
2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced, when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. ~~Also, for every one percent (1%) of the dwelling units that will be provided as a mixed income housing unit, the Commission may decrease the required parking by one percent (1%).~~ In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space, ~~or only providing mixed-income housing, or twenty five percent (25%) by using a combination of mixed income housing and additional open space.~~

8-16 NEIGHBORHOOD BUSINESS (B-1) ZONE

8-16(a) Intent - This zone is intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. Generally, they should be planned facilities and should be located as recommended in the Comprehensive Plan. This zone should be oriented to the residential neighborhood, and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic.

8-16(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations; including, but not limited to, real estate sales offices.
3. Research development and testing laboratories or centers.
4. Schools for academic instruction.
5. Libraries, museums, art galleries and reading rooms.
6. Funeral parlors.
7. Medical and dental offices, clinics and laboratories.
8. Telephone exchanges, radio and television studios.
9. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
10. Community centers and private clubs.
11. Nursing homes, personal care facilities and assisted living facilities.
12. Computer and data processing centers.
13. Ticket and travel agencies.
14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
15. Business colleges, technical or trade schools or institutions.
16. Rehabilitation homes; but only when more than 500 feet from a residential zone, school for academic instruction or a child care center.
17. 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.
18. Restaurants, and brew-pubs, except as prohibited under Sections 8-16(e)(14) and (15), which offer no live entertainment or dancing.
19. 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.
20. Beauty shops and barber shops.
21. Shoe repair, clothing alterations and tailoring services.
22. Self service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than 40 pounds capacity and using a closed-system process.
23. Automobile service stations, provided such use conforms to all requirements of Article 16.
24. Parking structures; provided such use conforms to the conditions of Article 16, and provided that at least twenty-five percent (25%) of the first floor is occupied by another permitted use or uses in the B-1 zone.
25. Repair of household appliances.
26. Retail sale of plant nursery or greenhouse products, except as prohibited herein.
27. Miniature golf or putting courses.
28. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
29. 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.
30. Indoor theaters, limited to three screens or stages.
31. Rental of equipment whose retail sale would be permitted in the B-1 zone.
32. Dwelling units, provided the units are not located on the first floor of a structure; and provided that at least the first floor is occupied by another permitted use or uses in the B-1 zone, with no mixing of other permitted uses and dwelling units on any floor.
33. Arcades, including pinball and electronic games.
34. 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.

35. Athletic club facilities.
36. Banquet facilities.
37. Adult day care centers.
38. Animal grooming facilities.
39. Mail service facilities.
40. Tattoo parlors.
41. Form-based neighborhood business project, as per 8-16(o)(3).
42. Day Shelters.
43. Commercial farm markets and market gardens.
44. Establishments primarily engaged in agri-cultural sales and services, but only when located within 500 feet of an Agricultural Rural (A-R) zone.
45. Ecotourism activities to include hiking, bicycling and equine trails; recreational outfitters, and canoeing and kayaking launch sites.
46. Places of religious assembly.
47. Offices of veterinarians, animal hospitals or clinics, provided that: (a) all exterior walls are completely soundproofed; (b) animal pens are located completely within the principal building; and (c) boarding is limited to only animals receiving medical treatment.

8-16(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Parking areas or structures.
2. One (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted uses.
3. Warehousing, wholesaling, and storage, excluding outdoor storage; and provided that no building for such accessory use shall have openings other than stationary windows or solid pedestrian doors within 100 feet of any residential zone.
4. The sale of malt beverages, wine or alcoholic beverages, when accessory to a restaurant permitted under Section 8-16(b)(3). Such accessory use shall not devote more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of such beverages, nor provide any separate outside entrances or separate identification signs for those areas.
5. Satellite dish antennas, as further regulated by Article 15-8.
6. One or two pool or billiard tables within an establishment.
7. Sidewalk cafes, when accessory to any permitted restaurant.
8. Retail sale of liquid propane (limited to 20-lb.

containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Article 8-16(b).

9. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located more than 100 feet from a residential zone.
10. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-16(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Self-service car washes, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
2. The rental of trucks (single rear axle - 28' maximum overall length), trailers and related items in conjunction with the operation of an automobile service station; provided that the service station abuts a state or federal highway. No more than five (5) trucks shall be stored for longer than 48 hours on any service station. A site plan shall be submitted for the approval of the Board of Adjustment for the continued control of such activity and shall show the entire property, buildings, signs, parking and location of the proposed storage area.
3. A restaurant or brew-pub, without live entertainment or dancing, which devotes more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of malt beverages, wine or alcoholic beverages.
4. Outdoor live entertainment and/or dancing, cocktail lounges or nightclubs [unless prohibited under Sections 8-16(e)(14) and (15)]. Such uses shall be located at least 100 feet from any residential zone; and indoor uses 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.
The Board may also impose time restrictions to minimize nuisance to the surrounding neighborhood.
5. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located closer than 100 feet from a residential zone.
6. Upholstery shop.
7. 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.
8. 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.
 9. Rehabilitation homes, but only when located closer than 500 feet from a residential zone, school for academic instruction or a child care center.
 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. 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 two hundred (200) feet from any residential zone, residential use, school, hospital, nursing 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.
 12. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
 13. Extended-stay hotels.
 14. Parking lots, provided such use conforms to the conditions of Article 16.
 15. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, except as accessory uses herein.
 16. Ecotourism activities to include zip line trails; tree canopy tours; fishing clubs; botanical gardens; nature preserves; and seasonal activities.
 17. Recreation vehicle and trailer campgrounds, but only when located within 500 feet of an interstate interchange.
 18. Hunting clubs, but only when located more than 500 feet from a residential zone.
 19. Country inns, but only when located within 500

feet of an Agricultural Rural (A-R) zone.

8-16(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 sales and services, except as permitted herein.
2. Warehouses, 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; printing; electrical; sign painting; tile, mosaic and terrazzo work; electroplating; drilling; excavating; wrecking; construction; and paving. This is not intended to prohibit the 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; transfer stations.
6. Amusement enterprises, such as outdoor theaters; automobile racing; horse racing.
7. Kennels, outdoor runways, or pens for animals.
8. Establishments engaged in the display, rental, sales, service and major repair of automobiles, repair of motorcycles, boats, trucks, travel trailers, farm implements, contractors' equipment, mobile homes, and establishments primarily engaged in the sale of supplies and parts for any of the above-mentioned vehicles or equipment, except as permitted herein.
9. Establishments for cleaning, dyeing, laundering and the like, other than self-service and pickup stations, except for clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
10. Dwellings, except as permitted herein.
11. Hotel or motel, boarding house.
12. Wholesale establishments.
13. Greenhouses, nurseries, hatcheries.
14. 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.
15. 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.
16. 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.

17. 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.
18. Above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
19. Pawnshops, except as permitted herein.
20. Pool or billiard halls.
21. Hospitals.
22. Ecotourism activities, except as permitted herein.

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

8-16(f) Minimum Lot Size - No limitation.

8-16(g) Minimum Lot Frontage - No limitation.

8-16(h) Minimum and Maximum Front Yard:

- a. Minimum - 10 feet.
- b. Maximum - 20 feet.

8-16(i) Minimum Each Side Yard - No limitation.

8-16(j) Minimum Rear Yard - No limitation.

8-16(k) Minimum Usable Open Space - No limitation, except where dwelling units are provided as principal uses; then 10%.

8-16(l) Maximum Lot Coverage - No limitation.

8-16(m) Maximum Height of Building - 35 feet, except as permitted in Section 8-16(o)(3).

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

As for P-1.

Accessory Warehousing, Wholesaling, Storage and the like - One (1) space for every 600 square feet of floor area.

Accessory Dwellings - One (1) space per dwelling unit.

Shoe Repair Shops, Clothing Alterations, Tailoring Services and Tattoo Parlors - One space for every 200 square feet, with a minimum of three (3) spaces.

Restaurants and Brew-Pubs with no live entertainment or dancing - One (1) space for every 200 square feet of floor area; or one (1) space for every four (4) indoor seats, plus one (1) for every eight (8) outdoor seats, whichever is greater.

Cocktail Lounges, Night Clubs, Banquet Facilities or Restaurants and Brew-Pubs with live entertainment or dancing - One (1) space for every 150 square feet; or one (1) space for every three (3) indoor seats plus one (1) for every six (6) outdoor seats, whichever is greater.

