

ORDINANCE NO. 155 -2013

AN ORDINANCE AMENDING ARTICLES 1, 8 AND 12 OF THE ZONING ORDINANCE TO MODIFY USES IN THE NEIGHBORHOOD BUSINESS (B-1) ZONE. (URBAN COUNTY PLANNING COMMISSION).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered text amendments to Articles 1, 8 and 12 of the Zoning Ordinance to regulate the uses in the Neighborhood Business (B-1) zone; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on January 31, 2013; and

WHEREAS, the Planning Commission did recommend APPROVAL of the staff alternative text by a vote of 5-3; and

WHEREAS, the Planning Commission did hold an additional public hearing on this proposed text amendment on September 12, 2013; and

WHEREAS, the Planning Commission did recommend approval of the alternative text by a vote of 10-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 1 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

1-11 DEFINITIONS - For the purpose of this Zoning Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; words in the plural number include the singular; the word person includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual; the word structure includes building; the word occupied includes arranged, designed or intended to be occupied; the word used includes arranged, designed or intended to be used; the word shall is always mandatory and not merely directive; the word may is permissive; and the word lot includes plot or parcel. Other words and terms shall have the following respective meanings:

ACCESSORY USE OR STRUCTURE - A use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental thereto. No accessory structure can be constructed on a lot before a principal structure.

ADAPTIVE REUSE - The process of adapting abandoned, vacant or underutilized buildings and structures for new purposes, which amounts to a change in the structure's primary purpose, a significant change in the way in which the structure is incorporated into and operates within the exterior environment, or which incorporates a non-traditional yet compatible combination of purposes or uses within the site plan. The adaptive reuse should incorporate changes that rejuvenate and/or increase the sustainability of the site and/or neighborhood while retaining historic features of the original building(s) and/or structure(s).

ADULT ARCADE - Any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, computers or

other image producing devices are maintained to show images to five or fewer persons per machine at any one time; and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas" as herein defined.

ADULT BOOKSTORE OR ADULT VIDEO STORE - Any building or structure which contains or is used for the display or sale or rental of books, magazines, movie films, motion pictures, videos, computer disks and any and all printed or written materials, newspapers, photographic materials, drawings, novelties, other pictorial representations, devices and related sundry items which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as herein defined; or an establishment with the segment or section devoted to the sale or display of such material.

ADULT CABARET - An establishment which features, as a principal use of its business, entertainers, waiters, or bartenders, either male or female, who expose to public view of the patrons of the establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially or completely covered by translucent material; or human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

ADULT DANCING ESTABLISHMENT - A business wherein employees, agents, servants or independent contractors perform dance routines offered as adult oriented entertainment for viewing by patrons and spectators on the premises, and characterized by an emphasis on "specified sexual activities" defined in this Article; or exposure of any part of the male or female anatomy otherwise prohibited by Section 3-26 of the Code of Ordinances.

ADULT DAY CARE CENTER - Any adult care facility, which provides part-time care, day or night, but less than twenty-four (24) hours, to at least four (4) adults who are not related to the operator by blood, marriage or adoption. The operator must be certified or licensed by a state public agency and may include personal care assistance, administering and/or assistance with medication, and social recreational activities.

ADULT ENTERTAINMENT ESTABLISHMENT - An "adult cabaret," "adult dancing establishment" or "sexual entertainment center."

AGRICULTURAL MARKET - A regulated place designated exclusively for the purpose of buying and selling of agricultural/farm products, including a stockyard; and to include aquaculture, horticulture, floriculture, viticulture, forestry, dairy, live-stock, poultry, bees, and any and all forms of farm products grown, raised or made by farm producers.

AGRICULTURAL USE - The use of a tract of land of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including, but not limited to, livestock; livestock products; poultry; poultry products; grain; hay; pastures; soybeans; tobacco; timber; orchard fruits; vegetables; flowers or ornamental plants; including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

ANIMAL GROOMING FACILITY - An establishment where domestic animals are bathed, clipped, or combed for the purpose of enhancing their appearance or health, and for which a fee is charged, but not including overnight boarding of animals.

ASSISTED LIVING FACILITY - A residential facility other than a nursing home, or elderly housing for persons who are fifty-five (55) years of age or over, which are provided living and sleeping facilities. Meal preparation, laundry services, room cleaning, transportation, recreation and/or some medical services may also be provided exclusively for the use of residents of the facility.

ATHLETIC CLUB FACILITY - An establishment that provides for indoor commercial or non-commercial services and facilities that purport to improve the user's physical condition or appearance through participation in sports activities, fitness training, exercise, or body building. The establishment may offer access to the following: gymnasiums, swimming pools, tracks, ball courts, weight lifting equipment, exercise equipment or facilities, saunas, steam baths or whirlpools.

AUTOMOBILE AND TRUCK REPAIR, MAJOR - Rebuilding or reconditioning of engines or transmissions, vehicles or trailers; repair and collision service, such as body, frame, or fender straightening; painting and clear coating; upholstery; auto glass work; and the like.

AUTOMOBILE AND TRUCK REPAIR, MINOR - Minor repairs and routine maintenance, including oil and filter change; lubrication; engine tune-up; troubleshooting and replacement of lights; brakes and other prepackaged components; and tire rotation or replacement, but not including any operation specified under "Automobile and Truck Repair, Major."

AUTOMOBILE AND VEHICLE REFUELING STATION - A building, structure or lot used for dispensing of compressed natural gas or any liquefied petroleum gas from a storage vessel by means of a compressor or pressure booster into motor fuel cylinders in automobiles and motor vehicles. This use does not include a bulk distribution plant, but may be part of an automobile service station.

AUTOMOBILE SERVICE STATION - A building or structure used for minor automobile and truck repair; the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for washing and for chassis and gear lubrication are permitted if enclosed in a building.

BANQUET FACILITY - A building made available to the public for holding meetings and social events. This use may include the sale of alcoholic beverages; indoor live entertainment; and may also include, as an accessory use, events conducted outside the main building in tents or other temporary facilities, subject to the issuance of a permit by the Division of Building Inspection.

BED AND BREAKFAST FACILITY - A use which provides short-term transient lodging, including serving only breakfast to overnight lodgers, for which rent is paid and subject to the following conditions:

- (1) The use shall be clearly incidental and secondary to the use for dwelling purposes;
- (2) The use shall be carried on only by owners with at least a fifty-one percent (51%) ownership interest, and who reside on the premises;
- (3) The use shall not require external alteration of the dwelling except as may be required to meet fire and building codes;
- (4) Each room to be rented shall be designed and intended to accommodate no more than two persons;
- (5) Each room shall be rented for no longer than seven (7) days. Any facility which rents rooms for more than seven days shall be regulated as a boarding house;
- (6) The use shall not adversely affect the uses permitted in the notification area and in the immediate neighborhood by excessive traffic generation, noise and the like;
- (7) The owner-operator shall maintain a guest log and other records, which shall be subject to annual review and inspection;
- (8) The use shall not be conducted within any accessory building in a residential zone;
- (9) The conditional use permit shall become null and void upon the sale or transfer of the property;
- (10) All off-street parking areas shall be completely screened with landscaping;
- (11) The use shall be in compliance with all applicable state and local laws, including Health Department rules and regulations.

BOARDING OR LODGING HOUSE - A residential building, or part thereof, for five (5) or more adults living together, not as a family or housekeeping unit. In identifying this use, one or more of the following factors shall be considered:

- (a) meals and/or food costs are typically not shared;
- (b) rent is established by leases to individuals, or rents are based on charges assessed to each individual;
- (c) individual mailboxes are provided;
- (d) multiple utility meters or connections are present.

BREW-PUB - A restaurant with an area devoted to the accessory sale of wine or alcoholic beverages, which also houses an accessory micro-brewery without permanently installed bottling equipment, all within the same completely enclosed building.

BUILDING - Any structure for the shelter or enclosure of persons, animals or property.

BUS AGENCY - A facility providing inter-city transportation to passengers and other bus customers, limited to loading and unloading of passengers and/or freight, and the sale of tickets and/or shipping space; but not to include activities exclusive to a passenger transportation terminal.

BUSINESS COLLEGE, TECHNICAL OR TRADE SCHOOL, OR INSTITUTION - An educational institution primarily owned and operated by an individual, partnership, or corporation offering training in business, trade, technical or related areas through residence, extension, or correspondence, for which tuition is charged. Such training shall not include any courses or instruction in which the field or occupation would not be a permitted use within the zoning category in which the institution is located.

CABLE TELEVISION SYSTEM - Any system which receives and amplifies signals broadcast by one or more television and/or radio station and which transmits programming or other electronic or optical signals originated by the system itself or by another party by wire or cable to persons who subscribe to such service.

CARNIVAL - A temporary outdoor amusement use in a business or industrial zone lasting no longer than ten days per calendar year that includes mechanical rides, with or without inflatables. Such uses may also include games, live music, games of chance, live entertainment (other than typically associated with a "circus," defined herein), booths, food service, merchandise sales, pony rides and/or a petting zoo intended for children. A carnival does not include a circus, activities conducted at the state-designated County Fair or events at a fairgrounds designated for that activity. Carnivals may not be conducted on any property during the state-designated County Fair, or during the two weeks immediately prior to the County Fair.

CELLULAR TELEPHONE TRANSMITTING FACILITY, TEMPORARY - Any system of wires, poles, rods, reflecting disks, or similar devices used for the transmission or reception of electromagnetic waves, not meeting the definition of a "structure" as defined by this Zoning Ordinance.

CHILD CARE CENTER - Any facility which provides full or part-time care, other than family child care, day or night, to children who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator, as regulated by the Commonwealth of Kentucky.

CHILD CARE, FAMILY - An incidental and subordinate use within a dwelling and not an accessory structure, where full or part-time care is provided by a resident of the dwelling, for a fee, to children, as regulated by the Commonwealth of Kentucky.

CIRCUS - A temporary use or special event lasting no longer than ten days per calendar year that is intended or likely to attract substantial crowds to view entertainment and animal performances or displays (other than a petting zoo intended for children and/or outdoor pony rides), and which is not usually associated with the principal use of the property where the special event is to be located. Such uses may or may not also include rides, games, booths, food service and merchandise sales. No accessory structure associated with a circus can be constructed or erected on a lot without a principal structure thereon.

CLINIC, MEDICAL - A building, or part thereof, designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

CLUB, PRIVATE - Buildings and facilities, the purpose of which is to render a social, educational, or recreational service to members and their guests; and not primarily to render a service customarily carried on as a business or to render a profit. Private club shall include country club.

COCKTAIL LOUNGE - A commercial establishment dispensing and serving alcoholic beverages for consumption on the premises and in which live entertainment, exclusive of dancing, is permitted.

COMMERCIAL COMPOSTING - The aerobic or anaerobic decomposition of solid, organic materials to produce a stabilized, humus-like material that can be recycled to the land as a soil conditioner and low grade fertilizer, and primarily for use or distribution off the production site.

COMMERCIAL GREENHOUSE - An establishment primarily engaged in propagating and growing plants in containers, in soil or in other growing medium for the purpose of being sold and transplanted. This definition shall include sale of the following items: plants grown on the premises or tended in a controlled environment of the greenhouse or plant nursery; sale of fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizer, all to be used in the soil or upon the live plant to preserve the life and health of the plants sold; landscape counseling, site planning and contracting services when not the primary activity and when using plants grown or tended on the premises of the greenhouse or plant nursery.

Note: This definition applies only to land use as provided for in the Zoning Ordinance and Subdivision Regulations and is not intended to affect the status of any business with regard to any federal or state tax laws or similar statutes.

COMMISSARY - Premises used for preparation of food for restaurant use.

COMMISSION - Lexington-Fayette Urban County Planning Commission.

COMMUNITY CENTER - Buildings and facilities for a social, educational, or recreational purpose, operated by a non-profit organization, which are generally open to the public and which do not render a service customarily carried on as a business.

COMMUNITY RESIDENCE - A building or group of buildings for up to eight (8) children or adults, not receiving counseling or recovering from drug or alcohol abuse or a psychiatric disorder and not assigned to the home as a condition of parole or probation, who by virtue of their physical or mental needs must reside temporarily in a supervised home. More than eight such residents shall be permitted only as a rehabilitation home.

