

ORDINANCE NO. 063 - 2024

AN ORDINANCE AMENDING THE LEXINGTON-FAYETTE URBAN COUNTY ZONING ORDINANCE AS FOLLOWS: AMENDING ARTICLE 1-11, RELATING TO DEFINITIONS; AMENDING ARTICLE 3-6, RELATING TO WORKFORCE AND AFFORDABLE HOUSING BONUSES; AMENDING ARTICLES 8-11(b), (c), (e), (f), (g), (h), (i), (m), AND (o), RELATING TO THE MIXED LOW-DENSITY RESIDENTIAL (R-2) ZONE; AMENDING ARTICLES 8-13(d), (f), (g), (h), (m) AND (o), RELATING TO THE MEDIUM DENSITY RESIDENTIAL (R-4) ZONE; AMENDING ARTICLES 8-14(d), (g), (h), (i) AND (m), RELATING TO THE HIGH DENSITY RESIDENTIAL (R-5) ZONE; AMENDING ARTICLES 8-16(b), (c), (d), (e), (h), (m), AND (o), RELATING TO THE NEIGHBORHOOD BUSINESS (B-1) ZONE; AMENDING ARTICLES 8-20(b), (c), (d), (e), (h), (j), (k), (l) AND (o) AND CREATING ARTICLE 8-20(o)(3), RELATING TO THE CORRIDOR BUSINESS (B-3) ZONE; CREATING ARTICLE 8-25, RELATING TO THE CORRIDOR NODE (CN) ZONE; AMENDING ARTICLES 9-1, 9-2, 9-3, AND 9-6 AND CREATING ARTICLE 9-8, RELATING TO GROUP RESIDENTIAL PROJECTS; AMENDING ARTICLES 11-2(a), (b), AND (h), RELATING TO THE INTERCHANGE SERVICE BUSINESS (B-5P) ZONE; AMENDING ARTICLE 12-3(g) AND CREATING ARTICLE 12-3(i), RELATING TO THE COMMERCIAL CENTER (B-6P) ZONE; AND AMENDING ARTICLES 17-11(d) AND (g), RELATING TO SIGNS PERMITTED BY SPECIFIC ZONE, ALL IN ORDER TO MODERNIZE THE R-2, R-4 AND R-5 ZONES, PROVIDE CLEAR DELINEATION BETWEEN THE B-1 AND B-3 ZONES, CREATE A NEW CORRIDOR NODE ZONE AND PROPOSE DENSITY BONUSES FOR AFFORDABLE HOUSING. (URBAN COUNTY PLANNING COMMISSION).

WHEREAS, the Lexington-Fayette Urban County Planning Commission considered at a meeting on December 14, 2023 text amendments to Articles 1-11; 3-6; 8-11(b), (c), (e), (f), (g), (h), (i), (m), AND (o); 8-13(d), (f), (g), (h), (m) and (o); 8-14(d), (g), (h), (i) AND (m); 8-16(b), (c), (d), (e), (h), (m), and (o); 8-20(b), (c), (d), (e), (h), (j), (k), (l) and (o); 9-1; 9-2; 9-3; 9-6; 12-3(g); and 17-11(d) and (g); and creating new sections 8-20(o)(3), 8-25, 9-8, 12-3(i) of the Zoning Ordinance, all in order to modernize the R-2, R-4 and R-5 zones, provide clear delineation between the B-1 and B-3 zones, create a new Corridor Node zone and propose density bonuses for affordable housing. The Planning Commission did recommend approval of the modified text amendment by a vote of 7-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission, with certain modifications set forth herein; and

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

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

Section 1 – That Article 1, Section 1-11 of the Lexington-Fayette Urban County Government Zoning Ordinance (“Definitions”) be and hereby is amended in pertinent part

to delete the definition for “Mixed income housing unit,” to create definitions for “Brewery, Neighborhood,” “Drive-up Window,” “Eating and Drinking Establishment,” “Mobile Food Vendor Park,” and “Professional Service,” and to amend the definitions of “Automobile Service Station” and “Entertainment, Live,” to read as follows:

Sec. 1-11. Definitions.

[...]

Automobile service station means a building or structure used for the retail sale and dispensing of fuel.

[...]

Brewery, Neighborhood means a facility within a completely enclosed building which is intended for the production of up to ten thousand (10,000) barrels per year of malt beverages, with an accessory taproom and without permanently installed bottling or canning equipment.

[...]

Drive-up window means a point of pick up for goods sold on site or the provision of services. Such facilities shall:

- a) Be placed so that pedestrians entering and exiting the building are not required to cross the drive aisle associated with the drive-up window; and
- b) Not have any exterior menu boards or any area for ordering other than at the point of pick up.
- c) All stacking and pick-up shall be limited to a single lane.

[...]

Eating and Drinking Establishment means an establishment where food and/or drinks are prepared and provided to the public for on-premises consumption by seated patrons or for carry-out service. Eating and drinking establishments may have outdoor seating areas. This term includes, but is not limited to, such uses as restaurants, bars, cocktail lounges, bakeries, delicatessen, ice cream parlors, and cafes. This term does not include drive-in restaurants or mobile food vendors.

[...]