Retail Uses - For the first 10,000 square feet, one (1) space for every 400 square feet of floor area, with a minimum of three spaces; for all floor area exceeding the first 10,000 square feet, one (1) space for every 200 square feet. Combined uses located in a single building shall calculate required parking on the total square footage of the building and not the individual retail uses therein.

Self-Service Laundry - One (1) space for every six (6) machines (washers, dryers, and the like.)

Indoor Theaters - One (1) space for every five (5) seats.

Miniature Golf or Putting Course - One and one-half (1½) spaces per hole.

Arcades, with or without accessory billiard or pool tables - One (1) space for every 250 square feet of floor area.

Animal Grooming Facilities - One (1) space for every 200 square feet, with a minimum of three (3) spaces.

Country Inns - One (1) space per room or suite rented.

Combined Uses - Combined uses shall provide parking equal to the sum of the individual uses.

8-16(o) Special Provisions:

1. No building to be used principally as a single use or establishment shall exceed 40,000 square feet in floor area unless approved by the

Planning Commission prior to December 10, 2013 for at least 40,000 square feet in size. No such structure may exceed 60,000 square feet in size, in any event.

2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. ~~Also, for every one percent (1%) of the dwelling units that will be provided as a mixed income housing unit, the Commission may decrease the required parking by one percent (1%).~~ In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space. ~~or only providing mixed income housing; or twenty-five percent (25%) by using a combination of mixed income housing and additional open space.~~
3. A form-based neighborhood business project may be approved by the Planning Commission on any site over one (1) acre in size. For any such project, a final development plan shall be approved by the Planning Commission prior to issuance of any building permit. The lot, yard, height and setback requirements will be those established by the Commission on the approved development plan, rather than those stated above. In addition to the development plan, an applicant seeking approval of a form-based neighborhood business project shall be required to submit an area character and context study prepared by an architect or urban design professional.

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 Commission's approval, and building permits shall comply with the approved drawings. A form-based neighborhood business project shall not be subject to the square footage limitation of 8-16(o)(1) above.

ARTICLE 16

GENERAL REGULATIONS FOR PARKING, LOADING AREAS, GARAGES, AUTOMOBILE SERVICE STATIONS, VEHICLE SALES LOTS AND STACKING AREAS

16-1 GENERAL REGULATIONS FOR PARKING, LOADING AND PEDESTRIAN AREAS

16-1(a) PARKING OR LOADING SPACES ESTABLISHED PRIOR TO ADOPTION OR AMENDMENT OF THIS ZONING ORDINANCE - Any parking or loading spaces established prior to the adoption or amendment of this Zoning Ordinance that are either used or are intended to be used in connection with any principal building, structure, or use; or any spaces designed and intended to comply with the requirements of this Zoning Ordinance for any such principal building or structure erected after that adoption or amendment date, shall hereafter be maintained, as long as said building, structure, or use remains (unless the owner provides and maintains, in another location, an equivalent number of spaces as required in conformance with the provisions of this Zoning Ordinance).

16-1(b) PARKING REQUIREMENTS FOR A CHANGE IN THE PRINCIPAL USE - Where the principal use is changed to a use for which additional parking space is required under the provisions of this Zoning Ordinance, it shall be unlawful to begin or maintain such altered use until the required off-street parking is provided.

16-1(c) UNITS OF MEASUREMENT FOR DETERMINING THE REQUIRED PARKING - For the purpose of this Zoning Ordinance, "floor area" as used in computing the required off-street parking or loading areas, shall mean "Parking Floor Area" as defined in this Zoning Ordinance. In stadiums, sports arenas, places of religious assembly, or other places of assembly where patrons or spectators occupy benches, pews, or other such seating facilities, each 24 inches of such seating facilities shall be counted as one seat for the purpose of determining the requirements for off-street parking spaces under this Zoning Ordinance. When units of measurement used in determining the number of required parking spaces would result in the requirement of a fractional space, any fraction less than one-half ($\frac{1}{2}$) shall be disregarded, and fractions of one-half ($\frac{1}{2}$) or more shall require one (1) parking space.

