

UGM Zoning Ordinance Text Amendment  
Planning Commission Recommendation

**Sec. 1. Definitions.**

Automobile service station means 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.~~

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.

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, exterior amplification, or any area for ordering other than at the point of pick up.

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.

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.

Entertainment, live, means any performance at an eating and drinking establishment or similar permitted use 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. 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.

~~Mixed-income housing unit means a dwelling unit provided for sale to an owner-occupant household with an income that does not exceed one hundred percent (100%) of median income (adjusted for family size), or for rent to a household with an income that does not exceed eighty percent (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 thirty-six percent (36%) of the household's income; and a unit shall be deemed affordable to a rental household if the total rent,~~

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~~including any tenant-paid utilities, does not exceed thirty percent (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 thirty-year (30-year) mortgage) does not exceed thirty percent (30%) of the total household income for a family of four (4) at eighty percent (80%) of the median income for Lexington-Fayette County; also, if the unit is for rent, then the maximum monthly rent may not exceed one percent (1%) of a household income that is at eighty percent (80%) of the median income for Lexington-Fayette County.~~

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• **Sec. 3-6. – Workforce Mixed-income and affordable housing bonuses.**

- a) Units that are designated as ~~Mixed-Income Workforce~~ Housing Units or Affordable Housing Units, as defined below, ~~in order to receive either additional density, or additional floor area shall be restricted by the developer exclusively to mixed-income housing for a minimum period of five (5) years. Further, such units~~ 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.
- e) ~~Such units 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).~~

(Code 1983, § 3-6; Ord. No. 129-2009, § 6, 7-2-2009; Ord. No. 166-2017, § 2(3-6), 11-16-2017; Ord. No. 113-2022, § 2, 10-27-2022)

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

- (a) *Intent.* The intent of this zone is to provide for a mix of low density residential development and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan. This zone may be used for zero-lot-line houses, patio houses, and other compact housing types.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. ~~As for R-1A. Single Family detached dwelling units.~~
  2. ~~Single family attached dwelling units, except that not more than twelve (12) units shall be attached. Two-Family dwellings.~~
  3. ~~Two-Family dwellings, having a common vertical wall on the property line of two (2) separate lots. Only one (1) dwelling for one family shall be permitted on each lot, and no more than two (2) dwelling units shall be attached. 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
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
1. The permitted conditional uses in the R-1A zone.
- (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 ~~for two-family dwellings~~ 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) ~~Minimum Lot Size. Seven thousand, five hundred (7,500) square feet (See Subsection (o) of this section, below).~~
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

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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.* ~~Sixty (60)~~ Fifteen (15) feet (See Subsection (o) of this section, below).
- (h) *Minimum Front Yard.* ~~Five Thirty (530)~~ feet.
- (i) *Minimum Each Side Yard.* ~~Six (6)~~ Three (3) feet (See Subsection (o) of this section, below).
- (j) *Minimum Rear Yard.* Ten (10) feet or twenty (20) percent of the lot depth, whichever is greater.
- (k) *Minimum Open Space.* See Article 20 for open space regulations.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* ~~Thirty-five (35)~~ Forty (40) feet.
- (n) *Off-Street Parking.* (See Article 16 for additional parking regulations.)

No minimum requirements.

Conditional Uses: The Board of Adjustment may establish additional requirements, as needed.

(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.

~~1. The minimum lot size and lot frontage may be reduced for a property subdivision along the common vertical wall of a two-family dwelling (duplex) as long as the structure meets the dwelling unit separation requirements for townhouses under the current Kentucky Building Code.~~

3.2. 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 ~~two-family structure~~ 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) ~~six (6)~~ feet.

~~3. Lot, yard and height requirements for single family detached dwellings in defined Infill and Redevelopment area shall be as required for R-1D.~~

4. Lot, yard and height requirements for two-family 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 lot size: As per Subsection (f) and (o)(1) of this section above.~~

~~b. Minimum lot frontage: As per Subsection (g) and (o)(2) of this section above.~~

~~a.e.~~ 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, ~~or eight (8) feet, whichever is greater.~~

b.d. Maximum front yard: ~~Fifty (50)~~ Twenty (20) feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.

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- ~~c.e.~~ Minimum side yard: As per Subsections (i) Three (3) feet and (3) of this section, above. 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.
- ~~f.~~ Minimum rear yard: As per Subsection (j) of this section.
- ~~g.~~ Minimum usable open space: No limitation.
- ~~h.~~ Minimum lot coverage: No limitation.
- ~~i.~~ Maximum height of building: As per Subsection (m) of this section, above.
- ~~j.~~ Maximum lot coverage: No limitation, except for a floor area ratio of 0.35, or that which allows two thousand, six hundred (2,600) square feet, whichever is greater.
- ~~5.~~ Habitable additions to two-family dwellings must have a common wall that shall be at least fifteen (15) feet or twenty five (25) percent of the length of the common wall on the existing structure, whichever is greater.

(Code 1983, § 8-11; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 17-98, § 1, 1-22-1998; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 133-2004, § 1, 6-24-2004; Ord. No. 129-2009, §§ 12, 13, 7-2-2009; Ord. No. 166-2017, § 3(8-11), 11-16-2017)

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

- (a) *Intent.* The intent of this zone is to provide for medium to medium-high density multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. The medium to medium-high density residential uses should be located along collector and arterial streets. Where lower density development occurs in this zone, it should be located along local streets. Adequate multi-modal connections should be available to all residents. Development should be in areas of the community where necessary services and facilities will be adequate to serve the anticipated population. Medium to medium-high density multi-family dwellings should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
  - 1. The principal permitted uses in the R-3 zone.
- (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-3 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.
- (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-3 zone.
  - 2. Equine trails.