COMPREHENSIVE PLAN - The adopted plan for Lexington-Fayette County, which serves as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. Such plan shall include all elements, whether expressed in words, graphics, or other forms.

COURTYARD - An open area, partially or completely surrounded by buildings, used as outdoor common area, generally paved and/or landscaped, and primarily for private use. This may also be used to meet the open space requirement of the Zoning Ordinance as herein defined.

DAY SHELTER - A facility providing basic services, generally during daylight hours, which may include food; personal hygiene support; information and referrals; employment, mail and telephone services; but excluding overnight sleeping accommodations, to people with limited financial resources, including people who are homeless.

DEVELOPMENT IMPROVEMENTS - Physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more useable for human activities. Typical development improvements referenced in these regulations are grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewer facilities, utility lines of all types, street name signs, property number signs, trees, etc. As used herein, development improvements may also be referred to as development or improvements.

DIAMOND MESH WIRE - A fencing material typically used in rural areas which, by its strength and construction, is effective in prevention of climbing and in control of animal movement. The term shall also be construed to include fencing commonly referred to as "V" mesh fencing. The term does not include chain link fencing.

DIVISION OF ENGINEERING MANUALS - The Division of Engineering Manuals (also known as the Engineering Manuals, or the Manuals) is a set of seven documents to provide standards for the design, review, construction, and inspection of infrastructure. The Engineering Technical Manuals are Construction Inspection (also known as the Inspection Manual), Geotechnical, Roadway, Sanitary Sewer and Pumping Station, Stormwater, and Structures. In addition to the six Technical Manuals, a Procedures Manual for Infrastructure Development (also known as the Procedures Manual) establishes the responsibilities and procedures to be used by the Lexington-Fayette Urban County Government, the land developer and the project engineer. These Manuals are hereby adopted by the Urban County Government and incorporated into this Zoning Ordinance by reference. From time to

time, the Urban County Government may revise, modify, or amend the Manuals in conformance with the procedure established in the Procedures Manual. When any of the Engineering Manuals are cited by this Zoning Ordinance, the current edition, latest revision, shall be referenced.

DORMITORY - A building containing sleeping rooms operated by a school for academic instruction, or by a business college, technical or trade school, for which admission to residency is limited exclusively to students of such an institution, school or college. Where kitchen facilities or provisions for such are provided, such rooms shall be deemed dwelling units.

DRIVEWAY, FOR SINGLE FAMILY AND TWO-FAMILY DWELLINGS - A private paved vehicular access, a maximum of twenty-four (24) feet in width, or ten (10) feet in width when inside the Infill and Redevelopment Area, extending on the shortest reasonable path through the front yard or side street side yard to the required off-street parking area. All other areas paved for vehicular use within any front or side street side yard shall be considered additional parking and shall be subject to the area limitations and landscaping requirements of this Zoning Ordinance.

DWELLING - A building, or portion thereof, occupied exclusively for residential purposes, not including a mobile home or trailer.

DWELLING, MULTIPLE FAMILY - 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 - A building occupied exclusively for residential purposes by one family or one housekeeping unit. Townhouses are included in this definition.

This definition also includes a building occupied by five (5) or more unrelated individuals at any time within five 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 25% unless the building has been expanded by 25% or more under a building permit issued on or after January 1, 2005, in which case, then by no more than 5%; or
 2. unless approved by the Board of Adjustment as a conditional use after January 1, 2010.

DWELLING, TWO-FAMILY - A building occupied exclusively for residential purposes by two families or two housekeeping units, commonly known as a duplex. Townhouses are not included in this definition. This definition also includes a building occupied by five (5) or more unrelated individuals in a unit at any time within five 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 25% unless the building has been expanded by 25% or more under a building permit issued on or after January 1, 2005, in which case, then by no more than 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 (c) 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 unrelated persons per dwelling unit.

DWELLING UNIT - One 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.

ELDERLY HOUSING - Multiple family structures containing at least twenty-four (24) units and solely devoted to housing families consisting of two (2) or more persons, of which the head (or his spouse) is sixty-two (62) years of age or over, or is handicapped; and single persons who are sixty-two (62) years of age or over, or are handicapped.

ENGINEER, PROJECT - A person currently licensed to practice engineering in the State of Kentucky and in good standing with the Kentucky Board of Registration for Professional Engineers and Land Surveyors; or a firm in good standing as an Engineering company in Kentucky, if the work is to be accomplished other than as a sole practitioner. Work performed under the supervision or at the direction of the project engineer, including, but not limited to: preparation of plans, inspections, reports, testing, and directives or orders regarding work pursuant to these Subdivision Regulations, shall be considered to be the work of the project engineer. Whenever qualifications are questioned, the Commission will consult with the Bluegrass Chapter of the Kentucky Society of Professional Engineers or the Consulting Engineers Council of Kentucky.

ENGINEER, URBAN COUNTY - The Director of the Lexington-Fayette Urban County Government Division of Engineering.

ENTERTAINMENT, LIVE - Any performance at a restaurant, cocktail lounge, or night club by any person; including, but not limited to, a patron of such establishment if such performance is part of a regularly occurring event. Live entertainment includes, but is not limited to: singing, dancing, musical performance, comedy acts, magic acts, variety acts, or performance contests engaged in by patrons.

ENTRANCE, PRIMARY - Entrance used as the main pedestrian access point of a structure and along the front lot line.

EQUINE HOSPITAL - A veterinary hospital used primarily for the treatment and care of horses, which may include office facilities and the storage of medicinal supplies when accessory to the primary use.

ESTABLISHED GRADE - The finished elevation, at any point, of the ground level at the base of a fence, wall or projection.

EXTENDED-STAY HOTEL - Multiple family dwelling(s) with rental or lease of less than one week, provided such rentals or leases of less than one week shall comprise less than 50% of the total dwelling units within the structure(s).

FAMILY OR HOUSEKEEPING UNIT - A person living alone, or any of the following groups living together and sharing common living and kitchen facilities:

- (a) Any number of persons related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;
- (b) Four (4) or fewer unrelated persons;
- (c) Two (2) unrelated persons and any children related to either of them or under their care through a duly authorized custodial relationship;
- (d) Not more than eight (8) persons who are:
 1. Residents of a "home-like" residence, as defined in KRS 216B.450;
 2. "Handicapped" as defined in the Fair Housing Act, 42 U.S.C., Section 3602(h). This definition does not include those currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C., Section 802(6).
- (e) Not more than six (6) unrelated individuals when in compliance with the provisions of the definitions of "dwelling, single family" or "dwelling, two-family," as contained in this Article.
- (f) A functional family as defined and regulated

FAMILY, FUNCTIONAL - A group of five (5) or more persons, not otherwise meeting the definition of "family," who desire to live as a stable and permanent single housekeeping unit and who have received a conditional use permit from the Board of Adjustment. "Functional family" does not include:

- (a) residents of a boarding or lodging house;
- (b) fraternity, sorority or dormitory;
- (c) any lodge, combine, federation, coterie or like organization;
- (d) any group of individuals whose association is temporary or seasonal in nature;
- (e) any group of individuals who are in a group living arrangement as a result of criminal offenses.

FARM PRODUCERS - Any person, persons or legal entities who are actually engaged in the business of producing/growing farm raised products they sell at the market.

FLOOR AREA - The sum of the gross areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. In particular, floor area includes:

- (a) basement space at least seven and one-half (7½) feet in height;
- (b) elevator shafts or stairwells at each floor;
- (c) penthouses;
- (d) attic space (whether or not a floor has been laid) providing structural headroom of seven and one-half (7½) feet or more; interior balconies, mezzanines, hallways, lobbies;
- (e) floor space in accessory buildings not used for off-street parking;
- (f) laundry rooms, game rooms, or other spaces designed for the common use of the occupants;
- (g) any other floor space not specifically excluded.

However, the floor area of a building shall not include:

- (a) non-habitable basement space which is less than seven and one-half (7½) feet in height;
- (b) elevator or stair bulkheads;
- (c) accessory water tanks, or cooling towers;
- (d) outside steps that are uncovered;
- (e) attic space (whether or not a floor has been laid) providing structural headroom of less than seven and one-half (7½) feet;
- (f) mechanical equipment space;
- (g) interior space used exclusively as parking space for motor vehicles.

FLOOR AREA, PARKING - The floor area of a structure as defined herein, exclusive of any covered pedestrian area in a mall, less storage and warehouse areas, laundry rooms, game rooms, or other spaces designed for the

common use of the occupants, and used principally for non-public purposes of said structure. Any basement or cellar space used for retailing shall be included in the parking floor area for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.

FLOOR AREA RATIO - Floor area of buildings on a lot divided by pre-development net ground area of the lot on which it is located.

FRATERNITY OR SORORITY HOUSE - A building used as a living and/or gathering quarters for students of a college, university or seminary (not living in a “dormitory” as defined herein) who are members of a fraternity or sorority that has been or is seeking to be officially recognized by the college, university or seminary; or their guests. In identifying such use, the following factors shall be among those considered, regardless of number of occupants:

- (a) signage or other indications that the building is used by a fraternity or sorority;
- (b) fraternity- or sorority-sponsored social activities, such as meetings; parties; dances or other gatherings; and
- (c) events to which fraternity or sorority alumni or prospective members are invited.

A “Family or Housekeeping Unit” or “Boarding or Lodging House” as defined herein are excluded, unless the use demonstrates specific characteristics of use as set forth above.

GARAGE, COMMUNITY - A structure or structures only for the storage of passenger vehicles or trailers of residents of the neighborhood.

GARAGE, PRIVATE - A space or structure, including a carport, on the same lot with or in the building to which it is accessory, primarily for storage of passenger vehicles of the residents of the premises, with no facilities of a commercial or public nature.

GARDEN CENTER - Establishments used primarily for the sale of live plants, including greenhouses and plant nurseries. When accessory to the sale of plants, the sale of the following items shall be allowed: cut plants, cut trees and wreaths, bulbs and seeds which may have been transported to the premises for the purpose of resale; ground covers; fungicides, insecticides, chemicals, peat moss, humus, mulches and fertilizers; lawn statuary, furniture, bird baths, bird feeders, birdhouses and pottery; pots and containers for plants; artificial flowers; home lawn and garden equipment, including manual and automatic grass cutting devices, grass seeding devices, mulchers, thatchers, tillers, but not including farm tractors and machinery; garden landscape devices, including railroad ties, stepping stones, fencing, edging, trellises, plastic and burlap; hand tools such as sprayers, shovels, dusters, rakes, hoes, and watering devices; firewood; landscape planning and contracting services incidental to the garden center to include contractual services for lawn and garden sprigging, maintenance, fertilizing, spraying and mowing.

GREENWAY - An area defined as a “greenway” in the Comprehensive Plan or other adopted plan.

HAZARDOUS MATERIALS - Any chemical, biological or radiological compound, gas, oil, gasoline, lubricant or other petroleum products, substances, solution or mixture which, because of its quality; quantity; concentration; physical or infectious characteristics; or any combination thereof, when released into the environment, presents or may present harmful or potentially harmful effects to human health or welfare or the environment.

HEIGHT OF BUILDING - The vertical distance from the established grade in front of the lot or from the average natural grade at the base of the front building wall, if higher, to the average height of the top of the cornice of flat roofs, or roof line or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof; or if there are no gables or dormers, to the middle height of such pitched or hipped roof. See Article 15 for general height regulations.

HEIGHT-TO-YARD RATIO - Height of building as related to minimum rear and each side yard permitted; i.e., for 2:1 ratio, a 40-foot building must have a minimum rear and each side yard of twenty (20) feet.

HELIPORT - A facility used exclusively for helicopter operations, including landing; takeoff; loading; discharging; fueling; maintenance; and/or transient storage of helicopters.

HELISTOP - A facility used exclusively for helicopter landing, take-off, loading, discharging, and/or transient storage of helicopters; but not including facilities for maintenance, fueling or long-term storage of helicopters.