Entertainment, live, means any performance at an eating and drinking establishment or similar permitted use by any person, including, but not limited to, a patron of such establishment if such performance is part of a regularly occurring event. The term "live entertainment" includes, but is not limited to, singing, dancing, musical performance, DJ services, comedy acts, magic acts, variety acts, or performance contests engaged in by patrons.

[...]

Mobile Food Vendor Park means a designated area or space where multiple food vendors, often operating from food trucks or mobile carts, gather to sell a variety of prepared foods to customers. Such uses shall:

- a) Provide waste receptacles and recycling bins;
- b) Provide a minimum 20% shared common area for customer use, which includes elements such as seating areas, restroom facilities, and lawn and landscaped areas;
- c) Utilize shore power during operating hours; and
- d) Provide restroom facilities for both customers and employees.

[...]

Professional Service means any business, department, or individual who provides a service or expertise rather than a manufactured product. There shall be no generation of dust, odors, noise, vibration, or electrical interference or fluctuation perceptible beyond the building footprint. Such services include but are not limited to beauty salons, barber shops, tailoring services, tattoo parlors, financial services, and legal services.

[...]

Section 2 – That Article 3, Section 3-6 of the Lexington-Fayette Urban County Government Zoning Ordinance be and hereby is amended, by amending Section 3-6(a), creating Sections 3-6(b), (c), and (d) and deleting 3-6(e), to read as follows:

Sec. 3-6. – Workforce and affordable-housing bonuses.

- a) Units that are designated as Workforce Housing Units or Affordable Housing Units, as defined below, shall be identified separately in the Certificate of Land Use Restriction filed for the development where the units are located; and such units shall be subject to a deed restriction in favor of the Lexington-Fayette Urban County Government, which shall restrict the use of the property and shall establish monitoring procedures to ensure that the units remain affordable during the period. Affordable housing units within the defined Expansion Area shall be subject to Article 23A-2(w).
- b) Where all dwelling units on a lot are provided at an affordable level, the lot shall be granted an affordable housing bonus in use, setbacks, height, FAR, lot coverage, and all other regulations.
 1. Affordable level shall mean eighty (80%) percent or less of the Lexington-Fayette Urban County area median income (AMI) at the time of rental or purchase, for a period of no less than ten (10) years, and where housing expenses, including utilities, shall constitute no more than forty (40%) of monthly household income.
 2. The lot shall be regulated under the provisions as noted below:
 - a. R-1A, R-1B, R-1C, R-1D, and R-1E zones shall be regulated as the R-1T zone;
 - b. R-1T zone shall be regulated as the R-2 zone;
 - c. R-2 zone shall be regulated as the R-3 zone;
 - d. R-3 zone shall be regulated as the R-4 zone; and
 - e. R-4 zone shall be regulated as the R-5 zone.
- c) In the Downtown Business Frame (B-2A) zone, where at least fifty (50%) percent of dwelling units of a lot are being provided at an affordable level, developments shall be granted an affordable housing bonus in use, setbacks, height, FAR, lot coverage, and all other regulations per the Downtown Business (B-2) zone. Affordable level shall mean eighty (80%) or less of the Lexington-Fayette Urban County area median income (AMI) at the time of rental or purchase, for a period of no less than ten (10) years, and where housing expenses, including utilities, shall constitute no more than forty (40%) of monthly household income.
- d) Workforce Housing Units that meet the following requirements shall be granted a workforce housing bonus in use, setbacks, height, FAR, lot coverage, and all other regulations:
 1. Workforce housing dwelling units shall be provided at one hundred and twenty (120%) percent or less of the Lexington-Fayette Urban County area median income (AMI), at the time of rental or purchase.
 2. The project shall be restricted for a period of no less than fifteen (15) years.
 3. Projects shall be regulated under the provisions as noted below:
 - a. R-1A, R-1B, R-1C, R-1D, and R-1E zones shall be regulated as the R-1T zone;
 - b. R-1T zone shall be regulated as the R-2 zone;
 - c. R-2 zone shall be regulated as the R-3 zone;
 - d. R-3 zone shall be regulated as the R-4 zone; and

e. R-4 zone shall be regulated as the R-5 zone.

Section 3 – That Article 8, Sections 8-11(b), (c), (e), (f), (g), (h), (i), (m), and (o) of the Lexington-Fayette-Urban County Government Zoning Ordinance be and hereby are amended to read as follows:

Sec. 8-11 Mixed Low Density Residential (R-2) Zone.

[...]

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

1. Single-Family detached dwelling units.
2. Single-Family attached dwelling units, except that not more than twelve (12) units shall be attached.
3. Multi-Family residential dwelling units. Residential structure containing eight (8) or fewer dwelling units.
4. Shared parking court, as regulated by Article 16-5(b)(4), where depicted on a certified development plan.
5. Temporary Real Estate Offices.
6. Cottage Housing Projects (as regulated by Article 9-8).
7. Parks.

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

1. The permitted accessory uses in the R-1A zone.
2. Cottage house community buildings when associated with either co-housing development or cottage housing project

[...]

(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 R-1A zone, except single-family attached residential and multi-family residential.

Lot, Yard, and Height Requirements. (See Article 3, Subsection (o) of this section, below, and Article 15 for additional regulations).