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

- (f) *Minimum Lot Size.* ~~Six thousand (6,000)~~ Two thousand-five hundred (2,500) square feet.
- (g) *Minimum Lot Frontage.* ~~Fifty (50)~~ Fifteen (15) feet.
- (h) *Minimum Front Yard.* ~~Five (5)~~ Twenty (5, 20) feet.
- (i) *Minimum Each Side Yard.* Five (5) feet.
- (j) *Minimum Rear Yard.* Ten (10) feet.
- (k) *Minimum Open Space.* See Article 20 for open space regulations.
- (l) *Maximum Lot Coverage.* Forty percent (40%) and a floor area ratio of 1.6.
- (m) *Maximum Height of Building.* Four stories or sixty (60) feet, whichever is less (except when Section (o).3 applies). 2:1 height to yard ratio, except that buildings under forty (40) feet may have side and rear yards as required in the R-3 zone. When height of structure is greater than forty-eight (48) feet, the side yard setback shall be ten (10) feet.
- (n) *Off-Street Parking.* (See Articles 16 and 18 for additional parking regulations.)

No minimum requirements.

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Conditional Uses: The Board of Adjustment may establish additional requirements, as needed.

(o) *Special Provisions.*

1. Lot, yard, and height requirements for detached and attached single family residential dwellings townhouses shall be as required for the R-2 zoneR-1T.
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.
2. ~~Lot, yard, and height requirements for two-family dwellings shall be as required by R-2.~~
3. Lot, yard, and height requirements for Group Residential Projects shall be as provided in Article 9.
4. ~~Lot, yard, and height requirements for single family detached dwellings shall be as provided in Section 8-12(o): Special Provisions of the R-3 zone.~~

(Code 1983, § 8-13; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 307-2002 , § 1, 12-5-2002; Ord. No. 137-2016 , § 2(8-13), 7-7-2016; Ord. No. 166-2017 , § 3(8-13), 11-16-2017; Ord. No. 94-2020 , § 2, 9-21-2020; Ord. No. 113-2022 , § 3, 10-27-2022; Ord. No. 004-2023 , § 14, 1-31-2023; Ord. No. 020-2023 , § 7, 3-9-2023)

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

- (a) *Intent.* The intent of this zone is to provide for high density multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. The high density residential uses should be located along collector and arterial streets. Adequate multi-modal connections should be available to all residents. Development should be in areas of the community where necessary services and facilities will be adequate to serve the anticipated population. High density multi-family dwellings should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. Multifamily dwellings.
  2. Dormitories.
  3. Offices, limited to multifamily structures with six (6) or more stories, provided offices are limited to no more than the first two (2) stories with no mixing of offices and apartments on the same floor.
  4. Shared parking court, as regulated by Article 16-5(b)(4), where depicted on a certified development plan.
- (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, items 1 through 3 and 6 through 9.
  2. Athletic club facilities, when accessory to another permitted or conditional use.
- (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.  
~~Incidental retail uses to any permitted use, but 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 five thousand (5,000) square feet.~~
  3. Extended-stay hotels.
  4. ~~Restaurants, without a cocktail lounge, live entertainment and/or dancing, provided it meets the following conditions:~~
    - ~~a. It shall be located in a building containing a minimum of one hundred (100) dwelling units.~~
    - ~~b. It shall occupy no more than ten percent (10%) of the gross floor area of the building it occupies.~~
    - ~~c. It shall have no primary access to the exterior; however, one service entrance directly to the outside of the building may be permitted.~~
    - ~~d. It shall have no drive-in or drive-through food service.~~
    - ~~e. There shall be no more than two restaurants within a building, provided that the ten percent (10%) limitation is not exceeded.~~
    - ~~f. None of its public floor area may be devoted exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.~~
    - ~~g. Signs permitted per multi-family residential building may be used to identify the restaurant.~~
    - ~~h. This shall not apply to extended-stay hotels.~~

- (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-4 zone, except for offices, as permitted herein, extended-stay hotels, and incidental retail uses.
  2. Outdoor commercial and non-commercial recreational facilities, such as zoological gardens, sportsmen's farms, riding stables and equine trails.

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

- (f) *Minimum Lot Size.* Six thousand (6,000) square feet.
- (g) *Minimum Lot Frontage.* ~~Fifty (50)~~ Thirty (30) feet.
- (h) *Minimum Front Yard.* ~~Five Twenty (5 20)~~ feet.
- (i) *Minimum Each Side Yard.* ~~Six (6) Ten (10)~~ feet.
- (j) *Minimum Rear Yard.* Ten (10) feet.
- (k) *Minimum Open Space.* See Article 20 for open space regulations.
- (l) *Maximum Lot Coverage.* Forty-five percent (45%) and a floor area ratio of 2.25.
- (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. 4:1 height-to-yard ratio.
- (n) *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.

(Code 1983, § 8-14; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 207-84, §§ 1—3, 11-15-1984; Ord. No. 89-86, § 14, 5-29-1986; Ord. No. 213-94, § 3, 1-20-1994; Ord. No. 187-98, § 1, 7-2-1998; Ord. No. 115-2003, §§ 1, 2, 5-29-2003; Ord. No. 49-2012, § 7, 4-26-2012; Ord. No. 137-2016, § 2(8-14), 7-7-2016; Ord. No. 166-2017, § 3(8-14), 11-16-2017; Ord. No. 94-2020, § 3, 9-21-2020; Ord. No. 113-2022, §§ 3, 4, 10-27-2022; Ord. No. 004-2023, § 15, 1-31-2023; Ord. No. 020-2023, § 8, 3-9-2023)

## Article 9 GROUP RESIDENTIAL PROJECTS

### 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.

(Code 1983, § 9-1; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 49-2012 , § 1, 4-26-2012; Ord. No. 166-2017 , § 4(9-1), 11-16-2017)