HISTORIC DISTRICT, LOCAL - A designation that carries with it a design review process, within the purview of the Board of Architectural Review, that is based on specific design guidelines for exterior work and changes to the property. Properties that are within a Local Historic District carry an H-1 overlay zone in addition to the underlying zoning category.

HISTORIC DISTRICT, NATIONAL REGISTER - A federal designation, awarded by the Department of the Interior, which provides recognition of a property’s archaeological, architectural or historical significance.

HISTORIC HOUSE MUSEUM - A building currently or formerly used as a residence, having public significance by reason of its architecture or former use or occupancy; designed for preserving and exhibiting artistic, historical, scientific, natural or man-made objects of interest. This use may also include, as an accessory use, the sale of objects collected and memorabilia; the sale of crafts and artwork; and the holding of meetings and social events.

HOME OCCUPATION - A gainful occupation or profession carried on in a residence, such as the studio of an artist or sculptor; dressmaking and tailoring; upholstery; handicrafts; tutoring; individual musical instruction (provided no instrument is amplified); and professional services, provided such home occupation is performed under the following conditions:

- (1) The use is clearly incidental and secondary to use for dwelling purposes and occupies no more than twenty-five percent

(25%) or three hundred (300) square feet of the dwelling, whichever is less;

- (2) The use is conducted entirely within a dwelling and not in any accessory building;
- (3) The use is carried on only by residents of the dwelling;
- (4) No commodities are sold or stored, except as are produced by the residents on the premises;
- (5) The use does not require external alteration of the dwelling;
- (6) The use does not adversely affect the uses permitted in the immediate neighborhood by excessive traffic generation or noise;
- (7) No outside signage shall be permitted on the premises;
- (8) No additional blacktop, concrete or gravel parking shall be permitted beyond that normally provided in comparable neighborhood homes.

Home occupation shall not include barber shops, beauty parlors, offices for escort services, massage parlors, automobile and small engine repair, medical or dental office, photo studios, palm reading or fortune telling, home cooking and catering; and uses, other than upholstery, which are first permitted in the B-4, I-1 or I-2 zone.

HOME OFFICE - An office for record keeping and administration of work. Such office shall be subject to the following conditions:

- (1) The office shall be clearly incidental and secondary to the use for dwelling purposes with no more than twenty-five percent (25%), nor more than five hundred (500) square feet, in any case, of the dwelling devoted to the office use;
- (2) The office shall be located in the dwelling unit and not in any accessory building;
- (3) The office shall be operated by and shall employ only residents of the dwelling unit;
- (4) No sale of merchandise shall be conducted on the property;
- (5) No commodities or merchandise shall be stored on the property and no storage, as defined herein, shall be permitted;
- (6) No sign of any kind shall be displayed on the property that identifies the home office use;
- (7) No visits to the home office by customers, clients, patrons and the general public are allowable;
- (8) The residence shall maintain its residential character and shall not be altered or remodeled so as to change the residential appearance of the building.

Home office shall not include offices for escort services.

HOSPICE - A facility that provides support and care for persons in the last stage of an incurable disease or condition, and to their families. Overnight, in-patient and out-patient facilities may be included, as well as offices, storage and an associated pharmacy. Medical care, palliative care, counseling and education may be provided.

HOSPITALITY HOUSE - A multi-family residence or boarding facility operated strictly on a non-profit basis, by a non-profit organization and utilized solely for the provision of temporary lodging for the immediate family and/or legal guardians of an individual undergoing treatment within a local hospital.

HOTEL - A building or group of buildings containing individual sleeping or living units, designed for the temporary occupancy of transient guests; and including hotels, tourist courts, motor lodges, motor hotels or auto courts, but not including boarding or lodging houses.

INFILL AND REDEVELOPMENT AREAS - Areas located within the Urban Service Area of Lexington-Fayette County, generally characterized by lots that were established prior to 1934. Excluded from these areas are lots that are located in an identified National Register Historic District where average residential lot sizes are greater than 9,500 square feet, and as more particularly described in the adopted Comprehensive Plan map of the Infill and Redevelopment areas.

INFRASTRUCTURE DEVELOPMENT AGREEMENT - An agreement for a project in which infrastructure improvements are proposed to be constructed among the LFUCG, the developer, and the project engineer, which specifies the obligations and requirements of the parties. The Infrastructure Development Agreement shall be in a form and contain the requirements set forth in the Procedures Manual.

JUNK YARD - An outdoor area where waste or discarded or salvaged materials or inoperable vehicles are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including auto wrecking yards, used lumber yards and places or yards for use of salvaged house wrecking and structural steel materials and equipment; but excluding such uses when conducted entirely within a completely enclosed building. A junk yard does not include recycling drop-off centers, pawn shops, establishments for the sale, purchase or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment; the processing of used, discarded or salvaged materials as part of manufacturing operations; and vehicle storage yards.

KENNEL - Commercial business for the sale or temporary boarding of more than three (3) dogs, but not including the ownership and occasional sale of dogs at, in, or adjoining a private residence.

KITCHEN FACILITIES - 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 or more of the following -- a range, microwave oven, dishwasher, kitchen sink, or refrigerator.

LIGHTING CUTOFF - Any shielding that conceals the source of lighting visible from the property lines of a site.

LOT - A parcel of land of at least sufficient size to meet the minimum zone requirements for use, coverage and area, and to provide such yards and open spaces as required under this Zoning Ordinance.

LOT AREA - The amount of surface land contained within the property lines of a lot, including land within easements on the lot, but excluding any land within street right-of-way.

LOT, CORNER - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street; and where, in either case, the interior angle formed by intersection of the street lines does not exceed one hundred thirty-five (135) degrees.

LOT COVERAGE - The computed ground area occupied by all buildings within a lot.

LOT DEPTH - The mean horizontal distance between the front and rear lot lines.

LOT FRONTAGE - The distance between the side lot lines measured along the front building line of the lot, as determined by the prescribed front yard requirement of the zone in which the lot is located, or as designated by the final record plat, whichever is greater.

LOT LINES - The property lines bounding the lot.

LOT LINE, FRONT - In the case of a lot abutting upon only one street or alley, the line separating such lot from such street. In the case of any other lot, the owner shall, for the purpose of this Zoning Ordinance, have the privilege of electing any street lot line as the front lot line, provided that such choice, in the opinion of the Division of Planning or the Division of Building Inspection, as appropriate, will not be injurious to the existing, or to the desirable future development of adjacent properties.

LOT LINE, REAR - Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and most distant from the front lot line shall, for the purpose of this Ordinance, be considered the rear lot line. In other cases not covered herein, the Division of Planning or the Division of Building Inspection, as appropriate, shall designate the rear lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT LINE, STREET OR ALLEY - A lot line separating the lot from a street or alley.

LOT WIDTH - The mean horizontal distance across the lot, measured at right angles to the depth.

MAIL ORDER BUSINESS - A business engaged in the sale of manufactured products, goods, merchandise and finished products primarily through means of mail or telephone orders, including the administrative offices of such business.

MAIL SERVICE FACILITY - A commercial establishment that conducts the retail sale of stationery products, provides packaging and mail services to retail customers, and provides mailboxes for lease.

MASSAGE PARLOR - An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment is administered by a medical practitioner; chiro- practor; acupuncturist; physical therapist or similar professional person licensed by the Commonwealth of Kentucky or another state. This definition does not include an athletic club facility, health club, school, gymnasium, reducing salon or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MICRO-BREWERY - A facility within a completely enclosed building which is intended for the production of up to 25,000 barrels per year of malt beverages, under the terms and conditions specified by KRS 243.157, KRS 243.150, and other applicable laws.

MINING - Underground excavation made into the earth from which to extract materials produced for sale, exchange or commercial use.

MIXED-INCOME HOUSING UNIT - A dwelling unit provided for sale to an owner-occupant household with an income that does not exceed 100% of median income (adjusted for family size), or for rent to a household with an income that does not exceed 80% of the median income (adjusted for family size) for Lexington-Fayette County. A unit shall be deemed a mixed-income housing unit for an owner-occupant if the total amount of principal, interest, taxes and insurance does not exceed 36% of the household's income; and a unit shall be deemed affordable to a rental household if the total rent, including any tenant-paid utilities, does not exceed 30% of the household's income. In the alternative, a fixed price may be set for a mixed-income housing unit for sale to an owner-occupant if the total principal and interest (for a 30-year mortgage) does not exceed 30% of the total household income for a family of four at 80% of the median income for Lexington-Fayette County; also, if the unit is for rent, then the maximum monthly rent may not exceed 1% of a household income that is at 80% of the median income for Lexington-Fayette County.

MOBILE HOME - 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 Marshall, and are required to carry only a “HUD” seal applied by the manufacturer.

MOTEL - A building or group of buildings, containing individual sleeping or living units, designed for the temporary occupancy of transient guests and including hotels; tourist courts; motor lodges; motor hotels or auto courts; but not including boarding or lodging houses.

NEIGHBORHOOD DESIGN OVERLAY ZONE - An overlay zone, applied in addition to the underlying zoning category, whereby key characteristics of a particular neighborhood or area are preserved for either new building (infill) construction or replacement of existing structures.

NIGHTCLUB – A commercial establishment for dancing and live entertainment, which may or may not include dispensing and serving alcoholic beverages for consumption on the premises.

NURSING HOME - A facility for which four (4) or more persons may be admitted for periods exceeding twenty-four (24) hours to receive treatment and/or medication for bodily illness, including convalescence from illness.

OPEN SPACE, USEABLE - Outdoor area of a lot or tract which is designated and used for outdoor living, recreation, pedestrian access or planting. Such areas may be ground or roof space seventy-five percent (75%) open to the sky, balconies a minimum of five (5) feet wide, an enclosed deck, porch, or ground floor portions of a building constructed on columns. Off-street parking and loading areas, driveways, vehicular use area perimeter landscaping and interior land- scaping, unenclosed fire escapes, or required front and side street side yard areas do not qualify as useable open space; provided, however, that those portions of the required side street side yard may qualify as useable open space, as long as such open space is separated from the street right-of-way by a fence or solid screen planting.

PARKING LOT, AREA, OR STRUCTURE - An area not within a building for temporary (less than 24-hour) off-street parking, loading or unloading of vehicles, whether required or permitted by this Zoning Ordinance; including driveways, access ways, aisles, and maneuvering areas; but not including a loading dock or any public or private street right-of-way.

PASSENGER TRANSPORTATION TERMINAL - A facility used by one or more bus companies in providing inter-city transportation of passengers and goods; including, but not limited to, vehicle storage and maintenance, continuous use by multiple buses, and services for bus transients, such as food, restrooms, and waiting areas, as well as activities permitted as a bus agency.

PAVED AREA - An area of concrete, asphalt, brick, permeable pavers or other suitable hard surface materials; excluding loose aggregate or other types of gravel.

PAWNSHOP - Any establishment which loans money on deposit of personal property, or which deals in the purchase of personal property on condition of selling the property back again at a stipulated price; or which makes a public display at its place of business of the sign generally used by pawnbrokers to denote their business; or which publicly exhibits a sign advertising money to loan on personal property for deposit.

PERMEABLE PAVING MATERIALS - Paving materials that permit the movement of water under ordinary hydrostatic pressure. This does not include gravel or loose aggregate.

PERSONAL SERVICE OR PERSONAL SERVICE ESTABLISHMENT - Commercial business providing services to individuals, such as beauty and barber shops, shoe repair, dressmaking and tailoring.

PLANT NURSERY - An establishment engaged in the outdoor cultivation of only trees and shrubs for transplanting. A greenhouse may be an accessory structure when used to propagate and prepare the trees or plants for planting on the premises.

PLAZA - A public square or extra wide sidewalk (e.g., on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activities (similar to a courtyard; however, primarily for public, as opposed to private, use).

POOL OR BILLIARD HALL - Any establishment which has, as part of its operation, three (3) or more pool or billiard tables on the premises.

PRIMARY ENTRANCE – The place of ingress and egress for a structure used most frequently by the public.

PRINCIPAL STRUCTURE - A building in which is conducted a principal or conditional use. In any residential zone, any structure containing a 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.