16-1(d) LOCATION OF PARKING SPACES - The location of parking spaces shall be as hereinafter set forth; and where distances are specified, they shall be the walking distances measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve. For one and two-family dwellings, parking shall be provided on the same lot with the building it is required to serve; for multiple family dwellings, not more than 200 feet from the building the parking spaces are required to serve; for

uses located in or permitted in a Professional Office or any business zone (except B-2B); and for hospitals, nursing, convalescent and personal care facilities, orphanages, private clubs, fraternity or sorority houses, and places of religious assembly, not more than 300 feet from the building they are required to serve; for uses located in or permitted in any industrial zone and uses not specified above, not more than 700 feet from the building, or other place of assembly, they are required to serve; and for all uses located in the B-2B zone, on any lot located within the B-2, B-2A, or B-2B zones, parking location shall be subject to the qualifications listed under the requirements of the B-2B zone.

16-1(e) LOADING AND UNLOADING SPACES REQUIRED - In any zone, every building or part thereof hereafter erected, with a floor area of 10,000 square feet or more, which is to be occupied by manufacturing; compounding; processing; storage; warehousing; goods display; retail store; wholesale store; hotel; hospital; funeral parlor; laundry; dry cleaning; or other uses similarly requiring the receipt or distribution by vehicles of material, objects, or merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading space plus one (1) additional off-street loading space for each 20,000 square feet or fraction thereof of floor area so used in excess of 20,000 square feet.

16-1(f) PERMIT REQUIREMENT - Permits are required for private walkways, parking, loading or unloading areas. Such permits shall not be issued until the applicant has met the design standards jointly promulgated by the Division of Traffic Engineering and the Division of Building Inspection, the storm drainage requirements of the Division of Engineering, and all other requirements of this Zoning Ordinance.

16-2 MINIMUM DESIGN AND MAINTENANCE REQUIREMENTS FOR PARKING AREAS - Every parcel of land hereafter used as a parking area shall be designed and maintained in accordance with the following requirements:

- (a) Off-street parking areas shall equal or exceed the number of spaces required, shall be of useable shape and surface, and shall have convenient ingress and egress. Not less than seventy-five percent (75%) of the total required parking spaces shall be designed for use by full-size vehicles. Up to twenty-five percent (25%) of the required parking may be designed and designated for compact vehicles. Aisles and access drives shall be designed so as to provide adequate vehicular maneuvering wholly upon the property being served; and in no case shall off-street parking areas be permitted that encourage or require the

backing onto, or maneuvering within, the right-of-way of any public or private street.

- (b) Any lighting used to illuminate off-street parking areas shall be arranged so as to reflect away from any adjoining residential zone or uses and any public or private right-of-way.
- (c) Any off-street parking area having more than 1,800 square feet of area and/or used by five (5) or more vehicles shall be landscaped and screened as required by Article 18: Landscape and Land Use Buffers.
- (d) A "sight triangle" shall be observed at all street intersections or intersections of driveways with streets as required in Article 18: Landscape and Land Use Buffers and Section 3-3 of this Zoning Ordinance.
- (e) All parking areas shall be paved and drained so as to dispose of all surface water within the parking area without carrying said water accumulation over a public sidewalk. Piping the water to a suitable outfall may be required.
- (f) Where parking areas are provided for five (5) or more vehicles or contain more than 1,800 square feet of area in a residential zone; or are enlarged or expanded to provide for five (5) or more vehicles or to contain more than 1,800 square feet of area, they shall be paved with an asphalt, concrete, brick or other properly bound surface, so as to be durable and dustless. Each parking space shall be physically delineated on the surface of the parking area.
- (g) Permanent storm water management, in compliance with the storm water manuals and accepted by the Division of Engineering, shall be provided for all off-street parking areas containing five (5) or more parking spaces and/or more than 1,800 square feet. For off-street parking areas of 1,800 square feet or less, or less than five (5) parking spaces, permanent storm water retention may be required by the Division of Engineering upon the determination that the lack of such retention would cause or aggravate flooding or other drainage problems on surrounding property.

16-3 REQUIRED PROFESSIONAL OFFICE OR BUSINESS (EXCEPT B-2B) ZONE AUTOMOBILE PARKING AREA AS A CONDITIONAL USE IN R-3, R-4 or R-5 ZONE

The establishment and operation of a restricted accessory parking area may be authorized by the Board of Adjustment as a conditional use in such parts of any Planned Neighborhood Residential (R-3) zone, High Density Apartment (R-4) zone or High Rise Apartment (R-5) zone as abut, either directly or across an alley, a Professional Office or business (except B-2B) zone or any conforming or non-conforming institutional use in a particular residential zone, subject to the following conditions and requirements:

- (a) The parking area shall be accessory to and for use in conjunction with one or more permitted uses located on an adjoining Professional Office or business (except B-2B) zone, or in connection with one or more existing

conforming or non-conforming institutional uses on adjoining premises.