### 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.

(Code 1983, § 9-2; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 49-2012 , § 2, 4-26-2012; Ord. No. 166-2017 , § 4(9-2), 11-16-2017)

### 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.

(Code 1983, § 9-3; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 159-94 , § 1, 8-25-1994; Ord. No. 49-2012 , § 3, 4-26-2012; Ord. No. 166-2017 , § 4(9-3), 11-16-2017)

### Sec. 9-4. Detached buildings defined.

For the purposes of this Article, the term "detached buildings for residential purposes" shall be defined as single-family, two-family, or multifamily residential buildings, including ranch, motel or garden design types; townhouses; apartment buildings butted against each other; or apartment buildings connected by an open

breezeway or similar connection. Buildings connected by breezeways or similar connections shall be considered to be detached buildings rather than one (1) building. Ranch, motel, garden, butted buildings or other design types may be counted as single detached buildings, as long as they do not exceed two hundred (200) feet in length; and buildings exceeding this length shall be considered as two (2) or more detached buildings, and shall be permitted only in Group Residential Projects.

(Code 1983, § 9-4; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 166-2017 , § 4(9-4), 11-16-2017)

### **Sec. 9-5. Review and approval.**

The Division of Planning may approve site plans for a zoning compliance permit, after which the Division of Building Inspection may issue permits for the construction of a Group Residential Project on a lot of five (5) acres or less; provided the proposed Project meets the requirements set forth under Section 9-6. The Planning Commission shall review all other Group Residential Projects on lots of more than five (5) acres within ninety (90) days of their filing with the Division of Planning, unless the applicant agrees to a longer period. Projects of five (5) acres or less may also be submitted to the Commission. Regardless of the size, the Commission may only approve those Projects which meet the requirements of Section 9-6. The following procedure shall be followed for approval of Group Residential Projects by the Commission:

- (a) *Development Plan Required.* The Commission shall require a 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) *Public Hearing Required.* The Commission shall advertise and hold a public hearing before proceeding to postpone, approve, conditionally approve or disapprove the plan for a Group Residential Project. Amendments to the plan shall follow the same procedure as provided in Section 21-7.
- (c) *Certification of Approval.* The certification of approval for a Group Residential Project development plan shall be as provided in Section 21-4(d).
- (d) *Permits Required.* After certification by the Secretary of the Commission, the Divisions of Planning and Building Inspection may issue permits in conformance with the approved plan upon receipt of a certified copy of the plan.

(Code 1983, § 9-5; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 122-2011, § 17, 9-29-2011; Ord. No. 49-2012, § 4, 4-26-2012; Ord. No. 166-2017, § 4(9-5), 11-16-2017)

### **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:

- (a) *Size.* The parcel or lot on which the Project is located shall not be less than the minimum lot area for the zone in which it is located.
- (b) *Maximum Floor Area Ratio and Lot Coverage.* For Projects in the R-3, R-4 or R-5 zone, the total floor area of all buildings shall not exceed the maximum floor area permitted in the zone in which the Project is located, unless specific permission is given by the Commission to exceed said permitted floor area by not more than one percent (1%) for each one percent (1%) of additional usable open space that is provided over the minimum required by Subsection (h) of this section. In any case, the

maximum floor area shall not exceed, by more than ten percent (10%), the maximum floor area otherwise permitted in the zone. The maximum lot coverage shall be as provided in the zone in which the Project is located. For Projects located in the R-1T zone, the total lot coverage shall not exceed twenty-five percent (25%) There shall be no maximum floor area ratio for Group Residential Projects in the R-1T or R-2 zone.

(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
<u>R-2</u>	<u>10 Feet</u>
R-3	20 feet
R-4	20 feet
R-5	20 feet

(2) *Project Exterior Yard.* The Project exterior yard shall be established along the outside boundary of the property, except where a front yard has been established as required in Subsection (c)(1) of this section. Where a Project exterior yard is required, the distance between principal buildings and the outside boundary of the property upon which the Project is located shall not be less than the height of the building, nor twenty (20) feet, whichever is less. Where the wall of any principal building is not parallel to the outside boundary of the property or is broken or otherwise irregular, the average distance shall not be less than as specified above. At no point shall such distance be less than fifteen (15) feet.

(3) *Distances Required Between Buildings.* The distances between principal buildings shall not be less than the required side yard in the zone in which the Project is located. Where the walls of the buildings are not parallel, or are broken or otherwise irregular, the average distance between the principal buildings shall not be less than as specified above, and shall at no point be less than one-half (½) the required side yard for the zone in which the Project is located.

(d) *Proximity to Drive.* A part of every residential building shall not be farther than one hundred sixty (160) feet from an access roadway or drive providing vehicular access from a public street. Residential buildings shall not be closer than five (5) feet to any access roadway or drive.

(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
<u>R-2</u>	<u>40 feet</u>
R-3	40 feet
R-4	60 feet
R-5	80 feet

(f) *Parking Area.* As for the zone in which it is located (See Articles 16 and 18 for additional parking regulations).

- (g) *Service Areas.* Proper open spaces shall be devoted to service needs of the Project, including, among others, refuse collection areas and equipment service areas.
- (h) *Open Space.* See Article 20 for open space regulations.
- (i) *Private Streets.* Private streets may be permitted by the Commission. Plans containing private streets shall conform to the requirements of the Subdivision Regulations concerning private streets.
- (j) *Maintenance of Common Spaces.* Where the design of the Group Residential Project indicates a need or desire to subdivide property and to provide for common spaces, a Home Owners' Association, or other mechanism for the provision of maintenance, improvement, and operations for all common spaces, including streets; parking areas; open space, etc.; shall be required to be established by the applicant. The applicant's responsibility to create such a mechanism shall be noted on the development plan of the Group Residential Project. A requirement that each property owner be individually responsible for maintenance of the common space abutting the lot shall not be considered as acceptable for fulfilling the requirements of this section.
- (k) *Other Requirements.* Except as modified herein, the Project shall conform to the requirements of this Zoning Ordinance for the zone in which it is located.