PRIVATE WALKWAY - A paved area used for pedestrian activity outside of the public right-of-way.

QUARRYING - Surface excavation for the extraction of any non-metallic mineral, excluding coal, which is produced for sale, exchange, or commercial use.

RECYCLING DROP-OFF CENTER - A facility for the collection of waste paper, rags, scrap metal, or other

discarded material; not to include used furniture and household equipment, used cars or used lumber.

REHABILITATION HOME - A building or group of buildings providing a supervised residence for persons recovering from the effects of drug or alcohol abuse, psychiatric disorders, or as a condition of their parole or probation. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and generally have 24-hour-a-day supervision. This definition does not apply to uses regulated by KRS 100.982.

RESIDENTIAL INFILL - Construction of new residential building(s) on vacant or by-passed land within the Urban Service Area.

RESTAURANT - 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.

Note: A restaurant may only include drive-through facilities (where food is served to patrons while in their motor vehicles through a window or other facilities and consumption on the premises in motor vehicles is not encouraged) as permitted and regulated in the zone in which the restaurant is located.

RESTAURANT, DRIVE-IN - An eating establishment where food is served by employees or by self-service outside the building and consumed on the premises principally in a motor vehicle.

RETAIL SALES ESTABLISHMENT - A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RETAIL SALES ESTABLISHMENT, BULK MERCHANDISE - A retail establishment engaged in selling goods or merchandise to the general public, as well as to other retailers, contractors or businesses rendering services incidental to the sale of such goods. Bulk retail involves a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs. Bulk retail is differentiated from general retail by the following characteristics: items for sale include large, categorized products (e.g., lumber, appliances, household furnishings, electrical and heating fixtures and supplies, wholesale and retail nursery stock) and may also include a variety of carryout goods (e.g., groceries, household and personal care products).

ROADSIDE STAND - A temporary structure designed or used for the display or sale of agricultural products grown on the premises upon which such a stand is located.

SATELLITE DISH ANTENNA - An accessory structure, consisting of a parabolic-shaped antenna structure used to receive television signals from satellites or other objects in terrestrial orbit.

SATELLITE DISH ANTENNA, GROUND-MOUNTED - A satellite dish antenna mounted and anchored at grade so that the distance from the highest edge of the dish to the existing grade does not exceed twelve (12) feet.

SATELLITE DISH ANTENNA, POLE-MOUNTED - A satellite dish antenna mounted and anchored to the ground by a pole so that the distance from the highest edge of the dish to the existing grade exceeds twelve (12) feet.

SATELLITE DISH ANTENNA, ROOF-MOUNTED - A satellite dish antenna mounted directly upon the roof of a structure and not attached to any appurtenance such as a chimney, tower, or spire.

SCHOOLS FOR ACADEMIC INSTRUCTION - All schools offering primarily classroom instruction with participation of teachers and students, limited to elementary, junior and middle high schools, high schools, junior colleges, colleges, theological seminaries, bible colleges, and universities; but not including business colleges, technical or trade schools.

SEXUAL ENTERTAINMENT CENTER - An establishment, not otherwise specifically defined in this Article, which makes available material, services, or entertainment appealing to adult sexual interests, including, but not limited to a bath house; swingers' club; or similar establishment if the establishment or its entertainment, services, or goods are advertised by or on behalf of the establishment in a manner patently designed to appeal to such adult sexual interests.

SPECIFIED ANATOMICAL AREAS -

- (1) Less than completely and opaquely covered:
 - (a) Human genitals;
 - (b) Pubic region;
 - (c) Buttocks;
 - (d) Female breast below a point immediately above the top of the areola;
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES -

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, sodomy, oral sex (real or simulated), fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts, or sexual contact between humans and animals.

STOCKYARD - An establishment or facility commonly known as stockyards; conducted, operated or managed for profit or non profit as a public market for livestock producers, feeders, market agencies and buyers; consisting of pens or other enclosures and their appurtenances, in which live cattle, sheep, swine, horses, mules, goats or other

farm animals are received, held or kept for sale or shipment in commerce.

STORAGE - The keeping, either indoors or outdoors, of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession.

STORY - That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and ceiling next above it.

STREET - Any vehicular way -- a general term used to describe right-of-way, which provides a channel for vehicular and pedestrian movement between certain points in the community, which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of under- or above-ground utilities. Streets are classified by function as follows:

EXPRESSWAYS - Hold the first rank in the classification of streets, and are used only for movement of vehicles, providing for no vehicular or pedestrian access to adjoining properties; interchange of traffic between an expressway and other streets is accomplished by grade separated interchanges with merging deceleration and acceleration lanes, and no at-grade intersections are permitted. Express- ways generally carry higher volumes, require greater right-of-way width, and permit higher speed limits than any other class of street, and should be depressed in urban or urbanizing areas. Arterials are the only class of street which generally should be connected with expressways at interchange points.

ARTERIALS - Hold the second rank in the classification, and should be used only for the movement of vehicles, and preferably should not provide for vehicular access to adjacent properties. Interruption of traffic flow should be permitted only at street intersections, which should contain medians, deceleration lanes, and left turn storage lanes. Arterials are the link between expressways and collectors, and rank next to expressways in traffic volume, speed limit, and right-of-way width.

COLLECTORS/CONNECTORS - Hold the third rank in the classification of streets, and are used both for movement of vehicles and for providing access to adjacent properties. Access to adjoining properties should be planned and controlled so that minimum disturbance is made to the traffic moving efficiency of the collector/connector street. Intersections should contain medians, deceleration lanes, and left turn storage lanes. Collectors/connectors are the link between arterials and local streets. Collectors/ connectors generally rank next to arterials in traffic volume, speed limit, and right-of-way width.

LOCALS - Hold the fourth rank in the classification of streets, and are used primarily for providing access to adjacent properties. Vehicles moving on these streets should have an origin or destination in the immediate vicinity, and all types of through traffic should be eliminated through initial design of its connections with other streets. Local streets are the primary link between trip generation points (homes, offices, stores, work) and collector streets. Locals have the least right-of-way, the lowest speed limit, and the least amount of vehicular traffic. Local streets can be subdivided further into the following sub-classes:

CONTINUING STREETS - Are local streets having two open ends; each end generally connects with different streets; one or more other street may intersect it between its two open ends, and property fronts on both sides of the streets.

SERVICE ROADS - Are local streets which are parallel to a street with a higher classification on one side and are parallel to properties requiring access on the other side. A service road generally has two or more open ends, connecting at intersections with streets that run perpendicular to the service road and its adjacent street of higher classification. In this way, a service road provides an access route to properties adjacent to higher classification streets; while, at the same time, reducing the number of access points from these properties onto the higher classification street. Generally, in a given block, one or no access points are provided directly to the higher classification streets, but multiple access points are provided to the adjacent properties.

LOOP STREETS - Are local streets having two open ends; each end generally connects with the same street; no other streets generally intersect between its two ends, and property fronts on both sides of the street.

CLOSE STREETS - Close streets are one-way local streets forming a "U" shape and having two open ends; each end generally connects with the same street. Property fronts on the outside of the "U," but the interior of the "U" should be natural or landscaped open space. This interior area should generally be between fifty (50) and one hundred (100) feet wide. The close street is a neo-traditional street design used as an alternative to cul-de-sacs in areas where it is difficult to provide a through street.

CUL-DE-SAC STREETS - Are local streets having only one open end providing access to another street; the closed end provides a turnaround circle for vehicles; no other street generally intersects between the two ends, and property fronts on both sides of the street.

DEAD-END STREETS - Are similar to cul-de-sacs, except that they provide no turnaround circle at their closed end and are not permitted as streets in any proposed subdivision. Stub streets planned for future connection are not considered to be dead-end streets.

ALLEYS - Alleys generally have two open ends; each end connects with different streets, and property generally backs onto both sides of the alley. Special permission from the Commission is required whenever alleys are used.

RURAL ROADS - Rural roads are local streets providing access to properties in the Rural Service Area, as well as providing for movement between certain points in the community. A rural roadway includes a right-of-way, the street pavement, and may include paved shoulders and drainage ditches.

STRUCTURE - Anything constructed, the use of which requires permanent or continuous location on the ground, or attached to something having permanent location on the ground.

TATTOO PARLOR - A commercial establishment whose principal business activity is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin using needles or other instruments designed to contact or puncture the skin.

TEMPORARY STRUCTURE - Anything constructed and placed on the ground without a permanent foundation and consisting of 400 square feet or more in size, the use of which is designed for use or occupancy for only 180 days or fewer per 12-month period. Any structure intended to remain in place in excess of that time period must be permitted as a permanent structure. For purposes of regulating the use of such structures, any limitation stated in this ordinance shall be calculated by the cumulative consideration of the use of any and all such structures on a single property. This use must also be consistent with the requirements and limitations, if any, of the Kentucky Building Code.

TENANT HOME - An accessory residence, located in an agricultural zone, occupied by a person other than the owner's family or the farm manager, engaged full-time in an agricultural use on the property.

TOPSOIL - The surface layer and its underlying materials that have properties capable of producing desirable reclamation and vegetation.

TOWNHOUSE - A single family attached dwelling, each dwelling designed and erected as a unit, separated from one another by a common wall, and capable of being subdivided into separate lots.

TRAILER - Any portable structure having no foundation other than wheels, jacks, or skirting; or any vehicle so designed or constructed as to permit:

- (1) temporary occupancy for dwelling or sleeping purposes;
- (2) the conduct of any business, trade, occupation, profession, or use as a selling or advertising device; or
- (3) the transportation of personal property; and including automobile trailers, campers, and tourist trailers, but not including a mobile home.

TRANSFER STATION - A facility, as defined in KRS 224.01(010), for the compacting and reloading of solid waste as defined in KRS 109.012(9) prior to its transportation to a permanent disposal site.

TRUCK TERMINAL - Land and buildings used as a relay station for the transfer of freight from one truck to another, or for the parking or storage of semi-trailers for longer than 24 hours, including tractor and/or trailer units. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. A truck terminal may include areas for the washing or repair of trucks associated with the terminal, but does not include an establishment solely for the display, rental, sale and minor repair of trucks.

VEHICLE STORAGE YARD - A place where vehicles, which have a current vehicle registration and bear a current license plate in accordance with state law, and not used in the conduct of a trade; business; or profession are kept for 24 hours or longer. A vehicle storage yard does not include a yard for storage of dismantled or partially dismantled automobiles, storage of inoperable vehicles for longer than 60 days, a parking lot, truck terminal, automobile wrecking, or junk yards.

WALL PLANE, PRIMARY - A building wall or façade that faces the public right-of-way or street that provides the lot frontage. On through lots, corner lots or lots with multiple frontage on public rights-of-way, only one such wall plane shall be required.

WALL PLANE, REAR - A building wall or façade that is ordinarily opposite to the primary wall plane.

WALL PLANE, SIDE - A building wall or façade on the side of a structure, other than the primary or rear wall plane.

WHOLESALE ESTABLISHMENT - An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, institutional or professional business users; or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WHOLESALE ESTABLISHMENT WITH WAREHOUSE - The display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck terminal or bus servicing facilities; motor freight transportation; moving and storage facilities; warehousing and storage activities.

WOODLOT, COMMERCIAL - Premises, or portions thereof, used for seasoning and storage of firewood and for cutting and splitting of timber to produce firewood for later resale (excluding sawmills, planing mills).

YARD, FRONT - An open space extending the full width of the lot between a building and the front lot line,

unoccupied and unobstructed from the ground upward except as herein specified. The depth of a front yard is the shortest distance, measured horizontally, between any part of a building, exclusive of such parts herein excepted, and the front lot line.

YARD, REAR - An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as herein specified. The depth of a rear yard is the shortest distance, measured horizontally, between any part of a building, exclusive of such parts herein excepted, and the rear lot line.

YARD, SIDE - An open space between a building and a side lot line, unoccupied and unobstructed from the ground upward, except as herein specified. The width of a side yard is the shortest distance, measured horizontally, between any part of a building, exclusive of such parts herein excepted, and the nearest side lot line.