- (b) Such parking shall be situated on premises not less than 5,000 square feet in area which shall abut at least fifty (50) feet, either directly or across an alley, on a Professional Office or business (except B-2B) zone, or on the premises of the existing conforming or non-conforming institutional use to which the parking area is accessory.
- (c) Such parking area shall be used solely for the parking of passenger automobiles. No commercial repair work or service of any kind shall be conducted, and no charge shall be made for parking. No sign of any kind, other than designating ownership, entrances, exits, and conditions of use, shall be maintained on such parking area. Such signs shall conform to the zone in which the parking area is established.
- (d) Each entrance and exit to and from such parking area shall be at least twenty (20) feet distant from any adjacent lot line located in any residential zone.
- (e) The parking area shall be subject to all requirements of this Zoning Ordinance concerning surfacing, lighting, landscaping, screening, and minimum yards and setbacks.
- (f) Any permit issued by the Division of Planning for such parking area may be revoked any time that the aforementioned requirements are not complied with; and any permittee who uses the premises in violation of any of the conditions specified above, or attached as conditions to such permit by the Board of Adjustment, shall be deemed in violation of this Zoning Ordinance.

16-4 PARKING, LOADING AND UNLOADING AREAS IN RESIDENTIAL ZONES

16-4(a) MINIMUM REQUIRED PARKING - In every R-1A, R-1B, R-1C, R-1D, R-1E, R-1T and R-2 zone, there shall be provided at least one (1) off-street parking space for each dwelling unit; no such space shall be located within any required front yard or side street side yard area. The parking area and driveway shall be paved with concrete, asphalt, brick or other suitable hard surface materials, as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate. Where decorative rock, or a similar product, is being driven on or being used for parking, it shall be considered loose aggregate and prohibited.

Any private walkway shall be designed in such a way that a vehicle cannot drive on it so as to permit the area to be used as a parking space or vehicular use area. No private walkways shall be built in the street right-of-way without approval of an encroachment permit.

Within the defined Infill & Redevelopment Area, the maximum width in the front yard of any driveway serving the required space(s) per dwelling unit shall be limited to ten (10) feet.

16-4(b) ADDITIONAL PARKING - Provided the above parking has been met, additional parking shall be permitted in any R-1A, R-1B, R-1C, R-1D, R-1E, R-1T or R-2 zone, provided the following requirements are met:

- (1) The parking area and driveway shall be paved with concrete, asphalt, brick, grass pavers, or other suitable hard surface materials as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate. Where decorative rock, or a similar product, is being driven on or being used for parking, it shall be considered loose aggregate and prohibited.

Any private walkway shall be designed in such a way that a vehicle cannot drive on it so as to permit the area to be used as a parking space or vehicular use area. No private walkways shall be built in the street right-of-way without approval of an encroachment permit.

- (2) The paved areas for parking areas and driveways shall be set back from the property lines as follows:

Zone	Setback from Front Lot Line and/or Side Street Lot Line	Setback from Side & Rear Lot Line
R-1A	15'	8'
R-1B	10'	4'
R-1C	6'	2'
R-1D	6'	2'
R-1E	6'	2'
R-1T	6'	2'
R-2	6'	2'
R-3 & R-4*	6'	2'

* For single family homes or duplexes, per Article 16-4(c)(6)

- (3) a. If located within the required front yard or required side street side yard, outside the defined Infill and Redevelopment Area, the percentage of coverage of parking areas and driveways shall not exceed fifty

percent (50%) of the total required front or side street side yard. The maximum amount of paved area, including private walkways, shall not exceed sixty percent (60%) of the total required front or side street side yard.