(Code 1983, § 9-6; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 153-87 , § 1, 7-9-1987; Ord. No. 122-2011 , § 18, 9-29-2011; Ord. No. 49-2012 , § 5, 4-26-2012; Ord. No. 166-2017 , § 4(9-6), 11-16-2017; Ord. No. 113-2022 , § 8, 10-27-2022; Ord. No. 004-2023 , § 26, 1-31-2023)

## **Sec. 9-7. Group residential projects in the infill and redevelopment area.**

Projects in the Infill and Redevelopment Area shall follow the same procedures set out as provided in Sections 9-5 and 9-6 herein for Group Residential Projects, except that such Projects may utilize the following alternative minimum design standards:

- (a) *Provisions of the Underlying Zone.* Projects in the Infill and Redevelopment Area may choose to comply in whole with the height; front, rear and side yard setbacks; and parking requirements as for the underlying zone rather than with Sections 9-6(b) through 9-6(f) above.
- (b) *Bonus Floor Area.* The maximum floor area shall not exceed one hundred twenty-five percent (125%) of the otherwise permitted maximum floor area in the zone in which the Project is located, provided the required usable open space has not been granted a dimensional variance. Any Project that proposes a total floor area of more than one hundred percent (100%) of that permitted in the zone in which the Project is located, shall require that notice be provided to all property owners within four hundred (400) feet of the site, as outlined in Section 6-4(b) herein prior to Planning Commission consideration.
- (c) *Open Space Reductions.* Where proposed dwelling unit entrances or other applicable building entrances are located within ¼ mile (1,320 feet) walking distance along a walkable route of an existing LFUCG park, the minimum required useable open space shall be reduced by fifty percent (50%).
- (d) *Front Yard Averaging.* The front yard may be averaged as permitted in Section 15-2(a)(1) only if the primary wall plane of the building is parallel to the public or private street.

## **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 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

(Code 1983, § 9-7; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 49-2012 , § 6, 4-26-2012; Ord. No. 166-2017 , § 4(9-7), 11-16-2017; Ord. No. 004-2023 , § 27, 1-31-2023)

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

- (a) *Intent.* The intent of this zone is to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be oriented to support and enhance a residential neighborhood. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.
- (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). Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.~~
  - ~~3. Research development and testing laboratories or centers.~~
  32. 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 ~~parlors~~ services (excluding crematorium services).
  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.~~
  - ~~810.~~ Community centers and private clubs.
  - ~~911.~~ Nursing homes, personal care facilities, rehabilitation homes, and assisted living facilities.
  - ~~12. Computer and data processing centers.~~
  - ~~13. Ticket and travel agencies.~~
  - ~~1014.~~ 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.
  - ~~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 childcare center.~~
  - ~~1117.~~ 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.
  - ~~1218.~~ Eating and drinking establishments Restaurants, neighborhood breweries, and brew-pubs, except as prohibited under Subsection (e)(14) and (15) of this section, which offer no live entertainment ~~or dancing.~~

~~1319. Establishments for the retail sale of merchandise, including: clothing, shoes, fabrics, yard goods; fixtures, furnishings, and appliances, such as floor covering, radios, TV, phonograph products and other visual and sound reproduction or transmitting equipment; furniture, kitchen and laundry equipment; glassware and china; and other establishments for the retail sale of hardware and wallpaper, lawn care products, paint and other interior or exterior care products, hobby items, toys, gifts, antiques, newspapers and magazines, stationery and books, flowers, music, cameras, jewelry and luggage, business supplies and machines; sporting goods and recreational equipment; prescription and non-prescription medicines and medical supplies.~~

~~20.—Beauty shops and barber shops.~~

~~21.—Shoe repair, clothing alterations and tailoring services.~~

~~1422. 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.~~

~~1523. Automobile service stations, provided such use conforms to all requirements of Article 16. 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, excluding Electric Vehicle (EV) charging facilities.~~

~~1624. 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.~~

~~1727. Miniature golf or putting courses.~~

~~28.—Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.~~

~~1829. Carnivals, special events, festivals, or concerts on a temporary basis; and upon issuance of a permit by the Divisions of Planning and Building Inspection, which may restrict the permit in terms of time, parking, access, or in other ways to protect public health, safety, or welfare; or deny such if public health, safety, or welfare is adversely affected. A carnival, special events, festivals, or concerts may not displace more than twenty five percent (25%) of the minimum required parking for the site it occupies.~~

~~1930. Television and radio studios, and indoor theaters, limited to three (3) screens or stages.~~

~~2031. Rental of equipment whose retail sale would be permitted in the B-1 zone.~~

~~2132. Dwelling units, provided a portion of the building 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.~~

~~2233. Arcades, including pinball and electronic games.~~

~~2334. 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.~~

~~2435.~~ Athletic club facilities.

~~2536.~~ Banquet facilities.

~~2637.~~ Adult day care centers.

~~38.— Animal grooming facilities.~~

~~39.— Mail service facilities.~~

~~40.— Tattoo parlors.~~

~~2741.~~ Form-based neighborhood business project, as per Subsection (o)(3) of this section.

~~2842.~~ Day shelters.

~~2943.~~ Urban agriculture, commercial farm markets and market gardens.

~~3044.~~ Establishments primarily engaged in agricultural sales and services, but only when located within five hundred (500) feet of an Agricultural Rural (A-R) zone.

~~3145.~~ Ecotourism activities to include hiking, bicycling and equine trails; recreational outfitters, and canoeing and kayaking launch sites.