(f) Lot Size

1. Minimum Lot Size:

- a. Single-Family: One-thousand, five hundred (1,500) square feet
- b. Multi-Family: Two thousand, five hundred (2,500) square feet

2. Maximum Lot Size:

- a. Single-Family: Five thousand (5,000) square feet
- b. Multi-Family: Ten thousand (10,000) square feet

(g) *Minimum Lot Frontage.* Fifteen (15) feet (See Subsection (o) of this section, below).

(h) *Minimum Front Yard.* Five (5) feet.

(i) *Minimum Each Side Yard.* Three (3) feet (See Subsection (o) of this section, below).

[...]

(m) *Maximum Height of Building.* Forty (40) feet.

[...]

(o) *Special Provisions.*

1. A variation of at least three (3) feet shall be required where a break-in setback occurs for single-family attached dwelling units.
2. Required side yard shall be increased to five (5) feet for each side yard of single-family attached residential units when no units or only one (1) unit fronts on a side yard; and a side yard shall be increased to ten (10) feet when more than one (1) unit fronts on that side yard.
3. The minimum side yard may be eliminated on one (1) side of a lot, for future or existing adjacent lots, if a common vertical wall dividing an attached single-family dwelling unit is located, or is to be located, on the common property line. The side yard that is not eliminated shall be a minimum of five (5) feet.
4. Lot, yard, and height requirements for single-family attached and multi-family dwellings in defined Infill and Redevelopment areas are for existing lots as of December 5, 2002, and shall be as follows:
 - a. Minimum front yard: As per Subsection (h) of this section, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lots are less; then the minimum shall be no less than this average.
 - b. Maximum front yard: Twenty (20) feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lots are greater; then the maximum shall be no greater than this average.
 - c. Minimum side yard: As per Subsections (i) Three (3) feet. The minimum side yard may be eliminated on one (1) side of a lot, for future or existing adjacent lots, if a common vertical wall dividing a single-family attached, or multi-family structure is located, or is to be located, on the common property line.

Section 4 – That Article 8, Sections 8-13(d), (f), (g), (h), (m) and (o) of the Lexington-Fayette Urban County Government Zoning Ordinance be and hereby are amended to read as follows:

Sec. 8-13. Medium Density Residential (R-4) Zone.

[...]

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

1. The permitted conditional uses in the R-3 zone.
2. The permitted principal uses in the B-1 zone.

[...]

(f) *Minimum Lot Size.* Two thousand five hundred (2,500) square feet.

(g) *Minimum Lot Frontage.* Fifteen (15) feet.

(h) *Minimum Front Yard.* Five (5) feet.

[...]

(m) *Maximum Height of Building.* Four stories or sixty (60) feet, whichever is less (except when Section (o).3 applies). When height of structure is greater than forty-eight (48) feet, the side yard setback shall be ten (10) feet.

[...]

(o) *Special Provisions.*

1. Lot, yard, and height requirements for detached and attached single-family residential dwellings shall be as required for the R-2 zone.
2. No more than five (5) single-family detached dwellings shall be contiguous along a single street frontage. Other varying housing types or neighborhood commercial facilities shall be incorporated.

3. Lot, yard, and height requirements for Group Residential Projects shall be as provided in Article 9.

Section 5 – That Article 8, Sections 8-14(d), (g), (h), (i) and (m) of the Lexington-Fayette Urban County Government Zoning Ordinance be and hereby are amended to read as follows:

Sec. 8-14. High Density Residential (R-5) Zone.

[...]

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

1. The permitted conditional uses in the R-3 zone.
2. The permitted principal uses in the B-1 zone.
3. Extended-stay hotels.

[...]

(g) *Minimum Lot Frontage.* Thirty (30) feet.

(h) *Minimum Front Yard.* Five (5) feet.

(i) *Minimum Each Side Yard.* Six (6) feet.

[...]

(m) *Maximum Height of Building.* Five (5) stories or Seventy (70) feet, whichever is less. When greater than sixty (60) feet, the side yard setback shall be twelve (12) feet.

Section 6 – That Article 8, Sections 8-16(b), (c), (d), (e), (h), (m) and (o) of the Lexington-Fayette Urban County Government Zoning Ordinance be and hereby are amended to read as follows:

Sec. 8-16. Neighborhood Business (B-1) Zone.

[...]

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

1. Retail sales (except as prohibited herein) and production of goods, provided such goods are only for retail sale on the premises and where there is no generation of dust, odors, noise, vibration, or electrical interference or fluctuation perceptible beyond the property line.
2. Professional services (except as prohibited herein).
3. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations, including, but not limited to, real estate sales offices.
4. Schools for academic instruction, business colleges, technical or trade schools or institutions, and studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
5. Libraries, museums, art galleries and reading rooms.
6. Funeral services (excluding crematorium services).
7. Medical and dental offices, clinics and laboratories.
8. Community centers and private clubs.
9. Nursing homes, personal care facilities, rehabilitation homes, and assisted living facilities.