- b. If located within the required front or side street side yard, inside the defined Infill and Redevelopment Area, parking is prohibited, and driveway width shall be limited to ten (10) feet. The maximum amount of private walkways shall not exceed ten percent (10%) of the total required front or side street side yard.
- (4) The design of the parking areas and driveways shall be developed so as to discourage the backing of vehicles onto a public right-of-way.
- (5) The parking area shall be landscaped and screened as required by Article 18 of this Zoning Ordinance.
- (6) A permit shall be required for the construction of all parking areas and driveways that fall under the above regulations. The owner must provide the Division of Building Inspection with a plot plan showing the entire lot, the location of the residence, the layout of the parking areas and driveways (both the required spaces and proposed extra spaces) and all proposed landscaping and screening required, as well as any other information necessary to clearly define the proposed construction as required by the Division of Building Inspection.
- (7) Within the defined Infill and Redevelopment Area, the maximum number of parking spaces on the lot will be no more than fifty percent (50%) additional spaces over the required parking. The following table gives examples of the required and maximum number of parking spaces:

Required Parking	Maximum Parking
1	2
2	3
3	5
4	6

- (8) Properties that have one or more street frontage with restricted parking shall be allowed one (1) additional parking space per restricted street frontage over the maximum allowed parking.

16-4(c) PARKING, LOADING, AND UNLOADING PROHIBITED IN RESIDENTIAL ZONES R-3, R-4 and R-5

- In the R-3, R-4 and R-5 residential zones, parking, driveways, loading and unloading areas must meet the following requirements:

- (1) No off-street parking area, loading or unloading area, maneuvering area or aisles shall be permitted within the required front yard or side street side yard of any lot with a principal building. Where parking is the principal use of a lot, such off-street parking, loading or unloading area shall not be closer to any lot line than

the distance required for a principal building of one (1) story in height.

- (2) No portion of the front yard or side street side yard, exclusive of driveways, shall be paved or surfaced; and all such front and side street side yards shall be enclosed by a barrier, or landscaped in such a manner, suitable to preclude any such activity as prohibited in this section.
- (3) The parking area and driveway shall be paved with concrete, asphalt, brick or other suitable hard surface materials, as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate.
- (4) Within the defined Infill & Redevelopment Area, the maximum number of surface parking spaces on the lot will be no more than fifty percent (50%) additional spaces over the required parking. [See the table in Section 16-4(b)(7) for examples].
- (5) Properties that have one or more street frontage with restricted parking shall be allowed one (1) additional parking space, over the maximum allowed parking, per restricted street frontage.
- (6) For a single family detached dwelling unit, or a two-family duplex unit in the R-3 or R-4 zone, the parking requirements shall be as per Articles 16-4(a) and 16-4(b).

16-4(d) NON-CONFORMING PARKING EXCEPTION

- (1) No off-street parking space shall be required for a single family detached residence on any lot redeveloped as defined in Article 15-2(a)(1) when the lot already has no off-street parking space (a non-conforming situation).
- (2) No off-street parking space shall be required within the defined Infill and Redevelopment Area where the Urban County Council has established a designated on-street parking area on a block-by-block basis.

16-5 PARKING, LOADING AND UNLOADING AREAS PERMITTED IN REQUIRED FRONT OR SIDE STREET SIDE YARD IN ZONES OTHER THAN RESIDENTIAL ZONES

- In any zone other than a residential zone, or an industrial zone adjoining an Agricultural Rural (A-R), Agricultural Buffer (A-B) or Agricultural Natural (A-N) zone across a public or private street right-of-way, off-street parking, loading or unloading areas may be permitted within the required front or side street side yard if there is sufficient depth between the street right-of-way line and the building line or other barrier to accommodate all parking and maneuvering without the necessity of backing over the street right-of-way line. All portions of front yards and side street side yards, including driveways, shall be enclosed by a barrier or landscaped in

accordance with the landscaping requirements for vehicular use areas set forth in Article 18 of this Zoning Ordinance.

16-6 SINGLE PARKING AREAS FOR MULTIPLE USES

- The required off-street parking for any number of separate uses may be combined in one lot; but the off-street parking required by any use for the purposes of complying with this Zoning Ordinance shall not be counted, nor shall it be included in the off-street parking required for any other use unless specifically permitted herein.