~~3246.~~ Places of religious assembly.

~~3347.~~ 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.

~~34.~~ Artisan Manufacturing.

~~35.~~ Parks.

~~3648.~~ 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.— 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.~~

~~23.~~ 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.

~~34.~~ 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.

~~45.~~ Satellite dish antennas, as further regulated by Section 15-8.

~~6.— One or two (2) pool or billiard tables within an establishment.~~

~~57.~~ Sidewalk cafes, when accessory to any permitted restaurant.

~~68.~~ 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.

~~79.~~ 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.

~~810.~~ ~~Drive-through facilities~~ Drive-up window 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.

9. Electric Vehicle (EV) charging facilities.

10. 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)(10)(a) shall be allowed, subject to a final development plan.

~~1110.~~ 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. Self-service car washes, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.~~

~~2. The rental of trucks (single rear axle: Twenty-eight (28) feet 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 forty-eight (48) hours on any service station. A site plan shall be submitted for the approval of the Board of Adjustment for the continued control of such activity and shall show the entire property, buildings, signs, parking and location of the proposed storage area.~~

~~3. A restaurant or brew-pub, without live entertainment or dancing, which devotes more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of malt beverages, wine or alcoholic beverages.~~

14. Outdoor live entertainment ~~and/or dancing, cocktail lounges~~ 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.

25. Indoor live entertainment ~~and/or dancing~~, when accessory to an eating and drinking establishment ~~restaurant~~, brew-pub, neighborhood brewery or banquet facility; but only when located closer than one hundred (100) feet from a residential zone.

~~6. Upholstery shop.~~

37. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:

a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;

b. That a reasonable degree of reclamation and proper drainage control is feasible; and

- c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
- ~~8. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
 
    - a. To check all operating equipment;
    - b. To check fire suppression system(s);
    - c. To check the condition of the fire alarm(s);
    - d. To check for indications of fuel leaks and spillage;
    - e. To remove trash from the site;
    - f. To monitor the general condition of the site.~~
  - ~~9. Rehabilitation homes, but only when located closer than five hundred (500) feet from a residential zone, school for academic instruction or a childcare center.~~
  410. 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 or rest home. A circus may not displace more than twenty five percent (25%) of the minimum required parking for the site it occupies.~~
  - ~~12. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.~~
  - ~~13. Extended stay hotels.~~
  - ~~14. Parking lots, provided such use conforms to the conditions of Article 16.~~
  - ~~15. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, except as accessory uses herein.~~
  165. Ecotourism activities to include zip line trails; tree canopy tours; fishing clubs; botanical gardens; nature preserves; and seasonal activities.
  - ~~17. Recreation vehicle and trailer campgrounds, but only when located within five hundred (500) feet of an interstate interchange.~~
  - ~~18. Hunting clubs, but only when located more than five hundred (500) feet from a residential zone.~~
  619. Country inns, but only when located within five hundred (500) feet of an Agricultural Rural (A-R) zone.
- (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 Manufacturing, compounding, assembling, bottling, processing and packaging and other industrial uses for sale or distribution other than as retail on the premises.~~
5. Manufacturing, compounding, assembling, bottling, processing and packaging, and other industrial uses for sale or distribution other than as retail on the premises ~~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, boardinghouse.
12. Wholesale establishments.
13. ~~Greenhouses, n~~urseries, ~~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. Pool or billiard halls.~~

~~20~~21. Hospitals.

~~21~~22. 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.)

(f) *Minimum Lot Size.* No limitation.

(g) *Minimum Lot Frontage.* No limitation.

(h) *Minimum and Maximum Front Yard.*

a. Minimum: ~~Five Ten (510)~~ feet.

b. Maximum: Twenty (20) feet.

(i) *Minimum Each Side Yard.* No limitation.

(j) *Minimum Rear Yard.* No limitation.

(k) *Minimum Open Space.* See Article 20 for open space regulations.

(l) *Maximum Lot Coverage.* No limitation.

(m) *Maximum Height of Building.* ~~Thirty five~~ Four stories or sixty (60 35) feet, whichever is less, except as permitted in Subsection (o)(3) of this section.

(n) *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.

(o) *Special Provisions.*

1. Except for the form-based neighborhood business project, nNo 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 ~~one (1) acre~~ 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 ~~character~~ of the area 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 area's character.~~ It will also show its integration with the surrounding neighborhood by using positive design features, such as ~~transitional elements;~~ ~~supplemental enhanced~~ landscaping; provision of public space and open space buffers; and improved pedestrian accommodations. These ~~drawings exhibits~~ shall be made a part of the Commission's approval, and building permits shall comply with the approved ~~drawings exhibits~~. A form-based neighborhood business project shall not be subject to the square footage limitation of 8-16(o)(1) above.

