

ORDINANCE NO. \_\_\_\_\_ - 2025

AN ORDINANCE AMENDING ARTICLES 1-11, 3-13(b), (e), (g) AND (l), 8-1(c) AND (d), 8-2(c) AND (d), AND 8-3(c) AND (d), TO REGULATE SHORT TERM RENTALS IN AGRICULTURAL ZONES. (URBAN COUNTY COUNCIL).

WHEREAS, the Lexington-Fayette Urban County Planning Commission considered at a meeting on December 12, 2024, amendments to the text of Articles 1-11, 3-13(b), (e), (g), and (l), 8-1(c) and (d), 8-2(c) and (d), and 8-3(c) and (d), to regulate Short Term Rentals in agricultural zones. The Planning Commission did recommend approval of the modified text amendment by a vote of 8-0; and

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

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

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

Section 1 – That Article 1-11 of the Lexington-Fayette Urban County Government Zoning Ordinance shall be amended to provide as follows:

*Dwelling unit, farm employee* means any accessory residence located in an agricultural zone, maintained for the occupancy of employees and their families or the owner's immediate family, in connection with an agricultural use on the property. Farm employee dwelling units may be occupied by transient guests as a hosted short term rental, if such use is approved by the Board of Adjustment.

Section 2 – That Article 3-13(b) of the Lexington-Fayette Urban County Government Zoning Ordinance shall be amended to provide as follows:

b) Except as limited by subsections (l) and (m), the number of Dwelling Units allowed to be utilized as Short Term Rentals per Property:

Zones Allowed	Hosted (Occupancy up to 10)	Hosted (Occupancy >10)	Un-Hosted	# of Dwellings on Property allowed as Short Term Rental Units
Single Family Lots <sup>1</sup>				
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,	Accessory Use	Conditional Use	Conditional Use	1 dwelling unit or 1 ADU

A-R**	Conditional Use	Conditional Use	Conditional Use (with a maximum size of 10 acres)	Hosted: 1 dwelling unit or 1 FEDU** Or: Un-Hosted: 1 dwelling unit
A-N**, A-B**	Conditional Use	Conditional Use	Prohibited	Hosted: 1 dwelling unit or 1 FEDU
Multi-Family and Group Residential Lots <sup>2</sup>				
R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3, CN,	Accessory Use	Conditional Use	Conditional Use	10% max. or 1, whichever is greater
B-1, P-1, MU-1, MU-2, MU-3	Accessory Use	Accessory Use	Principal Use	25% max. or 1, whichever is greater
B-2, B-2A, B-2B, B-4*, I-1*, I-2*, CC, B-6P, MU-3*	Principal Use	Principal Use	Principal Use	No max.

<sup>1</sup> Single Family Lots may include either a detached dwelling unit or a subdivided attached dwelling unit as a principal structure.

<sup>2</sup> Multi-Family and Group Residential Lots may include condominiums and attached single family dwelling units on one lot.

\* When part of an Adaptive Reuse Project, Industrial Reuse Project, or Entertainment Mixed Use Project

\*\*-Properties in the A-R, A-B, and A-N zone may be subject to other regulations and restrictions that impact the ability to operate short term rental uses.

Section 3 – That Article 3-13(e) of the Lexington-Fayette Urban County Government Zoning Ordinance shall be amended to provide as follows:

- e) Detached accessory structures may be used as a Short Term Rental only in a permitted Farm Employee Dwelling Unit or a Detached Accessory Dwelling Unit.

Section 4 – That Article 3-13(g) of the Lexington-Fayette Urban County Government Zoning Ordinance shall be amended to provide as follows:

- g) For Short Term Rentals regulated as conditional uses, the Board of Adjustment shall take into consideration:
  - 1) The demonstrated compliance record of the applicant, if they operate other STRs in Lexington.
  - 2) Whether other STRs in the general vicinity have been cited as a nuisance, including those operated by the applicant.
  - 3) Whether the property being considered is located within a neighborhood that may be vulnerable to involuntary displacement based upon socio-economic demographics.
  - 4) For STRs in the Agricultural Rural (A-R), Agricultural Buffer (A-B), and Agricultural Natural-Areas (A-N) zones:
    - i. The applicant shall provide documentation from the Health Department stating that the septic tank on the property is sufficient to handle the proposed use of the property as a short term rental and based on the number of occupants as part of their application to the Board.
    - ii. The Board must find that the proposed STR will not have an adverse influence on uses occurring on the subject or adjoining or adjacent properties.

- iii. The Board must find that adequate fire safety measures are present within the unit.
- iv. The Board must find that adequate parking is available on site, and that there are or will be lighted entrances that are easily visible from the roadway.
- v. No short term rental shall be located within a mile of another short-term rental in an A-R, A-B, or A-N zone, measured from the property boundary.

Section 5 – That Article 3-13(l) of the Lexington-Fayette Urban County Government Zoning Ordinance shall be amended to provide as follows:

- l) No Short Term Rental regulated as a conditional use shall be located within six hundred (600) feet of another Short Term Rental that has either received a Conditional Use Permit from the Board or is otherwise a legal non-conforming use pursuant to Section (j), above, except in the A-R, A-B, and A-N zones which shall be further regulated pursuant to Section (g)(4) above.