16-7 JOINT USE OF PARKING AREAS - The Division of Planning may, upon application by all parties involved, authorize the joint use of off-street parking facilities. Joint use of off-street parking shall be subject to the following limitations and conditions:

- (a) Off-street parking areas required for detached single family and two family residential use shall not be included in any joint parking arrangement. For the purpose of this Article, residential uses shall be considered between the hours of 7 p.m. and 7 a.m.
- (b) Up to one hundred percent (100%) of the off-street parking required for a place of religious assembly, or an auditorium incidental to a public or private school; and up to seventy-five percent (75%) of the off-street parking required for any other use may be provided by a joint parking arrangement.
- (c) The joint parking area shall be within 300 feet of all of the uses being served by such facility, measured by the walking distance from the nearest point of the parking facility property to the nearest point of the property where the use is located and which the parking is intended to serve.
- (d) The applicant shall submit sufficient data to the Division of Planning to demonstrate that the normal and regular operating hours of the uses proposing a joint parking arrangement do not coincide or overlap by more than one (1) hour.
- (e) All parties shall execute a properly drawn legal instrument for the joint use of off-street parking areas. This instrument, having been approved as to form and manner of execution by the legal counsel of the Lexington-Fayette Urban County Government, shall be filed with the application.

16-8 SPECIAL ACCESS, SURFACE, AND LOCATION REQUIREMENTS FOR GARAGES, PARKING LOTS, AUTOMOBILE SERVICE STATIONS, AND VEHICLE SALES LOTS

16-8(a) REQUIRED DISTANCE BETWEEN SERVICE STATIONS/GARAGES/AUTOMOBILE REPAIR SHOPS/AUTOMOBILE & VEHICLE REFUELING STATIONS AND RESIDENTIAL ZONES AND/OR INSTITUTIONAL USES - No building, structure or premises intended or designed to be used as a community garage; an automobile repair shop; a service station; an automobile and vehicle refueling station or a parking lot or structure, whether a

principal or a conditional use on a property, shall be used, erected or altered, which has an entrance or exit for vehicles in the same block front and within 200 feet of the property boundary of any school; public playground; place of religious assembly; hospital; public library; convalescent home, nursing home or personal care facility or orphanage. No such entrance or exit, except for a community garage, shall be located within twenty (20) feet of any residential zone; nor shall any structure used for an automobile repair shop or service station, or any part of a parking lot or structure, be located within 100 feet of any property boundary line of any of the aforesaid public or institutional uses. "Parking lot," as used herein, does not include off-street parking areas as otherwise required for the public or institutional uses listed above.

16-8(b) REQUIRED DISTANCE BETWEEN GASOLINE/OIL DISPENSING FACILITIES AND RESIDENTIAL ZONES/USES - No gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within fifteen (15) feet of any right-of-way line, or within fifty (50) feet of a residential zone, except where such a pump, pit or appliance is within a completely enclosed building and distant at least fifteen (15) feet from any vehicular entrance or exit of such building. Notwithstanding the above provision, no gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within 65 feet of a single family residential zone or within 65 feet of a single family detached residential unit located in any residential zone. However, such 65-foot dimension shall not be applicable to the renovation, reconstruction, redevelopment, or construction of such a service station upon a tract used by such a facility within twelve (12) months prior to the application for a building permit. Except for gasoline service stations, no gasoline pump shall be permitted as an accessory use for another activity unless a site plan showing the following is submitted to, and approved by, the Division of Planning:

- (1) A safe traffic flow pattern shall exist at all times for vehicles to be serviced with gas, including a safe entrance and exit to the service area, and a traffic flow lane not impeded by parked vehicles or other objects.
- (2) A safe traffic pattern shall exist for pedestrians to insure that pedestrian flow for other purposes is not routed by the gasoline pumps, thereby exposing such pedestrians to unnecessary hazards.
- (3) The gasoline pumps shall be operated only by employees of the activity; or if others are permitted to operate them, the facility must comply with Chapter 28 of the Kentucky Fire Prevention Code, specifically Section F-2803.8.2 and Section F-2803.8.3.

16-8(c) REQUIRED DISTANCES BETWEEN AUTOMOBILE AND VEHICLE REFUELING STATIONS DISPENSING COMPRESSED NATURAL GAS AND/OR LIQUID NATURAL GAS AND OTHER USES - In addition to the requirements of this section (above), no stationary dispensing equipment for compressed natural gas or liquid

natural gas associated with an automobile and vehicle refueling station may be located within:

- (1) 10 feet of any sidewalk, walkway, parking lot or property line;
- (2) 15 feet of any electrical source or any overhead electric utility line;
- (3) 50 feet of a right-of-way line, a building on another lot, or the nearest rail of any railroad line;
- (4) 65 feet of a residential zone; and
- (5) not less than 50 feet of a fire hydrant.