(Code 1983, 8-16; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 207-84, §§ 1—3, 11-15-1984; Ord. No. 241-85, §§ 1, 2, 11-21-1985; Ord. No. 89-86, § 16, 5-29-1986; Ord. No. 73-87, § 1, 4-30-1987; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 123-90, § 1, 6-14-1990; Ord. No. 152-91, §§ 2, 4, 7-18-1991; Ord. No. 30-92, § 9, 3-3-1992; Ord. No. 213-94, § 5, 1-20-1994; Ord. No. 30-95, § 1, 2-9-1995; Ord. No. 292-95, § 1, 12-7-1995; Ord. No. 85-96, § 3, 5-30-1996; Ord. No. 222-98, § 1, 8-27-1998; Ord. No. 226-98, § 1, 8-27-1998; Ord. No. 147-2000, § 1, 6-1-2000; Ord. No. 62-2003, § 1, 3-20-2003; Ord. No. 43-2004, § 1, 3-4-2004; Ord. No. 203-2004, § 1, 8-26-2004; Ord. No. 240-2007, §§ 2, 3, 11-1-2007; Ord. No. 129-2009, §§ 18—20, 7-2-2009; Ord. No. 99-2011, § 4, 8-25-2011; Ord. No. 100-2011, §§ 2, 3, 8-25-2011; Ord. No. 122-2011, § 16, 9-29-2011; Ord. No. 138-2012, § 2, 11-15-2012; Ord. No. 3-2013, § 1, 1-17-2013; Ord. No. 5-2013, § 2, 1-31-2013; Ord. No. 129-2013, § 2, 10-24-2013; Ord. No. 155-2013, § 2, 12-10-2013; Ord. No. 68-2015, § 1(8-16), 6-18-2015; Ord. No. 137-2016, § 2(8-16), 7-7-2016; Ord. No. 22-2017, § 3(8-16), 3-2-2017; Ord. No. 166-2017, § 3(8-16), 11-16-2017; Ord. No. 84-2020, § 2, 9-3-2020; Ord. No. 113-2022, §§ 3, 6, 10-27-2022; Ord. No. 004-2023, § 17, 1-31-2023; Ord. No. 020-2023, § 10, 3-9-2023)

## Sec. 8-20. **Highway Service Corridor Business (B-3) Zone.**

- (a) *Intent.* The intent of this zone is to provide for retail and commercial uses, which are necessary to the economic vitality of the community but may be inappropriate in the more neighborhood oriented zones. Development in this zone should front on an arterial or major collector roadway and should serve the needs of the broader Lexington community. 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. Developments should avoid nuisance impacts of light, air, and sound that may be caused on adjacent neighborhoods. Where necessary, developments should include service roads to reduce the impact on highway movement, while also providing appropriate frontage to meet the needs of businesses. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.
- (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, service, and minor repair 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.
  32. 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.
    - c. There shall be no greater than sixteen (16) vehicular locations pumps or eight (8) total islands for refueling, excluding Electric Vehicle (EV) charging facilities.
    - d. Fueling pump canopy shall not be utilized to meet the maximum front yard.
  43. Restaurants, cocktail lounges Eating and drinking establishments and nightclubs, with entertainment, dancing, and/or sale of alcoholic beverages.
  54. 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.
  65. Motel or hotel.
  76. Indoor amusements, such as billiard or pool halls; dancing halls; skating rinks; miniature golf or putting courses; theaters or bowling alleys.
  87. 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.
  98. Garden centers.

- ~~109.~~ 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.
- ~~1110.~~ Drive-in restaurants, ~~provided that all outside food service areas shall be at least one hundred (100) feet from any residential zone.~~
- ~~11.~~ Establishments for the retail sale of merchandise as permitted in the B-1 zone, unless prohibited by Subsection (e) of this section.
12. Minor automobile and truck repair and service.
- ~~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.
- ~~1316.~~ 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. ~~A carnival, special event, festival, or concert 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.
- ~~1422.~~ Kindergartens, nursery schools and childcare centers, ~~where enrollment of children is sponsored and licensed by established places of religious assembly 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 childcare facility.~~ 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.
- ~~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.~~
- ~~1524.~~ Indoor athletic clubs and ~~r~~Recreational facilities.
- ~~1625.~~ Parking lots and structures.
- ~~1726.~~ 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.

~~1827~~. Commissaries for preparation of food for restaurant use.

~~1928~~. 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.

~~2029~~. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.

~~2130~~. Commercial farm markets and market gardens.

~~31. Banquet Facilities.~~

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. 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.~~

~~56~~. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.

~~67~~. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.

~~78~~. Satellite dish antennas, as further regulated by Section 15-8.

~~89~~. 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.

~~940~~. 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.

~~1044~~. 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 Highway Service Corridor Business (B-3) zone, such as a ~~football~~ stadium; ~~natoriums~~ swimming pools; tennis courts; ~~a soccer or polo field~~, and a ~~baseball~~ 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. — Places of religious assembly and Sunday schools.~~
910. 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.
1011. 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.
1112. 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. ~~A circus may not displace more than twenty five percent (25%) of the minimum required parking for the site it occupies.~~

~~1213.~~ 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 54 (Sections 8-16(e)1 through 54).
2. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
3. Establishments for cleaning, dyeing, and the like, except as permitted herein.
4. Dwellings, except as ~~accessory uses permitted~~ herein.
5. Major automobile and truck repair, except as permitted herein.
6. Boardinghouses.
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.
10. Museums, including historic house museums.
11. Farm tours, hayrides, corn mazes, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or trapping, sportsmen's farms, and zoological gardens.

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

(f) *Minimum Lot Size.* No limitation.

(g) *Minimum Lot Frontage.* Forty (40) feet.

(h) *Minimum Front Yard.* ~~Ten Twenty (1020)~~ feet. Maximum Front Yard for Corner Lots. Twenty (20) feet.

(i) *Minimum Each Side Yard.* No limitation, except as provided in Subsection (o) of this section.

(j) *Minimum Rear Yard.* ~~No limitation, except as provided in Subsection (o) of this section~~ Ten (10) feet.

(k) *Minimum Open Space.* See Article 20 for open space regulations (except as modified in Subsection (o) of this section).

(l) ~~Maximum Lot Coverage. No limitation.~~

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.

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

(n) *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.

(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.