10. Kindergartens, nursery schools and childcare centers for four (4) or more children. An outdoor fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
11. 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.
12. Eating and drinking establishments, neighborhood breweries, and brew-pubs, except as prohibited under Subsection (e)(14) and (15) of this section, which offer no live entertainment.
13. Self-service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
14. Automobile service stations, provided such use conforms to all requirements of Article 16, which:
 - (a) Had on file with the Lexington-Fayette Urban County Government an application for a business license or certificate of occupancy prior to _____ [MONTH DAY, 2024], and
 - (b) Shall not expand the number of vehicular locations for refueling beyond 8, unless previously approved for a greater number.
15. 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.
16. Miniature golf or putting courses.
17. Carnivals, special events, festivals, or concerts on a temporary basis; and upon issuance of a permit by the Divisions of Planning and Building Inspection, which may restrict the permit in terms of time, parking, access, or in other ways to protect public health, safety, or welfare; or deny such if public health, safety, or welfare is adversely affected.
18. Television and radio studios, and indoor theaters, limited to three (3) screens or stages.
19. Rental of equipment whose retail sale would be permitted in the B-1 zone.
20. Dwelling units, provided a portion of the building is occupied by another permitted use or uses in the B-1 zone.
21. Arcades, including pinball and electronic games.
22. 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.
23. Athletic club facilities.
24. Banquet facilities.
25. Adult day care centers.
26. Form-based neighborhood business project, as per Subsection (o)(3) of this section.
27. Day shelters.
28. Urban agriculture, commercial farm markets and market gardens.
29. Establishments primarily engaged in agricultural sales and services, but only when located within five hundred (500) feet of an Agricultural Rural (A-R) zone.
30. Ecotourism activities to include hiking, bicycling and equine trails; recreational outfitters, and canoeing and kayaking launch sites.

31. Places of religious assembly.
 32. Offices of veterinarians, animal hospitals or clinics, animal grooming and/or training, provided that:
 - (a) All exterior walls are completely soundproofed;
 - (b) Animal pens are located completely within the principal building; and
 - (c) Boarding is limited to only animals receiving medical treatment.
 33. Artisan Manufacturing.
 34. Parks.
 35. Un-Hosted Short-Term Rentals, as regulated in Section 3-13 of the Zoning Ordinance.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Parking areas or structures.
 2. 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 one hundred (100) feet of any residential zone.
 3. The sale of malt beverages, wine, or alcoholic beverages, when accessory to a restaurant permitted under Subsection (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.
 4. Satellite dish antennas, as further regulated by Section 15-8.
 5. Sidewalk cafes, when accessory to any permitted restaurant.
 6. Retail sale of liquid propane (limited to twenty-pound (20 lb.) containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Subsection (b) of this section.
 7. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located more than one hundred (100) feet from a residential zone.
 8. Drive-up window for the sale of goods or products, or the provision of services otherwise permitted herein, when the parcel has lot frontage along an arterial roadway.
 9. Drive-through facilities for the sale of goods or products, or provision of services otherwise permitted herein, which:
 - (a) Were in operation or had a certified final development or a site plan approved by the Board of Adjustment prior to _____ [MONTH DAY, 2024] and shall be subject to the conditions established by the Board of Adjustment or Planning Commission at the time of the most recent approval.
 - (b) Modification of existing drive-through facilities as described in 8-16 (c)(9)(a) shall be allowed, subject to a final development plan.
 10. Hosted Short Term Rentals, as regulated in Section 3-13 of the Zoning Ordinance.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
1. Outdoor live entertainment or nightclubs, unless prohibited under Subsections (e)(14) and (15) of this section. Such uses shall be located at least one hundred (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.

2. Indoor live entertainment, when accessory to an eating and drinking establishment, brew-pub, neighborhood brewery or banquet facility; but only when located closer than one hundred (100) feet from a residential zone.
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. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (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.
5. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, except as accessory uses herein, and meets the following requirements:
 - a. The parcel has lot frontage along an arterial roadway; or
 - b. The parcel is part of a project with an approved final development plan which has lot frontage along an arterial roadway; and
 - c. The parcel or project complies with 8-20(l) of the Zoning Ordinance
6. Drive-up window for the sale of goods or products, or the provision of services otherwise permitted and the parcel has lot frontage along a local roadway.
7. Ecotourism activities to include zip line trails; tree canopy tours; fishing clubs; botanical gardens; nature preserves; and seasonal activities.
8. Country inns, but only when located within five hundred (500) feet of an Agricultural Rural (A-R) zone.
9. Micro-distilleries subject to the following requirements:
 - a. Production shall be limited to 10,000 gallons of distillate annually;
 - b. Distilling operations shall occur within a structure; and
 - c. There shall be an associated retail component or eating and drinking establishment.

The Board of Adjustment shall consider the following:

- a. A proposed operations plan for production and storage of distillate;
 - b. A proposed operations plan for stillage; and
 - c. The impact of truck traffic on adjacent roadways.
- (e) *Prohibited Uses.* (All uses other than those listed as principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)
1. Establishments primarily engaged in agricultural sales and services, except as permitted herein.
 2. Warehouses, as well as storage uses, except as accessory uses herein.
 3. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; plastering; painting; metal work; printing; electrical; sign painting; tile, mosaic, and terrazzo work; electroplating; drilling; excavating;

wrecking; construction; and paving. This is not intended to prohibit the administrative offices of such.