YARD, SIDE STREET SIDE - A yard abutting the side street of a corner lot, unoccupied and unobstructed from the ground upward, except as herein specified, and extending from the front yard line to the rear lot line, and being the least distance between the lot line abutting the side street and the building.

ZONE - A portion of the territory within Lexington-Fayette Urban County within which certain regulations and requirements apply under the provisions of this Zoning Ordinance.

ZONE, AGRICULTURAL - A-R, A-B, A-N or A-U zone.

ZONE, BUSINESS - B-1, B-2, B-2A, B-2B, B-3, B-4, B-5P, B-6P, or CC zone.

ZONE, INDUSTRIAL - An I-1, I-2 or ED zone.

ZONE, MIXED-USE - An MU-1, MU-2 or MU-3 zone.

ZONE, RESIDENTIAL - An R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3 or PUD-1 zone.

Section 2 – That Article 8 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

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, churches, and Sunday schools.
11. Hospitals, nursing homes, rest homes 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, school for academic instruction or a child care center.
21. Adult day care centers.

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, 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. Offices of veterinarians, animal hospitals.
2. Drive-through facilities for sale of goods or products or the provision of services otherwise permitted herein, except as accessory uses herein.
3. Parking lots and structures.
4. 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.
5. Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone, school for academic instruction or a child care center.
6. Extended-stay hotels, except as permitted in a Professional Office Project.
7. Day shelters.
8. Mail service facilities, except as permitted in a Professional Office Project.

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, and garden centers.
7. Tattoo parlors.

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.

Churches, Sunday Schools and Parish Houses - 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, Rest Homes, 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 two hundred (200) square feet, with a minimum of three (3) spaces.

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

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:

- a. As a principal permitted use:
 1. Extended-Stay Hotels.
 2. Mail service facilities.
- b. 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.
- c. As a conditional use:
 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, churches, and Sunday schools.
11. Nursing homes, rest homes 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 five hundred (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 Section 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; 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 on a temporary basis, and upon issuance of a permit by the Division of 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 are adversely affected. A carnival 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 facility.
 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).

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 (1) or two (2) 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. Animal hospital or clinic, provided that all exterior walls are completely soundproofed, and further provided

that animal pens shall be completely within the principal building and used for the medical treatment of small animals.

3. 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.
4. 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.
5. Outdoor live entertainment and/or dancing, cocktail lounges, or nightclubs [unless prohibited under Section 8-16(e)(14) and (15)]. Such uses shall be located at least 100 feet from any residential zone, and 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 restrictions to minimize nuisance to the surrounding neighborhood.
6. 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.
7. Upholstery shop.
8. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
9. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
 - a. To check all operating equipment;
 - b. To check fire suppression system(s);
 - c. To check the condition of the fire alarm(s);
 - d. To check for indications of fuel leaks and spillage;
 - e. To remove trash from the site;
 - f. To monitor the general condition of the site.
10. Rehabilitation homes, but only when located closer than 500 feet from a residential zone, school for academic instruction or a child care center.
11. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
12. 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 rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
13. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
14. Day shelters.
15. Extended-stay hotels.
16. Parking lots, provided such use conforms to the conditions of Article 16.
17. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, except as accessory uses herein.

8-16(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. Establishments primarily engaged in agricultural sales and services.
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.

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 Courses - One and one-half (1½) spaces per hole.

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

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

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.

8-17 DOWNTOWN BUSINESS (B-2) ZONE

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

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

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

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

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

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

1. Helistops, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
2. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
3. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
4. Adult arcades, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, except as permitted herein, provided none shall be located within a 500-foot radius of any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
5. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
 - a. To check all operating equipment;
 - b. To check fire suppression system(s);
 - c. To check the condition of the fire alarm(s);
 - d. To check for indications of fuel leaks and spillage;
 - e. To remove trash from the site;
 - f. To monitor the general condition of the site.
6. Rehabilitation homes, when located closer than 500 feet from a residential zone, school for academic instruction or a child care center.
7. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
8. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
9. Automobile and vehicle refueling stations, provided such use conforms to all requirements of Article 16.
10. Day shelters.

8-17(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the B-1 zone, items 1 through 7, except as permitted herein.
2. Outdoor kennels, or outdoor animal runs.
3. Establishments engaged in the display, rental, or repair of farm equipment, trucks exceeding one and one-half (1½) tons, and contractor's equipment.
4. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
5. Hospitals.

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

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

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

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

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

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

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

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

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

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

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

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

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

8-17(o) Special Provisions:

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

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

8-19(a) Intent - This zone is intended to ensure compatible land uses, the preservation of existing attractions compatible with the Lexington Center, and the encouragement of new uses necessary to the proper development of the downtown area. The permitted land uses in the zone should have some logical relation to the Lexington Center and to the downtown core, should promote tourism, should promote the economic health of the community, should provide for an aesthetically pleasing environment, and should prevent the creation of influences adverse to the prospering of the Lexington Center and the downtown area.

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

1. Civic Center and convention facilities.
2. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions; savings and loan companies, holding and investment companies.
3. Offices and clinics.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Studios for work or teaching of fine arts, such as photography, music, drama, dance or theater.
7. Churches, Sunday schools, and parish houses.
8. Ticket and travel agencies.
9. Restaurants, cocktail lounges and nightclubs, including those serving alcoholic beverages and/or offering live entertainment, except as prohibited under Section 8-19(e).
10. Establishments for the retail sale of primarily new merchandise.
11. Beauty shops and barber shops.
12. Shoe repair, clothing alterations or tailoring services.
13. Retail sale of plant, nursery or greenhouse products, or agricultural produce.
14. Hotels or motels.
15. Any type of residential use.
16. Antique shops.
17. Establishments for the display, rental or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats; provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
18. Amusement enterprises, such as circuses; carnivals; horse racing or automobile racing, provided such activity is operated on a temporary basis of a duration not exceeding two weeks.
19. Establishments engaged in blueprinting, printing, publishing, and lithography; interior decoration and upholstery; repair of household appliances.
20. Bookstores, except as prohibited under Section 8-19(e).
21. Indoor amusement enterprises, such as motion picture theaters, except as prohibited under Section 8-19(e); billiard or pool halls; bowling alleys; dance halls, skating rinks; and arcades.
22. Computer and data processing centers.
23. Telephone exchanges, radio and television studios.
24. Cable television system signal distribution centers and studios.
25. Private clubs, except as prohibited under Section 8-19(e)(7, 8 and 9).
26. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than 25 square feet per child.
27. 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 Govern- ment, prior to August 31, 1990, an application for a business license or certificate of occupancy.

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

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

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

1. Automobile service stations at which only minor automobile and truck repair is performed, and provided such use conforms to all requirements of Article 16.
2. Automobile rental facilities; parking lots and parking structures, when not accessory to a principal permitted use, provided such uses conform to all requirements of Article 16.
3. Secondhand shops.
4. Self-service laundry or laundry pick-up stations, including clothes cleaning establish- ments of not more than forty (40) pounds capacity and using a closed-system process.
5. Helistops, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
6. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
7. Health clubs, athletic clubs and spas, except as a permitted in 8-19(c)(3).
8. Recycling drop-off centers for aluminum; steel; plastic; glass; newspapers; cardboard and other paper products; oil and other household recyclable waste, provided that such an establishment shall be located at least 200 feet from any residential zone. Any appeal for a conditional use permit to operate a recycling drop-off center shall include as part of the application: Reasons for the location of the proposed use at a specific site, description of equipment to be used, physical arrangement, and operation of the proposed center. The Board of Adjustment shall consider the necessity of screening, if needed.
9. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordi- nance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall speci- fically consider and be able to find:
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
10. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
 - a. To check all operating equipment;
 - b. To check fire suppression system(s);
 - c. To check the condition of the fire alarm(s);
 - d. To check for indications of fuel leaks and spillage;
 - e. To remove trash from the site;
 - f. To monitor the general condition of the site.
11. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
12. Tattoo parlors.

8-19(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Establishments primarily engaged in agricultural equipment sales and services.
2. Warehouse, as well as storage uses, except as accessory uses herein.
3. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; plastering; painting; metal work; electrical; sign painting; tile, mosaic and terrazzo work; electroplating; drilling; excavating; wrecking; construction, and paving. This is not intended to prohibit administrative offices of such.
4. Manufacturing, compounding, assembling, bottling, processing and packaging, and other industrial uses for sale or distribution other than as retail on the premises.
5. Truck terminals and freight yards.
6. Drive-in restaurants or drive-in theaters.
7. Establishments offering live entertainment in which a person is unclothed, or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, the male or female genitalia, or the buttocks.

8. Establishments at which any employee is unclothed or in the attire, costume, or clothing described above, or is clothed in such a manner as to simulate the breast, genitalia, buttocks, or any portion thereof.
9. Establishments having as a substantial or significant portion of their stock in trade for sale, rent or display, pictures, books, periodicals, magazines, appliances and similar material which are distinguished or characterized by their emphasis on matter depicting, describing or relating to such sexual activities, as (a) depiction of human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy, or (c) holding or other erotic touching of human genitals, pubic region, buttocks or breasts.
10. Animal kennels, hospitals, clinics, outdoor runways or pens, and animal grooming facilities.
11. The above- or below-ground storage of any flammable material in gaseous form including compressed natural gas.
12. Pawnshops, except as permitted herein.

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

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

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

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

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

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

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

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

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

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

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

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

8-19(o) Special Provisions:

1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2B zone where such provisions are more restrictive than those set in this zone.
2. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.

8-20 HIGHWAY SERVICE BUSINESS (B-3) ZONE

8-20(a) Intent - This zone is intended to provide for retail and other uses, which are necessary to the economic vitality of the community but may be inappropriate in other zones. The Comprehensive Plan should be used to determine the locations for this zone. Special consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs.

8-20(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
2. Automobile service stations, subject to the conditions of Article 16.
3. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing, and/or sale of alcoholic beverages.
4. Car washing establishments, provided that surface water from such use shall not drain onto adjacent property or over a public sidewalk, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
5. Motel or hotel.
6. Indoor amusements, such as billiard or pool halls; dancing halls; skating rinks; miniature golf or putting courses; theaters; or bowling alleys.
7. Self-service laundry, or laundry pick-up station, or clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
8. Garden centers.
9. Kennels, animal hospitals or clinics, including offices of veterinarians, provided that such structures or uses, not including accessory parking areas, shall be at least 100 feet from any residential zone.
10. Drive-in restaurants, provided that all outside food service areas shall be at least 100 feet from any residential zone.
11. Establishments for the retail sale of merchandise as permitted in the B-1 zone, unless prohibited by Section 8-20(e).

12. Minor automobile and truck repair.
13. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
14. Beauty shops and barber shops.
15. Shoe repair, clothing alteration, tailoring services, and tattoo parlors.
16. Carnivals on a temporary basis, and upon issuance of a permit by the Division of 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 are adversely affected. A carnival may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
17. Offices and medical clinics.
18. Taxidermy establishments.
19. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
20. Business colleges, technical or trade schools or institutions.
21. Schools for academic instruction.
22. Kindergartens, nursery schools and child care centers, where enrollment of children is sponsored and licensed by established churches and non-profit community-based groups, and/or where enrollment may be limited to children of employees and staff of an office, business or commercial establishment which is located on or abutting the same lot as the proposed child care facility. A fenced and screened play area shall be provided in an area, located a minimum of ten (10) feet from a collector or arterial street, and shall contain not less than 25 square feet per child.
23. 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.
24. Athletic club facilities.
25. Parking lots and structures.
26. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
27. Commissaries for preparation of food for restaurant use.
28. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership, when such use is at least 200 feet from a residential zone.
29. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.

8-20(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Wholesale, warehouse, and storage facilities.
2. Parking areas and structures.
3. Swimming pools.
4. Newsstands and retail shops when accessory to a motel or hotel, provided there are no exterior entrances or signs visible from outside the structure in which they are located.
5. Not more than one (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of and located above or to the rear of such permitted use.
6. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
7. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
8. Satellite dish antennas, as further regulated by Article 15-8.
9. Pawnshops which are accessory to an establishment primarily engaged in the retail sale of jewelry. Not less than fifty percent (50%) of the gross revenue of such establishments shall come from the retail sale of jewelry.
10. Micro-brewery, when accessory to a restaurant permitted herein; and shall be located at least 100 feet from a residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
11. 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 8-20(b).