(Code 1983, § 8-19; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 234-85 , §§ 1, 2, 11-12-1985; Ord. No. 89-86 , § 18, 5-29-1986; Ord. No. 152-91 , §§ 2, 4, 7-18-1991; Ord. No. 30-92 , § 11, 3-3-1992; Ord. No. 30-95 , § 1, 2-9-1995; Ord. No. 85-96 , § 3, 5-30-1996; Ord. No. 222-98 , § 1, 8-27-1998; Ord. No. 261-98 , § 1, 10-1-1998; Ord. No. 325-2000 , § 1, 11-9-2000; Ord. No. 217-2006 , § 1, 7-11-2006; Ord. No. 129-2009 , § 23, 7-2-2009; Ord. No. 99-2011 , § 6, 8-25-2011; Ord. No. 155-2013 , § 2, 12-10-2013; Ord. No. 137-2016 , § 2(8-19), 7-7-2016; Ord. No. 22-2017 , § 3(8-19), 3-2-2017; Ord. No. 166-2017 , § 3(8-19), 11-16-2017; Ord. No. 079-2022 , § 1, 8-30-22; Ord. No. 113-2022 , § 3, 10-27-2022; Ord. No. 004-2023 , § 21, 1-31-2023; Ord. No. 020-2023 , § 14, 3-9-2023)

## Article 12 COMMERCIAL CENTER (B-6P) ZONE

### Sec. 12-3. Principal permitted uses.

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

- (a) The principal permitted uses in the B-1 and P-1 zones.
- (b) Indoor theaters.
- (c) Parking lots and structures.
- (d) Offices of veterinarians, 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) Self-service car wash, provided that such uses shall be located at least one hundred (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.
- (f) Multifamily dwellings.
- (g) ~~Restaurants~~ Eating and drinking establishments, cocktail lounges, 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.
- (h) Hotels, extended-stay hotels, and motels. Such uses shall only be permitted within a commercial center zone with a minimum of ten (10) acres.
- (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.
  - b. There shall be no greater than sixteen (16) vehicle locations for refueling or eight (8) total islands for refueling, excluding Electric Vehicle (EV) charging facilities.
  - c. Fueling pump canopy shall not be utilized to meet the maximum front yard.

(Code 1983, § 12-3; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 30-95, § 1, 2-9-1995; Ord. No. 147-2000, § 1, 6-1-2000; Ord. No. 203-2004, § 1, 8-26-2004; Ord. No. 129-2009, § 24, 7-2-2009; Ord. No. 155-2013, § 3, 12-10-2013; Ord. No. 166-2017, § 6(12-3), 11-16-2017; Ord. No. 5-2018, § 1(12-3), 2-8-2018; Ord. No. 85-2018, § 1, 11-1-2018)

## **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.

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

Any sign not specifically permitted shall be prohibited.

- (a) *Agricultural Zones (A-R, A-U, A-B, and A-N)*. Permitted signs within these zones may be either free-standing or wall mounted unless otherwise specified; no free-standing sign may exceed ten (10) feet in height; signs shall be either non-illuminated or indirectly illuminated unless otherwise specified.
  - (1) *Residence*. One wall sign not exceeding one (1) square foot in area.
    - (a) Subdivision entrance signs of permanent construction, free-standing or wall mounted; not exceeding thirty-two (32) square feet in area; no more than two per entrance; not more than two entrances to be identified. Such signs may be located in the right-of-way (in the median or at each side of the street) subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance sign located in the right-of-way.
  - (2) *Farm or Estate*.
    - (a) One sign for a farm or estate, not exceeding ten (10) square feet.
    - (b) For farms utilizing more than one point of access, one non-illuminated or indirectly illuminated sign per entrance, not to exceed ten (10) square feet in area; maximum height often (10) feet.
  - (3) *Buildings Used for Religious or Educational Activities*.
    - (a) One free-standing sign not exceeding thirty-two (32) square feet in area and eight (8) feet in height, or one wall sign per building not exceeding thirty-two (32) square feet in area.
    - (b) One bulletin board, not exceeding twelve (12) square feet in area and eight (8) feet in height.
  - (4) *Bed and Breakfast Facility*.
    - (a) One sign for a permitted bed and breakfast facility permitted as a conditional use, not exceeding two (2) square feet in area.
  - (5) *All Other Permitted Uses*.
    - (a) One sign for any other permitted or conditional use not noted herein, not exceeding thirty-two (32) square feet in area.
- (b) *Mobile Home Park Zone (M-1P)*. Permitted signs shall be either non-illuminated or indirectly illuminated.
  - (1) One free-standing sign per park entrance. Sign shall not exceed thirty-two (32) square feet in area, eight (8) feet in height, and shall have a minimum setback often (10) feet from any street.
  - (2) One wall sign per mobile home that shall not exceed one (1) square foot in area.
- (c) *Low Density Residential Zones (R-1 [A—E], R-1T, R-2)*. Permitted signs within these zones shall be wall signs unless otherwise specified; signs shall either be non-illuminated or indirectly illuminated. Minimum setback for any freestanding sign permitted under this section shall be ten (10) feet.
  - (1) *Residence*. One wall sign not exceeding one (1) square foot in area.
    - (a) Subdivision entrance signs of permanent construction, free-standing or wall mounted; not exceeding thirty-two (32) square feet in area; no more than two per entrance; not more than two entrances to be identified. Such signs may be located in the right-of-way (in the median or at

each side of the street) subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance sign located in the right-of-way.