4. Truck terminals and freight yards; transfer stations
5. Manufacturing, compounding, assembling, bottling, processing, and packaging, and other industrial uses for sale or distribution other than as retail on the premises
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, boardinghouse.
12. Wholesale establishments.
13. Nurseries and 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. Hospitals.
21. Ecotourism activities, except as permitted herein.
22. Automobile service station, automobile and vehicle refueling, and gas pumps, except as permitted herein.
23. Outdoor storage.

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

[...]

(h) *Minimum and Maximum Front Yard.*

- a. Minimum: Five (5) feet.
- b. Maximum: Twenty (20) feet.

[...]

(m) *Maximum Height of Building.* Four stories or sixty (60) feet, whichever is less, except as permitted in Subsection (o)(3) of this section.

[...]

(o) *Special Provisions.*

1. Except for the form-based neighborhood business project, no building to be used principally as a single use or establishment shall exceed 40,000 square feet in floor area, excluding parking structures, 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. A form-based neighborhood business project may be approved by the Planning Commission on any site over twenty thousand (20,000) square feet 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 style and urban design of the neighborhood. It shall demonstrate, through the use of renderings, elevations and similar graphic materials, how the proposed project will enhance and complement the architectural style, urban design features, building scale, and massing of the neighborhood. It will also show its integration with the surrounding neighborhood by using positive design features, such as transitional elements; enhanced landscaping; provision of public space and open space buffers; and improved pedestrian accommodations. These exhibits shall be made a part of the Commission's approval, and building permits shall comply with the approved exhibits. A form-based neighborhood business project shall not be subject to the square footage limitation of 8-16(o)(1) above.

Section 7 – That Article 8, Sections 8-20(b), (c), (d), (e)(1) and (4), (h), (j), (k), (l) and (o) of the Lexington-Fayette Urban County Government Zoning Ordinance be and hereby are amended to read as follows:

Sec. 8-20. Corridor Business (B-3) Zone.

[...]

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

1. Principal permitted uses in the B-1 zone, except for as modified herein.
2. Establishments and lots for the display, rental, and sale of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items. Such establishments shall be a minimum distance of two thousand five hundred (2,500) feet from the property line of another existing establishment of the described above.
 - a. Such uses shall be located along an arterial roadway or a service road that accesses an arterial roadway.

- b. Where multiple such uses are depicted on a final development plan the distance requirement shall be measured from the plan boundary identified.
3. Automobile service stations, subject to the conditions of Article 16, provided that they meet the following criteria:
 - a. Automobile service stations shall be a minimum distance of one thousand (1,000) feet from another station along the same street frontage. There shall be no more than two automobile service stations at the intersection of two or more roadways.
 - b. There shall be no outdoor amplified audio, except where required by Federal or state regulations.
 - c. There shall be no greater than sixteen (16) vehicular locations for refueling.
 - d. Fueling pump canopy shall not be utilized to meet the maximum front yard.
4. Eating and drinking establishments and nightclubs, with entertainment, and/or sale of alcoholic beverages.
5. 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.
6. Motel or hotel.
7. Indoor amusements, such as billiard or pool halls; skating rinks; miniature golf or putting courses; theaters or bowling alleys.
8. Self-service laundry, laundry pick-up station, or clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
9. Garden centers.
10. Kennels, animal hospitals or clinics, including offices of veterinarians, provided that such structures or uses, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.
11. Drive-in restaurants.
12. Minor automobile and truck repair and service.
13. Carnivals, special events, festivals, and concerts on a temporary basis, and upon issuance of a permit by the Divisions of Planning and 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
14. Kindergartens, nursery schools and childcare centers. An outdoor 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 twenty-five (25) square feet per child.
15. Recreational facilities.
16. Parking lots and structures.
17. 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 eighteen (18) years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
18. Commissaries for preparation of food for restaurant use.
19. 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 two hundred (200) feet from a residential zone.
20. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.

21. Commercial farm markets and market gardens.
 22. Hospitals.
 23. Mobile Food Vendor Parks.
 24. Multi-family dwelling, provided such uses conform to the provisions of Subsection (o)(3) of this section.
- (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. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
 6. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
 7. Satellite dish antennas, as further regulated by Section 15-8.
 8. 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.
 9. Micro-brewery, when accessory to a restaurant permitted herein; and shall be located at least one hundred (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.
 10. Retail sale of liquid propane (limited to twenty-pound (20 lb.) containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Subsection (b) of this section.
 11. Outdoor Storage and Sales.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.) Required conditions for any conditional use permitted herein shall be as follows:
- (1) 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.
 - (2) Any outdoor theater screen or illuminated scoreboard or other similar surface shall not be visible from any street for a distance of one thousand (1,000) feet from said structure.
 - (3) 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. Outdoor athletic facilities that would be compatible in a Corridor Business (B-3) zone, such as a stadium; swimming pools; courts; and fields.
 2. Amusement parks, fairgrounds, or horse racing tracks, if all buildings are located not less than two hundred (200) feet from any residential zone; and further provided that all buildings for housing animals shall be two hundred (200) feet from any residential zone, residence, school, place of religious assembly, hospital, nursing home, or personal care facility.
 3. Outdoor theaters, provided that all facilities, other than highway access drives, are not less than one thousand (1,000) feet from any residential zone, residence, school, place of religious assembly hospital, nursing home, or personal care facility; 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. Such establishments shall be a minimum distance of 2,500 feet from another existing establishment of the described.
 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 eighteen (18) years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
 9. The above- or below-ground storage of any flammable material in gaseous form, 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 six hundred (600) square feet. There may be no filling or re-filling of gas containers in this zone.
 10. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
 11. Circuses, provided all structures are located not less than two hundred (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 home or rest home.
 12. Ecotourism activities to include campgrounds; commercial hiking, bicycling, equine and zip line trails; tree canopy trails; canoeing and kayaking launch sites; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities.
 13. Micro-Brewery, Micro-Distillery, or Winery.
- (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 4 (Sections 8-16(e)1 through 4).
- [...]
4. Dwellings, except as permitted herein.