16-8(d) REQUIREMENTS FOR VEHICLE SALES LOTS - Every parcel of land hereafter used as an automobile, truck, mobile home, boat, trailer, or camper sales lot, or as an automobile service station shall be subject to the requirements of this Zoning Ordinance concerning surfacing, lighting, landscaping and screening, and minimum yards and setbacks; and shall be considered, in the application thereof, as the equivalent of a parking area for more than five (5) vehicles, regardless of its size.

16-8(e) COMMUNITY GARAGES AS CONDITIONAL USES - Community garages permitted as a conditional use in a R-3 and R-4 zone shall not be within 80 feet of any right-of-way line or in a R-3 zone be within 25 feet of any other lot line; or in a R-4 zone be within 20 feet of any lot line, except the rear lot line of an adjoining Professional Office, Business or Industrial zone.

16-9 STACKING AREA - For any use which utilizes a drive-in or drive-through window or service area, a vehicular stacking area shall be provided for a minimum of five (5) vehicles. Such vehicular stacking area shall not include any spaces located at the windows or service areas, shall be provided wholly on the property and shall not include any right-of-way. Where menu boards or other stopping points are utilized before moving to the window or service area, the vehicular stacking area shall not include the space at the stopping point nor the spaces between that stopping point and the window or service area. The vehicular stacking area shall be subject to all yard, paving, landscaping and other requirements of a vehicular use area, as contained in Article 18.

16-10 REDUCTIONS OF MINIMUM REQUIRED PARKING - All parking reductions shall apply only under the following circumstances:

- (1) Uses shall be limited to attached single family dwellings and multi-family dwellings in residential and/or mixed use zones.
- (2) Properties in the P-1 and B-1 zones, when located within the Infill & Redevelopment Area, are eligible.
- (3) Properties in the B-3 or B-6P zone, when required to meet the provisions of Article 12-8 herein, are eligible for parking reductions.
- (4) The Planning Commission must approve the specific proposed use of the property on a development plan.

- (5) The total maximum amount of parking reductions, including the on-street parking provision of the Mixed Use zones, shall not exceed a fifteen percent (15%) reduction of the otherwise required parking, unless the Board of Adjustment grants a parking variance allowable under Article 7.

16-10(a) ALLOWABLE BICYCLE REDUCTIONS - Sites having fifty (50) or more parking spaces may reduce the total minimum automobile parking space requirement by one (1) parking space for every one (1) bicycle space provided on a permanently constructed bicycle rack. The maximum reduction of required parking spaces shall not be reduced less than five percent (5%) of the otherwise required amount. Only the provision of additional bicycle spaces shall count toward this reduction when a minimum bicycle space is required. Provision of bicycle spaces shall not count against the otherwise required minimum for the calculation of the maximum parking allowed.

16-10(b) ALLOWABLE TRANSIT STOP REDUCTIONS - Sites located within 300 feet of a transit stop with a shelter may be allowed a ten percent (10%) reduction of the minimum required parking. Sites located within 300 feet of a transit stop without a shelter may be allowed a five percent (5%) reduction of the minimum required parking. If the site is located within 300 feet of more than one transit stop, the maximum reduction allowed will be ten percent (10%) for this specific parking reduction. Provision of a transit stop shall not count against the otherwise required minimum for the calculation of the maximum parking allowed.

In addition, “big-box” developments in any B-3 or B-6P zone may be allowed a ten percent (10%) reduction of the minimum required parking if a designated Park & Ride lot is provided on the site near a transit stop with a shelter (designed to meet the specifications of the Lexington Transit Authority), provided the shelter is directly connected to the entrance of a “big-box” establishment by a sidewalk or designated pedestrian pathway.

16-10(c) MIXED INCOME HOUSING REDUCTIONS – Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced to a rate of 1 space per dwelling unit.

16-11 EFFECT OF PEDESTRIAN-ORIENTED BUSINESS DISTRICT - For any such district created under Code of Ordinances Article 18, Chapter XIII, the provisions of the district will take precedence over any off-street parking requirements or related provisions contained in the Zoning Ordinance.