8-20(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

Required conditions for any conditional use permitted herein shall be as follows:

Any conditional use shall be located, in relationship to the arterial roadway system, so that the conditional use has a minimal effect on the adjoining streets and the surrounding uses.

Any outdoor theater screen or illuminated scoreboard or other similar surface shall not be visible from any street for a distance of 1,000 feet from said structure.

Entrances of ingress or egress, acceleration lanes, and deceleration lanes shall be provided in conformance with requirements as established by the Urban County Traffic Engineer.

1. Indoor and outdoor athletic facilities that may also require buildings which, as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Highway Service Business (B-3) zone, such as a field house; gymnasium; football stadium; tennis courts; soccer field or polo field, and baseball field.

2. Amusement parks, fairgrounds, or horse racing tracks, if all buildings are located not less than 200 feet from any residential zone; and further provided that all buildings for housing animals shall be 200 feet from any residential zone, residential use, school, church, hospital, nursing home, or rest home.
3. Outdoor theaters, provided that all facilities, other than highway access drives, are not less than 1,000 feet from any residential zone, residence, school, church, hospital, nursing home, or rest home; and further provided that a vehicle storage area equal to thirty percent (30%) of the capacity of the theater be provided between the highway and theater ticket gate.
4. Outdoor recreational facilities, including go-cart tracks; archery courts; skate-board and roller skating tracks; trampoline centers; rifle and other fire-arm ranges; swimming pools; water slides and other water-related recreational facilities, and other similar uses.
5. Passenger transportation terminals.
6. Pawnshops, except as permitted herein.
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. Adult arcades, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, except as permitted herein, provided none shall be located within a 500-foot radius of any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
9. Churches and Sunday schools.
10. The above- or below-ground storage of any flammable material in gaseous form, except as permitted herein, including compressed natural gas; except as permitted herein, or except in conformance with the Kentucky Building Code and all applicable fire safety codes. Except in association with an automobile and vehicle refueling station, total above-ground storage of gas is limited to 600 square feet. There may be no filling or re-filling of gas containers in this zone.
11. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
12. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.

8-20(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the B-1 zone, items 1 through 5.
2. Automobile race tracks.
3. Establishments for cleaning, dyeing, and the like, except as permitted herein.
4. Dwellings, except as accessory uses herein.
5. Major automobile and truck repair, except as permitted herein.
6. Boarding houses.
7. Outdoor retail sale of merchandise, unless accessory to a permanent retail sales establishment that conducts most of its activities within a completely enclosed building or group of buildings.
8. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas, except as permitted herein.
9. Hospitals.

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

8-20(f) Minimum Lot Size - No limitation.

8-20(g) Minimum Lot Frontage - 40'.

8-20(h) Minimum Front Yard - 20'.

8-20(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-20(o).

8-20(j) Minimum Rear Yard - No limitation, except as provided in Section 8-20(o).

8-20(k) Minimum Useable Open Space - No limitation.

8-20(l) Maximum Lot Coverage - No limitation.

8-20(m) Maximum Height of Building - 75', except where a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height to yard ratio.

8-20(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for B-1.

Establishments for display, rental, sale, service or repair of farm implements, contractor equipment, automobiles, motorcycles, boats, travel trailers, mobile homes, or supplies for such items - One (1) space for every 600 square feet of floor area, with a minimum of five (5) spaces.

Car Washing Establishments – Two (2) spaces for each stall, plus one (1) space each for each vacuum unit.

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

Bowling Alleys - Four (4) spaces per alley; however, snack bars and food service provided primarily to patrons shall not require additional parking.

Offices of Veterinarians, Animal Hospitals or Clinics, and Kennels - One (1) space for every 200 square feet of floor area.

Billiard or Pool Halls, Arcades, Dance Halls, Indoor Athletic Facilities, and other amusement places without fixed seats - One (1) space for every 100 square feet of floor area, plus one space for every three (3) employees.

Skating Rinks - One (1) space for each 400 square feet of floor area, plus one (1) space for every employee.

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

Indoor and Outdoor Athletic Facilities, Horse Race Tracks, and other amusement places with fixed seats - One (1) space for every five (5) seats, plus one (1) space for every three (3) employees.

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

Garden Centers - One (1) space for every 400 square feet of floor area; plus one (1) space for each employee, with a minimum of five (5) spaces.

Adult Arcades and Massage Parlors - As for retail uses in the B-1 zone (with a minimum of three (3) spaces) or one (1) space for every five (5) seats, whichever is greater.

Adult Bookstores or Adult Video Stores - As for retail uses in the B-1 zone (with a minimum of three (3) spaces.)

Adult Cabarets, Adult Dancing Establishments, Adult Entertainment Establishments, and Sexual Entertainment Centers - As for retail uses in the B-1 zone (with a minimum of three (3) spaces), or one (1) space for every three (3) seats, whichever is greater.

Conditional Uses - Parking requirements for conditional uses shall be minimum requirements; the Board of Adjustment may require additional parking, as needed.

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

8-20(o) Special Provisions

1. Landscape buffer areas shall be required as set forth in Article 18.
2. No building to be used principally as a single store selling food, produce, grocery items or general merchandise shall exceed 80,000 square feet in floor area unless:
 - a) approved by the Planning Commission prior to April 27, 2000 for a larger area, or
 - b) the building is designed to meet the design guidelines for “big-box” retail establishments (Article 12-8), unless specific guidelines are waived by the Planning Commission through its approval of a final development plan.

8-21 WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE

8-21(a) Intent - This zone is intended primarily for wholesaling, warehousing, storage operations and establishments whose activity is of the same general character as the above. To a lesser extent, this zone is also intended to provide for the mixture of professional offices and warehouses that promote reuse and redevelopment of older warehouses, allowing businesses to combine their entire operation in one building, as recommended for the Office/ Warehouse land use category in the Comprehensive Plan. This zone is also intended to encourage the adaptive reuse of older structures in or adjoining the Infill and Redevelopment Area to promote revitalization of these buildings. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs.

8-21(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Wholesale establishment, wholesale establishment with warehouses, storage, and warehousing.
2. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; painting; plastering; metal work; printing; publishing; lithographing; engraving; electrical; major automobile and truck repairing; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; interior decorating.
3. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop.

4. Ice plant.
5. Tire re-treading and recapping.
6. Parking lots and structures.
7. Machine shop.
8. Kennels, animal hospitals, animal grooming facilities or clinics, provided that such structures or areas used, not including accessory parking areas, shall be at least 100 feet from any residential zone.
9. Offices of purchasers, processors and handlers of agricultural products, limited to administrative uses only.
10. Sales of feed, grain, or other agricultural supplies.
11. Garden centers.
12. Establishments and lots for the display, rental, sale, and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.
13. Truck terminals and freight yards.
14. Automobile service stations, subject to the conditions of Article 16.
15. Major or minor automobile and truck repair.
16. Establishments for the display and sale of pre-cut, prefabricated, or shell homes.
17. Carnivals on a temporary basis, and upon issuance of a permit by the Division of Building Inspection, which may restrict the permit in terms of time, parking, access or other ways to protect public health, safety, or welfare; or deny such if public health, safety or welfare are adversely affected. A carnival may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
18. Retail sale of building materials and lumber.
19. 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.
20. Mail order business.
21. Office uses, limited to a maximum square footage of 60% of the floor area in the building in which the use is located.
22. Office/warehouse mixed-use project, as further regulated by Article 8-21(o)(3).
23. Adaptive Reuse Projects, as further regulated in 8-21(o)4.
24. Shredding, sorting and baling of paper scrap and storage of waste paper, when wholly conducted in a completely enclosed building.
25. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.

8-21(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.

1. Parking areas and structures, and loading areas.
2. Financial and insurance offices, the principal activities of which are oriented towards agricultural loans and farm insurance.
3. Laundry pick-up station, when accessory to a laundry or dry-cleaning establishment.
4. Retail sale of hardware-related items, when accessory to the sale of building materials and/or lumber.
5. Satellite dish antennas, as further regulated by Article 15-8.
6. Sale of manufactured products, goods, merchandise and finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than 30% of the total floor and storage area.
7. The retail sale of groceries; dairy products; bakery goods; meat; beer; health and beauty items; stationery; and similar convenience-type merchandise, when accessory to an automobile service station.
8. Beauty salons where accessory to an athletic club facility, provided that the area of the salon shall not constitute more than 10% of the total floor area, that the salon has no separate external entrance, nor separate business signage.
9. Facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.
10. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to the retail sale of building materials and lumber permitted under Article 8-21(b)(18).

8-21(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Indoor recreational activities, except as provided as a part of an adaptive reuse project that require buildings which, as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Wholesale and Warehouse Business (B-4) zone, including indoor tennis courts; skating rinks; athletic club facilities and bowling alleys. Also included would be any outdoor recreational facilities that are customarily accessory, clearly incidental and subordinate to such indoor recreational activities.
2. 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.
3. Churches, Sunday schools, and church-related schools for academic instruction, except as provided as part of

- an adaptive reuse project.
4. Retail sale (except as provided as part of an adaptive reuse project) of furniture and household-related items, such as antiques; fabrics; fixtures; furnishings; glassware and china; when accessory to its storage, refinishing, repairing or upholstery on the same premises.
 5. 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.
 6. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.

8-21(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. Heavy manufacturing, heavy assembling, compounding, packaging, bottling, processing, and other industrial uses, except as permitted herein.
2. Storage of commodities, the storage of which is permitted for the first time in the industrial zones.
3. Amusement enterprises, such as indoor theaters; drive-in theaters; horse race tracks; pool halls; billiard halls; dancing halls and amusement parks.
4. Retail sales and offices, except as permitted herein.
5. Motels and hotels, boarding houses.
6. Personal service establishments, except as permitted herein.
7. Dwellings, except as permitted in an office/ warehouse project herein.
8. Schools and colleges for academic instruction, except as permitted herein.
9. Restaurants, cocktail lounges, nightclubs, except as permitted herein.
10. Car washing establishments.
11. Refuse dumps, landfills, transfer stations, and incinerators.
12. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas, except in association with an automobile and vehicle refueling station.
13. Pawnshops, except as permitted herein.

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

8-21(f) Minimum Lot Size - No limitation.

8-21(g) Minimum Lot Frontage - No limitation.

8-21(h) Minimum Front Yard - No limitation, except as provided in Section 8-21(o).

8-21(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-21(o).

8-21(j) Minimum Rear Yard - No limitation, except as provided in Section 8-21(o).

8-21(k) Minimum Useable Open Space - No limitation.

8-21(l) Maximum Lot Coverage - No limitation.

8-21(m) Maximum Height of Building - 75', except when a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height-to-yard ratio.

8-21(n) Off-Street Parking - (See Article 16 for additional parking regulations.)

Wholesale business, warehousing, storage; Establishments for special trade and general contractors; Machine shops; Sale of feed, grain or other agricultural supplies; Garden centers; and Establishments for the rental, sale, service and repair of farm equipment, contractor equipment, trucks, travel trailers and mobile homes - One (1) space for every 600 square feet of floor area, with a minimum of five (5) spaces.

Tire re-treading or recapping; Truck terminals and Ice plants - One (1) space for each two (2) employees on a maximum working shift; plus one (1) space for each vehicle owned or operated by the use, with a minimum of five (5) spaces total.

Offices, as permitted herein; Animal Hospitals or Clinics; Laundry, clothes cleaning or dyeing shop - One (1) space for every 200 square feet of floor area, with a minimum of five (5) spaces.

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

Kennels - One (1) space for every 600 square feet of floor area; plus one (1) space per two (2) employees on the maximum shift, with a minimum of five (5) spaces.

Office/Warehouse mixed-use project - One (1) space for every 500 square feet of parking floor area, with a minimum of five (5) spaces.