[...]

- (h) *Minimum Front Yard.* Ten (10) feet. Maximum Front Yard for Corner Lots. Twenty (20) feet.

[...]

- (j) *Minimum Rear Yard.* (10) feet.
- (k) *Minimum Open Space.* See Article 20 for open space regulations (except as modified in Subsection (o) of this section).
- (l) *Lot Coverage.*
 1. Building lot coverage: Minimum 30% of total lot area, except where multiple lots are depicted on an approved Final Development Plan. The minimum building lot coverage in such cases shall be thirty (30%) percent of the approved area of all lots depicted.
 2. Outdoor storage and sales lot coverage: Maximum 50% of all paved areas.

[...]

- (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 eighty thousand (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 (Section 12-8), unless specific guidelines are waived by the Planning Commission through its approval of a final development plan.
 3. Properties within areas identified by the Comprehensive Plan or an adopted Corridor Plan for transit-oriented development (TOD) can utilize a density bonus by applying the provisions of Article 8-25. For any such project, a preliminary and final development plan shall be approved by the Planning Commission prior to issuance of any building permit.

Section 8 – That a new Article of the Lexington-Fayette Urban County Government Zoning Ordinance, Article 8-25 – Corridor Node (CN) Zone, be and hereby is created to read as follows:

Sec. 8-25. – Corridor Node (CN) Zone.

- (a) Intent. The intent of this zone is to encourage the development of high-density residential and mixed-use centers that are designed to complement existing and future public transit. The provisions of this zone should produce compact, walkable, and sustainable developments. Such development should be located adjacent to areas where enhanced transit facilities are identified or feasible to promote the use of efficient transit. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.
- (b) Required Uses.
 1. Multi-family dwelling units
 - a. *Minimum density.* Project shall include a minimum of thirty (30) dwelling units per acre of gross site area.
- (c) Principal Uses. (Other uses substantially similar to those listed herein shall also be deemed permitted.)
 1. Multi-family dwelling units.
 2. The principal uses per the Neighborhood Business (B-1) zone (except as prohibited herein).

3. Eating and drinking establishments, and nightclubs, with entertainment, and/or sale of alcoholic beverages.
 4. Hotels.
 5. Indoor amusements, such as billiard or pool halls; skating rinks; miniature golf or putting courses; theaters or bowling alleys.
 6. Kindergartens, nursery schools and childcare centers.
 7. Indoor recreational facilities.
 8. Passenger transportation terminals, or transfer stations.
 9. Stadium, convention center, and exposition facilities.
 10. Parking Structures.
 11. Hospitals.
- (d) Accessory Uses. (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Wholesale, warehouse, and storage facilities.
 2. Parking structures.
 3. Swimming pools.
 4. Satellite dish antennas, as further regulated by Section 15-8.
 5. Electric Vehicle (EV) charging facilities located within a structured parking facility.
 6. Home-based businesses.
- (e) Conditional Uses. (Permitted only with Board of Adjustment approval.) Required conditions for any conditional use permitted herein shall be as follows:
1. Micro-Brewery, Micro-Distillery, or Winery.
- (f) 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. Surface parking lots (except as permitted herein).
 2. Outdoor storage and sales.
 3. 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.
 4. Automobile service stations.
 5. Car washing establishments.
 6. Garden centers.
 7. Kennels.
 8. Drive-through facilities or drive-up windows.
 9. Drive-in restaurants.
 10. Automobile and vehicle refueling stations.
- (g) Provisions for multi-phase developments and timing.
1. Phased developments. When constructed in phases, final development plans may be approved for a structure or structures that would increase the total nonresidential floor area on the project to over 50% of the total nonresidential floor area on the project approved in the preliminary development plan, when either:
 - a. Construction has commenced on at least 50% of the total number of residential dwelling units on the site approved in the preliminary development plan; or
 - b. The structure or structures include both nonresidential and residential uses and its construction would bring the number of residential dwelling units on the site to at least 50% of the total number of residential dwelling units on the site approved in the preliminary development plan.
- (h) Minimum Project size: one and a half (1.5) acres.
- (i) Minimum Lot Size: No minimum.