Section 6 – That Article 8-1(c) and (d) of the Lexington-Fayette-Urban County Government Zoning Ordinance shall be amended to provide as follows:

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

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

- 1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as agricultural structures; stables; farm tours; hayrides; petting zoos; and parking areas, provided all yard requirements for a principal residence are met.
- 2. Those specific agricultural uses outlined in KRS 100 that are incidental only to a small farm winery licensed as such by the Commonwealth of Kentucky, such as the manufacture and bottling of wines; tasting rooms for the purpose of serving complimentary samples; sale by the drink or bottle, either on or off premises; and sale and shipment of wine, either wholesale or retail.
- 3. Home offices and home occupations.
- 4. Temporary roadside stands offering for sale only agricultural products grown on the premises, or value- added product sales primarily from agricultural resources grown or raised on the premises.
- 5. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts; bicycling and hiking trails and the like.
- 6. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
- 7. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
- 8. Satellite dish antennas, as regulated in Section 15-8.
- 9. Family childcare home.
- 10. Mobile homes, as provided in Article 10.
- 11. Dwelling units, farm employee, provided all yard requirements for a principal residence are met.

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

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- 26. Bed and breakfast facilities, including farmstays (as defined by KRS 219.011), limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in

considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.

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34. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.
35. Un-Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance, with a maximum lot size of ten (10) acres and provided that no unhosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.

Section 7 – That Article 8-2(c) and (d) of the Lexington-Fayette Urban County

Government Zoning Ordinance shall be amended to provide as follows:

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

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

1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as agricultural structures; stables; farm tours; hayrides; petting zoos; and parking areas, provided all yard requirements for a principal residence are met.
2. Those specific agricultural uses outlined in KRS 100 that are incidental only to a small farm winery licensed as such by the Commonwealth of Kentucky, such as the manufacture and bottling of wines; tasting rooms for the purpose of serving complimentary samples; sale by the drink or bottle, either on or off premises; and sale and shipment of wine, either wholesale or retail.
3. Home offices and home occupations.
4. Temporary roadside stands offering for sale only agricultural products grown on the premises, or value- added product sales primarily from agricultural resources grown or raised on the premises.
5. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts; bicycling and hiking trails and the like.
6. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
7. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
8. Satellite dish antennas, as regulated in Section 15-8.
9. Family childcare home.
10. Mobile homes, as provided in Article 10.
11. Dwelling units, farm employee, provided all yard requirements for a principal residence are met.

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

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16. Bed and breakfast facilities, including farmstays (as defined by KRS 219.011), limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on

surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.

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21. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.

Section 8 – That Article 8-3(c) and (d) of the Lexington-Fayette Urban County

Government Zoning Ordinance shall be amended to provide as follows:

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

- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
  1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as agricultural structures; stables; farm tours; hayrides; petting zoos; and parking areas, provided all yard requirements for a principal residence are met.
  2. Those specific agricultural uses outlined in KRS 100 that are incidental only to a small farm winery licensed as such by the Commonwealth of Kentucky, such as the manufacture and bottling of wines; tasting rooms for the purpose of serving complimentary samples; sale by the drink or bottle, either on or off premises; and sale and shipment of wine, either wholesale or retail.
  3. Home offices and home occupations.
  4. Temporary roadside stands offering for sale only agricultural products grown on the premises; or value-added product sales primarily from agricultural resources grown or raised on the premises.
  5. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts; bicycling or hiking trails and the like.
  6. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
  7. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
  8. Satellite dish antennas, as regulated in Section 15-8.
  9. Family childcare home.
  10. Mobile homes, as provided in Article 10.
  11. Dwelling units, farm employee, provided all yard requirements for a principal residence are met.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.) For any of the following conditional uses established after January 26, 1995, a total of ten thousand (10,000) square feet shall be the maximum allowable for all structures proposed for such uses. Prior to the approval of any conditional use containing environmentally sensitive land, such as flood hazard areas; areas of significant tree stands; sinkhole and karst areas; slopes exceeding fifteen percent (15%); "special natural protection" areas, as designated in the Comprehensive Plan; and stone fences, the applicant must prove, and the Board of Adjustment must find, that adequate safeguards will be in place to ensure the least negative impact on the land. This proof and finding shall extend to uses accessory to permitted conditional uses.

In making its determination, the Board of Adjustment shall:

- i. Require the submission of an environmental assessment prepared by a qualified professional.
- ii. Consider mitigation of environmental impacts over time.
- iii. Consider the operational plan of any proposed agritourism or

- ecotourism activities.
- iv. Consider requiring certification for any proposed ecotourism activities.

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- 7. Bed and breakfast facilities, including farmstays (as defined by KRS 219.011), limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.

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- 13. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.

Section 9 – That this Ordinance shall become effective on the date of passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

32-25:BGS:4930-1486-4653, v. 1