Skating Rinks - One (1) space for every 400 square feet of floor area, plus one (1) space for each employee.

Bowling Alleys – Four (4) spaces per alley; however, snack bars and food service provided primarily to patrons shall not require additional parking.

Tennis Courts and other similar indoor recreational uses - One (1) space for every two (2) participants, plus one (1) space for every three (3) spectator seats, plus one (1) space for each employee.

Mail Order Business - One (1) for every two (2) employees on a maximum working shift, with a minimum of five (5) spaces; plus one (1) space for every 400 square feet of accessory retail sales area.

Retail Sales, Bulk Merchandise - One (1) space for every 250 square feet of floor area.

Conditional Uses - Parking requirements for conditional uses are minimum requirements; the Board of Adjustment may require additional parking, as needed.

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

8-21(o) Special Provisions:

1. All buildings and structures shall be at least 100 feet from any residential zone, unless the portion within that distance has no opening except stationary windows and doors which are designed and intended solely for pedestrian access.
2. Landscape buffer areas shall be required as set forth in Article 18.
3. An Office/Warehouse mixed-use project may be permitted by the Planning Commission upon the approval of a final development plan, as provided in Article 21 of the Zoning Ordinance, and subject to the following requirements:

In addition to the uses permitted in Article 8-21(b), the following uses shall also be permitted in an Office/Warehouse Project:

As principal permitted uses:

- a. Offices, laboratories and data processing centers, limited to a maximum of 75% of the floor area of the building or project. This square footage limitation shall not apply if the project is located within the defined Infill and Redevelopment Area.

As accessory uses:

- a. Drive-through facilities for the provision of services allowed in an Office/Warehouse mixed-use project;
- b. Dwelling units for on-site security personnel.

4. Adaptive Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
 - a. The property must be located in or adjacent to, or across a public right-of-way from, the defined Infill and Redevelopment Area. The area of the Project will be defined by the development plan and may include noncontiguous properties that can function together as an interrelated development.
 - b. The Project must include at least one existing building that will be adaptively re-used as a principal structure.
 - c. The applicant shall provide documentation demonstrating that the Project meets at least three of the following criteria:
 1. It will incorporate sustainable features such as LEED Certification, “green” infrastructure, alternative energy or other innovative design or system.
 2. It will include a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or is over 50 years old.
 3. It is in a district that has applied for, or has obtained, special funding such as tax increment financing or similar government incentives.
 4. It will provide residential housing, at least 10% of which will be set aside for affordable housing.
 5. It will provide a high degree of innovative accommodation for non-vehicular transportation.
 6. It is in an area specified in the Comprehensive Plan for adaptive reuse or revitalization.
 7. It is within an area that is a brownfields recovery site.
 8. Public art is provided by the development that will be publicly displayed in an accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.
 9. It has a single building of over 30,000 square feet that is over 50 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 50 years old. A single building may not be used to meet both criteria #2 and #9.
 - d. Principal uses in Adaptive Reuse Projects:
 1. Any of the principal uses permitted in the underlying zone.
 2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance drama or theater; theaters, including movie theaters and other indoor amusements, except as prohibited under Section 8-19(e), including billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
 3. Community centers, churches and private clubs.
 4. Restaurants, with or without outdoor seating and with or without live entertainment.

5. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics and similar items.
6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
7. Banquet facilities or private clubs with live entertainment, brew pubs, bars, cocktail lounges and nightclubs.
8. Offices, banks or clinics.
9. Hotels or motels.
10. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
11. Quick copy services not using offset printing methods.
12. Residences of any kind.
13. Health clubs, athletic clubs and spas.
14. Parking lots and structures.
15. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods.
16. Indoor recreational facilities.
17. 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 at least 25 square feet per child.
18. Indoor or outdoor amusement or entertainment enterprises such as circuses, carnivals, rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two weeks.
19. Passenger transportation terminals.
- e. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
- f. Conditional uses:
 1. Drive-through facilities.
- g. Prohibited uses:
 1. All adult uses, as listed in Section 8-16(e)(14 through 17).
- h. Parking
 1. Dwelling Units - One (1) space for every two (2) units.
 2. Non-Residential Uses - Fifty percent (50%) of the least parking required in any zone other than the B-2, B-2A or B-2B zone, which permits the use or a similar use.
 3. Allowable Reductions in Parking:
 - a. Bicycle Reduction - 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 in a permanent, constructed bicycle locker. The maximum reduction of required parking spaces, based on provision of bicycle parking, shall not be reduced less than five percent (5%) of the otherwise required amount.
 - 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 shall 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.
 - c. Reductions in required off-street parking for transit stops and bicycle lockers may be combined for the same property, but in any event may not reduce the total amount of required off-street parking by more than 15 percent (15%).
 - i. Signage - Shall be as permitted under Article 17-7(o) for an MU-2 zone.
 - j. Lot and Yard Requirements - No minimum.
 - k. Height - No maximum height for adaptive reuse of existing buildings. New buildings shall not be more than 12 feet taller than the tallest structure that is being adaptively re-used, or 48 feet, whichever is greater.
 - l. The applicant shall submit a compliance statement with the development plan that specifies how the project will further the Goals and Objectives and other elements of the Comprehensive Plan.
 - m. Prior to holding a hearing on the development plan, the applicant shall post a sign, with dimensions set out in Article 23B-5(b), at a visible location on the property at least 14 days prior to the hearing, informing the public of the location, date and time of the hearing. Evidence of the sign having been posted shall be submitted to the Planning Commission at the hearing.
 - n. The Planning Commission shall have the power to approve, modify or disapprove the development plan, as set out in Article 21. In addition, if the Planning Commission approves the development plan, it must adopt a finding that the development plan furthers the Goals and Objectives or other elements of the Comprehensive Plan.

8-22 LIGHT INDUSTRIAL (I-1) ZONE

8-22(a) Intent - This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Industrial Mixed-Use projects and Adaptive Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone and for Industrial Mixed-Use Projects. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

8-22(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-4 zone.
2. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of articles of merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious and semi-precious metals,

precious and semi-precious stones, rubber, sheet metal (excluding large stampings), shell, textiles, tobacco, wax, wire, wood (excluding sawmills, planing mills), and yarn.

3. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of such products as: bakery goods; billboards; candy; ceramics; cosmetics; drafting instruments; electrical parts; appliances; electric or neon signs; electronic instruments; food products; meat packaging; ice cream; medical and dental instruments; musical instruments; pharmaceuticals; pottery, china, or figurines; radios; record players; rubber and metal stamps; rubber products; scientific instruments and equipment; shoes; television receivers; toiletries, soaps and detergents; toys; and watches and clocks.
4. Other industrial and manufacturing uses, such as auto parts rebuilding; battery manufacturing; beverage manufacturing; micro-brewery as regulated by KRS 243.157 and KRS 243.150; dairy and non-dairy and food and non-food product bottling plants; box and crate assembly; building materials sales; rental storage yard; bag, carpet and rug cleaning and dyeing; cabinet shop; cannery; caterers; cooperage; crematory; dextrine and starch manufacturing; enameling, lacquering, and japanning; felt manufacturing; electric foundry; furniture manufacturing; heating equipment manufacturing; inflammable underground liquid storage; iron works (ornamental), and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; radium extraction; railway or truck terminal; stone monument works; tool manufacturing; vehicle storage yards for which occupancy permits were issued prior to May 1, 1985; welding, and other metal working shops.
5. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, and processing of paper shall be permitted only when wholly conducted in a completely enclosed building.
6. Industrial Mixed-Use Projects, as further regulated by Article 8-22(o).
7. Adaptive Reuse Projects, as set out in Section 8-21(b)23 and Section 8-21(o)4.
8. Commercial wood lots, provided that:
 - a. All wood storage and processing activities are located at least 300 feet from the nearest residential zone;
 - b. Wood piles are no greater than fifteen (15) feet in height, no greater than twenty (20) feet in width, no greater than 100 feet in length, and are spaced no less than twenty (20) feet from any property line; and
 - c. Cutting and splitting of timber takes place only between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

8-22(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Off-street parking areas and structures, and loading facilities.
2. Dwelling units for watchmen or caretakers, provided that such facilities shall be located on the same premises as the permitted use.
3. Outdoor storage of products manufactured on the premises or materials to be used in manufacture on the premises.
4. Facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.
5. Offices.
6. Recreational facilities.
7. Sale of manufactured goods.
8. Sale of finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than thirty percent (30%) of the total floor and storage area.
9. Satellite dish antennas, as further regulated by Article 15-8.
10. Beauty salons where accessory to an athletic club facility, provided that the area of the salon shall not constitute more than 10% of the total floor area, that the salon has no separate external entrance, nor separate business signage.
11. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to retail sale of building materials and lumber permitted under Article 8-21(b)(18).

8-22(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Automobile race tracks.
2. Public utilities and public service uses and structures.
3. Columbariums and crematories.
4. Penal or correctional institutions.
5. Indoor recreational activities, except as provided as part of an Adaptive Reuse Project, that require buildings, which as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Light Industrial (I-1) zone, including indoor tennis courts; skating rinks; athletic club facilities and bowling alleys.
6. Grain drying, when operated in a fully enclosed building at least 300 feet from the nearest residential, business, or professional office zone.
7. The above- or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station or limited by 8-22(e); and provided such operations conform to the standards prescribed by the National Fire Protection Association, the Kentucky Occupational Safety and Health Standards for General Industry, and any requirements of the Fire Marshall. Such conformance shall be certified in writing by the Fire Marshall, and any required protective measures for the containers shall be met in all ways.
8. Banks, with or without drive-through facilities, except as provided as part of an Industrial Mixed-Use Project or

- an Adaptive Reuse Project, provided:
- a. The site lies within the area of a development plan approved by the Planning Commission, having a minimum 100 acres zoned industrial;
 - b. There shall be an on-site stacking capacity of a minimum of twenty (20) cars for each bank having drive-through facilities;
 - c. The site shall not have direct access to an arterial street;
 - d. There exists, within the development plan area, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least 500 employees;
 - e. There exists, within a one-mile radius of the property boundaries of the proposed site, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least 2,500 employees;
 - f. A site development plan is submitted to, and approved by, the Board of Adjustment and the Planning Commission.
9. Concrete mixing and concrete products, 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, and only under the following conditions:
- a. That no concrete mixing operation be conducted closer than 1,000 feet from any existing residence on another lot under different ownership.
 - b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
 - c. Development Plan - The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, storm water and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within 500 feet.
 - d. Drainage and Erosion Control - All operations shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event that adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
 - e. Roads - All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.
 - f. Screening - Screening shall be provided as defined in accordance with LFUCG Article 18 of the Zoning Ordinance.
 - g. Transportation Plan - A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
 - 1) Product shipping and deliveries;
 - 2) Mode of transportation;
 - 3) Route(s) to and from the site;
 - 4) Schedule and frequency of shipments;
 - 5) Delivery and shipping spillage control methods;
 - 6) Employee parking.
 - h. Storage - Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
 - i. Excess Product and Waste - Excess product and waste, when disposed of on site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
10. Cable television system facilities, including transmitting towers; antennas; earth stations; microwave dishes; relays; business offices; television studios; and storage facilities.
11. Vehicle storage yards, for which occupancy permits were applied for on or after May 1, 1985.
12. Commercial composting, provided that the following requirements are met:
- a. That all such composting shall be conducted in a fully enclosed building.
 - b. That a permit-by-rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
 - c. That a development plan, indicating access points and circulation routes; proposed signage; screening and landscaping; fencing and other significant geological or physical features of the property, be submitted as part of any application.
 - d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.
13. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
14. 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.

15. Churches, Sunday schools, and church-related schools for academic instruction, except as provided as part of an Adaptive Reuse Project.
16. Retail sale, except as provided as part of an Adaptive Reuse Project, of furniture and household-related items, such as antiques; fabrics; fixtures; furnishings; glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.
17. Community centers, except as provided as part of an Adaptive Reuse Project.
18. Child care centers, except as provided as part of an Adaptive Reuse Project.
19. Agricultural market.
20. 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.
21. Circus, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.