- (j) Floor area ratio (FAR).
 - 1. Minimum FAR: 2.0
 - 2. Maximum FAR: 3.5
 - 3. Floor area ratio calculations exclude structured or underground parking.
 - 4. Phased projects shall be constructed so that the overall project maintains the minimum FAR requirement.
 - 5. Provisions for the addition of FAR. In cases where the following is provided additional FAR may be granted to the project:
 - a. Sustainable Design – Max additional FAR 1.0
 - i. LEED Silver Certification: 0.5 additional FAR per designated building.
 - ii. LEED Gold or Platinum Certification: 1.0 additional FAR per designated building.
 - b. Retail and Service – Max additional FAR 0.5
 - i. Two (2) square feet of additional floor area is allowed per square foot of retail and service use floor area.
 - c. Below Grade Parking Structure – Max additional FAR 1.0
 - i. Two (2) square feet of additional floor area is allowed per gross square foot of below-grade parking floor area.
 - d. Affordable Housing – Max additional FAR 1.0
 - i. Three square feet of additional floor area is allowed per one square foot of affordable housing unit floor area.
 - ii. Units receiving the bonus will remain affordable for 15 years.
 - iii. Documentation of affordability shall be in conformance with Article 3-6.
- (j) Minimum Lot Frontage. No limitation.
- (k) Minimum Front Yard. No limitation.
- (l) Minimum Each Side Yard. No limitation.
- (m) Minimum Rear Yard. No limitation.
- (o) Minimum Open Space. As per the Commercial Center (B-6P) zone.
- (p) Maximum Lot Coverage. No limitation.
- (q) Maximum Height of Building. No limitation.
- (r) Off-Street Parking. (See Articles 16 and 18 for additional parking regulations.)
 - No minimum requirements.
 - Conditional Uses: The Board of Adjustment may establish additional requirements, as needed.
- (s) Site Design Standards:
 - 1. Building Entrances – a minimum of one public entrance to buildings with ground-level retail and service uses must be located within 20 feet of a public street, internal private street, or major pedestrian facility.
 - 2. Parking location – shall be within structures, or in individual on-street spaces parallel with and adjacent to low-volume streets, private streets, and access easements. Surface parking lots are prohibited with the exception of short-term surface parking lots that may include no more than one parking space per 20,000 square feet of floor area in the associated building.

Section 9 – That Article 9 of the Lexington-Fayette Urban County Zoning Ordinance be and hereby is amended, creating a new Section 9-8 – Cottage Housing Project, and amending Sections 9-1, 9-2, 9-3, and 9-6(c)(1) and (e) to read as follows:

Sec. 9-1. Intent.

The intent of this Article is to provide a means to permit two (2) or more detached buildings for residential purposes to be placed on the same parcel or lot of land in any R-1T, R-2, R-3, R-4 or R-5 zone, if approved as a Group Residential Project as provided

herein, and to allow slight variations from the requirements of the zone in which it is located only as specifically provided herein.

Sec. 9-2. Where required.

Any development in an R-1T, R-2, R-3, R-4, or R-5 zone, which proposes two (2) or more detached buildings for residential purposes on the same lot or parcel, shall be considered a Group Residential Project, and shall conform to the provisions of this Article.

Sec. 9-3. Permitted uses.

The permitted uses shall be those principal and accessory uses listed in Article 8 for the zone in which the Group Residential Project is located. All other uses are prohibited, except that:

- (a) Schools for academic instruction;
- (b) Places of religious assembly;
- (c) Canteens of less than five hundred (500) square feet in size for the sale of sundries and other incidental items to residents of the Project;
- (d) A sales or rental office of less than one thousand, two hundred (1,200) square feet in size, where contracts or leases can be obtained or executed;
- (e) Up to two (2) clubhouses for each Project; and
- (f) Recreational facilities, with or without game rooms and/or one (1) indoor theater;

shall be permitted in a project approved by the Commission.

Single-family detached units permitted under the R-2, R-3, and R-4 zones, with the exception of the Cottage House Project as defined in Article 9-8, are also prohibited from construction under the provisions of this Article. Such uses shall follow the requirements for subdividing, as required for single-family residential zones.

[...]

Sec. 9-6. Group residential projects minimum design standards.

All Group Residential Projects, with the exception of Cottage Housing Projects, shall conform to the following minimum design standards:

[...]

- (c) *Yard requirements.* The minimum width of required yards shall be as follows:
 - (1) *Front Yard.* Frontage along any public or private street shall constitute a front yard, and more than one (1) may be designated for each Project, as appropriate. The front yard shall be established as follows:

Zone	Minimum Distance
R-1T	10 feet
R-2	10 Feet
R-3	20 feet
R-4	20 feet
R-5	20 feet

[...]

- (e) *Maximum Height.* The maximum height of nonresidential buildings within a Project shall be thirty-five (35) feet. The maximum height of residential or mixed-use buildings within a Project shall be as follows:

Zone	Maximum Height
R-1T	35 feet
R-2	40 feet
R-3	40 feet

R-4	60 feet
R-5	80 feet

[...]

Sec. 9-8. Cottage Housing Project.