8-22(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the B-4 zone, items 3 through 11.
2. All uses first permitted in the I-2 zone, except as specifically permitted herein.
3. A facility for the storage and distribution of gas by railroad tank cars, through gas piping, or by tank trucks, which each have a water capacity in excess of 4,000 gallons.
4. Slaughterhouses.

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

8-22(f) Minimum Lot Size - No limitation.

8-22(g) Minimum Lot Frontage - No limitation.

8-22(h) Minimum Front Yard - 20'.

8-22(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-22(o).

8-22(j) Minimum Rear Yard - No limitation, except as provided in Section 8-22(o).

8-22(k) Minimum Useable Open Space - No limitation.

8-22(l) Maximum Lot Coverage - No limitation.

8-22(m) Maximum Height of Building - 75', except when a side or rear yard abuts a Professional Office or Residential zone, then a 3:1 height to yard ratio.

8-22(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for B-4.

Manufacturing or Industrial Uses - One (1) space for every two (2) employees on a maximum working shift, with a minimum of five (5) spaces.

Automobile Race Tracks - One (1) space for every five (5) seats.

Correctional or Penal Institutions - One (1) space for each employee.

Accessory Dwelling Units - One (1) space per dwelling unit.

Retail Sales Facility for manufactured goods - One (1) space for every 400 square feet of floor area.

Industrial Mixed Use Projects - As for MU-3, except that off-site parking may be provided in conformity with Article 16-1(d).

Conditional Uses - Parking requirements for conditional uses are minimum requirements; the Board of Adjustment may require additional parking, as needed.

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

8-22(o) Special Provisions:

1. All industrial uses shall be conducted in a completely enclosed building, except for outdoor storage uses, which shall be enclosed on all sides by a solid wall or fence not less than six (6) feet in height.
2. Except for Industrial Mixed Use Projects, all buildings and structures shall be at least 100 feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors which are designed and intended solely for pedestrian access.

3. Landscape buffer areas shall be required as set forth in Article 18.
4. An Industrial Mixed Use Project may be permitted by the Planning Commission upon the approval of a development plan, subject to the following requirements:
 - a. The property must be in a location recommended in the Comprehensive Plan for Industrial Mixed Use, and should not displace an existing agriculture-related use permitted in the I-1 zone.
 - b. At least twenty percent (20%) of the total floor area shall be devoted to residential use, at least ten percent (10%) shall be devoted to a principal permitted use in this zone or the Wholesale and Warehouse Business (B-4) zone, and no more than forty percent (40%) of the total floor area shall be occupied by retail uses.
 - c. At least forty percent (40%) of the front building wall(s) of new buildings proposed for an Industrial Mixed Use Project shall be required to be built at the 20-foot setback.
 - d. In addition to the uses otherwise permitted in the Light Industrial (I-1) zone, the following uses shall be permitted in an Industrial Mixed Use Project:

As Principal Permitted uses:

1. Dwelling units.
2. Uses permitted in the Professional Office (P-1) zone, excluding a Professional Office Project.
3. Uses permitted in the Neighborhood Business (B-1) zone.

As Conditional uses:

1. Restaurants, without live entertainment or dancing, which devote more than twenty percent (20%) of the public floor area exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.
2. Restaurants or nightclubs offering live entertainment and/or dancing, brew-pubs, cocktail lounges or nightclubs, wine or spirit-tasting rooms [unless prohibited under Section 8-16(e)(14) and (15)]. Such uses shall be located at least 100 feet from any residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.

As Prohibited uses:

1. All adult uses listed in Section 8-16(e)(14) through (17) of the Zoning Ordinance.
- e. The minimum and maximum mix of uses shall be calculated based on the overall Industrial Mixed Use Project shown on the development plan. Each building within the Industrial Mixed Use Project shall not be required to contain a mixture of uses, provided that at least one structure shall contain a mixture of uses.

Section 3 –That Article 12 of the Zoning Ordinance of the Lexington-Fayette Urban County government is hereby amended to read as follows:

PLANNED SHOPPING CENTER (B-6P) ZONE

12-3 PRINCIPAL PERMITTED USES - The principal uses permitted in a B-6P zone shall be as follows:

- a. The principal permitted uses in the B-1 and P-1 zones, except as restricted herein.
- b. Indoor theaters.
- c. Parking lots and structures.

12-4 ACCESSORY USES – The accessory uses permitted in a B-6P zone shall be as follows:

- a. The accessory uses in the B-1 and P-1 zones.
- b. 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.

12-5 CONDITIONAL USES

- a. Restaurants, cocktail lounges, brew-pubs, nightclubs, and discotheques offering live entertainment and/or dancing, unless otherwise prohibited. Such uses shall be located at least 100 feet from any residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood.
- b. Self-service car wash, provided that such uses shall be located at least 100 feet from any residential zone; and that surface water from such establishment 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.
- c. Recycling drop-off centers for aluminum, steel, glass, newspapers, cardboard and other paper products, oil, and other household recyclable waste, provided that such establishment shall be located at least 200 feet from any residential zone. Any appeal for a conditional use permit to operate a recycling drop-off center shall include as part of the application:
 1. Reasons for the location of the use at a specific site; description of equipment to be used; physical arrangement; and operation of the proposed center. The Board of Adjustment shall consider the necessity of screening, if needed.
- d. Animal hospital or clinic, provided all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.
- e. 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:

1. 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;
 2. That a reasonable degree of reclamation and proper drainage control is feasible; and
 3. 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.
- f. Rehabilitation homes, when located closer than 500 feet from a residential zone, school for academic instruction or a child care center.
 - g. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
 - h. Drive-through facilities for the sale of goods or products or provision of services otherwise permitted herein, except as accessory uses herein.

12-6 PROHIBITED USES - In a B-6P zone, all uses other than as permitted herein are prohibited.

12-7 LOCATIONAL STANDARDS - A neighborhood or community shopping center shall abut, front on and have its principal access to and from a street designated by the Commission as an arterial or collector street as deemed to be appropriate by the Commission. A regional shopping center shall abut, front on and have its principal access to and from a street designated by the Commission as an arterial.

The proposed shopping center shall be at a location where traffic congestion does not exist at present on the streets to be utilized for access to the proposed shopping center, and where such congestion will be minimized by provision in the plan for proper entrances and exits, and by internal provisions for traffic circulation and parking.

The need for the proposed center at the proposed location, to provide adequate shopping facilities or service to the surrounding neighborhood or community, as the case may be, shall be demonstrated by the applicant by means of market studies or such other evidence as the Commission may require.

The proposed shopping center shall be of sufficient but not excessive size to provide adequate shopping facilities for the population which reasonably may be expected to be served by such shopping facilities.

12-8 MINIMUM DESIGN STANDARDS - The following minimum standards shall be met in the design of a planned shopping center:

12-8(a) HEIGHT REQUIREMENT - There shall be no height limitation.

12-8(b) REQUIRED SETBACK - All buildings shall be at least fifty (50) feet from the perimeter boundary of the B-6P zone. However, no more than 100 feet of exterior walls may be established at the same setback. A variation of at least three (3) feet shall be required where a break in setback occurs. Buildings may penetrate up to three (3) feet over the building line into the required setback, but the average setback shall be at least as great as the required setback.

12-8(c) SCREENING - Landscaping and screening shall be provided as required by Article 18 herein.

12-8(d) LOT COVERAGE - The ground area occupied by all the buildings shall not exceed, in the aggregate, thirty-five percent (35%) of the total area of the B-6P zone. Parking structures shall not be considered as a building for the purposes of this section.

12-8(e) REQUIRED PARKING - Notwithstanding any other requirements of this Zoning Ordinance:

1. For a neighborhood shopping center, two square feet of off-street parking area, including driveways, shall be provided for every square foot of parking floor area.
2. For a community or regional shopping center after May 29, 2003, one parking space shall be provided for every 250 square feet of gross floor area.
3. For community or regional shopping centers before May 29, 2003, three square feet of off-street parking, including driveways, shall be provided for every square foot of parking floor area.
4. For any shopping center containing residential use(s), the residential use(s) shall require 0.5 parking space per dwelling unit.

12-8(f) LOADING AREAS - Notwithstanding any other requirements of this Zoning Ordinance, there shall be provided one off-street loading space for each 20,000 square feet, or fraction thereof, of aggregate floor space of all buildings in the center. At least one-third of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type. Such loading facilities shall be permanently and fully screened. The exact type and nature of such screening shall be determined by Article 18.

12-8(g) LIGHTING - Access ways and parking areas shall be lighted adequately by lighting fixtures, which shall be so installed as to reflect light away from adjoining properties. Cut-off shields, or equivalent lighting design, shall be utilized to prevent spillover of light from the shopping center to adjoining properties under different zoning. Security lighting and lighting located on the side and rear of buildings must also reflect light away from adjoining properties.

12-9 DESIGN GUIDELINES FOR “BIG-BOX” RETAIL ESTABLISHMENTS - It is in the best interest of Lexington-Fayette County to minimize the possible “blighting” effect that abandoned shopping centers and large retail establishments can have on the larger area or neighborhood in which they are located. By imposing additional standards in the form of design guidelines for such centers, these effects can be minimized, and future redevelopment and reuse of vacant retail buildings encouraged through proper facility design, without expenditure of public funds. For this reason, the Planning Commission has adopted design guidelines for shopping centers containing a single “big-box” establishment larger than 80,000 square feet in size. These additional standards are listed in “Design Guidelines for ‘Big-Box’ Establishments” incorporated by reference, and are consistent with guidelines which have been established in other cities and counties across the United States for such facilities. These design guidelines are intended to provide professional designers and the Planning Commission with direction for improved development plans which address the following issues:

- (a) Variation in building heights and identifiable customer service entrances and pedestrian entryways;
- (b) Uninterrupted facades, windows, allowance for smaller stores or departments having exterior entrances, and back or side facades;
- (c) Landscaping and/or screening of outdoor display of building materials or other similar bulky products, and of trash collection and loading areas;
- (d) Pedestrian circulation in relation to vehicular movement and common open spaces for pedestrians;
- (e) Parking lot orientation adjacent to public streets.

The guidelines are to be met in the design of a planned shopping center containing a single “big-box” establishment larger than 80,000 square feet in size, unless waived by the Planning Commission through its approval of a final development plan for a property in a B-6P zone.

12-10 PROCEDURE - The procedure for obtaining a zoning map amendment to the B-6P zone shall be the same as provided in Article 6 herein above, in addition, as follows:

12-10(a) PRELIMINARY DEVELOPMENT PLAN REQUIRED - A preliminary development plan shall be submitted with the application for a Zoning Map Amendment with the information as specified in Article 21 and, in addition, approximate total gross floor area of anticipated retail facilities; the approximate total gross floor area of anticipated office and service facilities; the approximate number of anticipated off-street parking spaces; and the stages which will be followed in the construction of the proposed shopping center.

12-10(b) FINAL DEVELOPMENT PLAN REQUIRED - Within two (2) years of final approval by the Urban County Council of any B-6P Zoning Map Amendment, unless an extension is granted by the Commission, the applicant shall submit a final development plan to the Commission for its review and action; otherwise, an application to change the B-6P zone to its previous zone or other appropriate zone may be filed by the Commission as provided under Article 6 herein above.

The final development plan shall show the information as specified by Article 21: Development Plans. The Commission shall approve, conditionally approve, or disapprove a final development plan within ninety (90) days after the applicant submits his development plan.

12-10(c) BUILDING PERMIT REQUIRED - No building permit shall be issued until a final development plan has been approved by the Commission and certified to the Division of Planning, after which a permit for construction may be issued by the Division of Building Inspection. The approved final development plan shall limit and control the issuance of all building and occupancy permits, and shall restrict the construction, location, and use of all land and structures to all conditions set forth in the plan. Amendments to the plan can be made only as permitted in Article 21: Development Plans.

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

PASSED URBAN COUNTY COUNCIL: December 10, 2013

/s/ Jim Gray
MAYOR

ATTEST:

/s/ Meredith Nelson
Clerk of Urban County Council

PUBLISHED: December 19, 2013-1t

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