- (a) Review and approval. Development Plan Required. The Commission shall require an approved final development plan containing the information as required by Article 21; and, in addition, specifying the number and type of dwelling units for each building and use of other structures. The Commission shall review the plan for provision of safe, convenient, efficient, and harmonious groupings of buildings in relation to their intended use; transportation and utilities in relation to the buildings served and general circulation needs; open space in relation to needs of the occupants; and for conformance to any other necessary requirements. The Project shall be planned to properly blend with all surrounding property.
- (b) Project Site Requirements:
 - 1. Minimum Project Size – Twenty thousand (20,000) square feet
 - 2. Minimum Density – four (4) detached single-family dwelling units per 20,000 square feet; eight (8) attached single-family dwelling units per 20,000 square feet
 - 3. Minimum Project Lot Frontage – Thirty (30) feet
 - 4. Minimum Project setbacks
 - i. Side Yard - Five (5) feet
 - ii. Front Yard Setback – Ten (10) feet
 - iii. Rear Yard Setback – Ten (10) feet
 - 5. Cottage Housing Shared Open Space
 - i. Shall be centrally located to the cottage house project
 - ii. Shall be a minimum of four hundred (400) square feet per cottage
 - iii. Abut at least 50% of cottages in a cottage housing development
 - iv. Have cottages on at least two sides
- (c) Cottage Requirements:
 - 1. Cottages shall be oriented around and have the primary entrance from the shared open space.
 - 2. Cottages shall be sited to avoid the rear of the building facing a street (other than an alley) to the greatest extent practicable.
 - 3. Cottages shall be within sixty (60) feet of walking distance of the shared open space.
 - 4. A minimum distance between structures shall be ten (10) feet, including accessory structures
 - 5. Cottages shall have a roofed porch with a minimum dimension of eight (8) feet on any side
 - 6. Minimum Lot Frontage – No Limitation
 - 7. Maximum Cottage Size – 1,500 square feet
 - 8. Minimum Lot Size – No Limitation
 - 9. Minimum yard requirements – No Limitation
- (d) Parking Requirements: Per Article 16 and Article 18

Section 10 – That Article 11, Sections 11-2(a), (b), and (h) and Section 11-7(e) of the Lexington-Fayette County Zoning Ordinance be and hereby are amended to read as follows:

Sec. 11-2. - Principal uses permitted.

The following are principal permitted uses in an Interchange Service Business (B-5P) zone:

(a) Automobile Service Stations and automobile and vehicle refueling stations providing full-service, self-service, or a combination thereof; including the sale of convenience-type merchandise in conjunction therewith in an enclosed building. Such uses shall conform to all requirements of Article 16.

(b) Facilities for the sale of convenience-type merchandise in an enclosed building in conjunction with pumps for the sale of fuel for vehicles.

[...]

(h) Roadside stand and value-added product sales.

[...]

Sec. 11-7. - Minimum design standards.

[...]

(e) *Lot, Yard, and Height Requirements.* Lot and yard requirements shall be as for the Corridor Business (B-3) zone. There shall be no height restriction except when a side or rear yard adjoins a residential zone, then a 3:1 height-to-yard ratio.

[...]

Section 11 – That Article 12, Section 12-3 of the Lexington-Fayette County Zoning Ordinance be and hereby is amended, creating Section 12-3(i) and amending Section 12-3(g) to read as follows:

Sec. 12-3. Principal permitted uses.

The principal permitted uses in a B-6P zone shall be as follows:

[...]

(g) Eating and drinking establishments, brew-pubs, nightclubs, and discotheques offering live entertainment and/or dancing, unless otherwise prohibited. Such uses shall be located at least one hundred (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.

[...]

(i) Automobile service stations, subject to the conditions of Article 16, provided that they meet the following criteria:

a. There shall be no outdoor amplified audio, except where required by Federal or State regulations.

b. There shall be no greater than sixteen (16) vehicle locations for refueling.

c. Fueling pump canopy shall not be utilized to meet the maximum front yard.
Section 12 – That Article 17, Sections 17-11(d) and (g) of the Lexington-Fayette Urban County Government Zoning Ordinance be and hereby are amended in pertinent part to read as follows:

Sec. 17-11. Signs permitted by specific zone.

[...]

- (d) *Planned Neighborhood Residential, Medium Density Residential & High Density Residential Zones (R-3, R-4, & R-5)*. Permitted signs within these zones shall be free-standing or wall signs unless otherwise specified; signs shall be either non-illuminated or indirectly illuminated; signs may be internally illuminated only when across a public street from any office, business or industrial zone. Minimum setback for any free-standing sign permitted under this section shall be no less than ten (10) feet.

[...]

- 4) One wall-mounted sign per building in R-4 and R-5 zones with incidental retail uses allowed as a conditional use, not exceeding sixteen (16) square feet in area. Where utilized, the otherwise permitted wall signs shall not be permitted.

[...]

- (g) *Corridor Business, Corridor Node, Warehouse/Wholesale, and Industrial Zones (B-3, CN, B-4, I-1, I-2)*. Permitted signs may be free-standing or wall mounted, as specified; signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated unless specified otherwise; no free-standing sign shall exceed twenty-five (25) feet in height; no free-standing billboard shall exceed forty (40) feet in height.

[...]

- Section 13 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 27, 2024



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: July 3, 2024-1t

0609-24:TWJ:4873-5947-4883, v. 1