- (2) *Buildings Used for Religious or Educational Activities.*
  - (a) One sign that shall not exceed thirty-two (32) square feet in area and eight (8) feet in height if free-standing. If the property is five or more acres in size and has frontage on two or more streets, then a second sign of the same dimensional requirements is permitted, provided the signs are located a minimum of two hundred fifty (250) feet from each other;
  - (b) One bulletin board that shall not exceed twelve (12) square feet in area and eight (8) feet in height if free-standing. If the property is five or more acres in size and has frontage on two or more streets, then a second sign of the same dimensional requirements is permitted, provided the signs are located a minimum of two hundred fifty (250) feet from each other.
- (3) One sign for a farm or estate exceeding five (5) acres in size, not exceeding ten (10) square feet in area.
- (4) One sign for a permitted kindergarten, nursery school, day nursery, or child care center, wall mounted not more than seven (7) feet above ground level; not exceeding two (2) square feet in area.
- (5) For a Group Residential Project within the R-1T zone only, one non-illuminated traffic directional sign per entrance, not exceeding three (3) square feet in area; and not exceeding three (3) feet in height if free standing; not to exceed four (4) signs per Group Residential Project.
- (6) *Bed and Breakfast Facility.*
  - (a) One sign for a permitted bed and breakfast facility permitted as a conditional use, not exceeding two (2) square feet in area and six (6) feet in height if freestanding.
- (7) *All other Permitted Uses.*
  - (a) One sign for any other permitted or conditional use not noted herein, not exceeding thirty-two (32) square feet in area and eight (8) feet in height.
- (d) *Planned Neighborhood Residential, High Medium Density Residential Zones, & High Rise Density Apartment 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 no less than ten (10) feet.
  - (1) Signs as permitted and regulated under Section 17-11(c).
  - (2) Multi-family residential buildings, including dormitories, but excluding Group Residential Projects, may have one sign not exceeding thirty-two (32) square feet in area and eight (8) feet in height if free-standing.
  - (3) Group Residential Projects, one sign per street frontage, with a maximum of two (2) signs, not exceeding thirty-two (32) square feet in area per sign and eight (8) feet in height if free-standing.

- (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.
  - (5) One wall-mounted sign per extended-stay hotel conditional use in R-5 zones; not exceeding thirty-two (32) square feet in area. When located within  $\frac{3}{4}$  mile of an interchange for a designated interstate highway, one additional one hundred fifty (150) square foot wall-mounted sign visible from the interstate highway is permitted at a minimum height of seventy-five (75) feet.
  - (6) One wall-mounted sign per principal permitted office use, not exceeding two (2) square feet in area.
- (e) *Professional Office Zone (P-1) And Mixed Use 1: Neighborhood Node Zone (MU-1)*. Permitted signs may be either free-standing or wall mounted, as specifically noted; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless otherwise specified. No free-standing sign shall exceed ten (10) feet in height, with the exception of hospitals, as regulated below.
- (1) One free-standing sign per building; not to exceed forty (40) square feet in area, with a minimum setback often (10) feet.
  - (2) One wall-mounted sign for buildings with one street frontage, not to exceed five percent (5%) of the wall area to which it is attached. When a free-standing sign is not utilized on a lot with only one street frontage, a second wall-mounted sign on a different building face shall be permitted as regulated above in place of the permitted free-standing sign.
  - (3) Two wall-mounted signs for buildings with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached.
  - (4) Three wall-mounted signs for buildings three (3) stories or taller with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached. Signs not located on a street frontage shall not be placed on a building face directly adjacent to any residential zone.
  - (5) One wall sign per tenant or lessee, not exceeding two (2) square feet in area; nonilluminated or indirectly illuminated only.
  - (6) Traffic directional signs not exceeding three (3) feet in height if free-standing; not to exceed two (2) signs per entrance.
  - (7) One attraction board, wall mounted or attached to the permitted free-standing sign, the area of the attraction board to be included in the maximum permitted sign area.
  - (8) Canopy or awning signs, limited to fifteen percent (15%) of the area of the surface to which they are attached. Such signs shall be included in the computation of the maximum permitted sign area specified under 17-11(e)(1) above.
  - (9) Pole-mounted banner signs shall be permitted, subject to the following:
    - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
    - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
    - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
    - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking lot or pedestrian plaza.

- (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (10) In addition, and within a designated Professional Office Project only:
- (a) One project sign, free-standing or wall mounted; not exceeding one hundred (100) square feet in area.
  - (b) One sign, wall mounted; not exceeding fifteen (15) square feet in area for a restaurant, cocktail lounge or night club.
  - (c) Subdivision signs of permanent construction, free-standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height; and no more than two per entrance. Such signs may be located in the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision sign located in the right-of-way.
- (11) In addition, and within a hospital campus or Regional Medical Campus [as generally defined in 23A-10(b)(9)], only:
- (a) A maximum of three signs per campus, free-standing or wall mounted. A sign located along a street classified as a collector or an arterial shall not exceed one hundred fifty (150) square feet in area and twenty (20) feet in height. A sign located at the intersection of a street classified as a collector or an arterial and a local street shall not exceed seventy-five (75) square feet and fifteen (15) feet in height. No signs shall be located along a street classified as a local street or at the intersection of two local streets.
  - (b) Subdivision signs of permanent construction, free-standing or wall mounted; not exceeding one hundred (100) square feet in area; not exceeding ten (10) feet in height; no more than two per entrance along a street classified as a collector or arterial; not more than two entrances to be identified per campus. Such signs shall only be located at entrances shown on an approved development plan.
  - (c) Three wall-mounted signs for buildings with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached. Signs not located on a street frontage shall not be placed on a building face directly adjacent to any residential zone.
- (12) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
- (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (f) *Neighborhood Business Zone (B-1)*. Permitted signs may be freestanding or wall mounted, as specified; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless specified otherwise. No free-standing sign shall exceed twenty (20) feet in height.
- (1) Signs shall be permitted as follows:

- (a) The total surface area of signs shall not exceed one and one-half (1½) square feet per linear foot of street or building frontage, whichever is greater; or thirty-two (32) square feet, whichever is greater.
  - (b) One free-standing sign shall be permitted per street frontage, with a maximum of two (2) free-standing signs; not exceeding fifty (50) square feet per sign; minimum setback shall be ten (10) feet.
  - (c) One projecting sign not exceeding fifty (50) square feet in area, not exceeding twelve (12) feet in height, and only directly or indirectly illuminated, shall be permitted in lieu of all free-standing signage, as permitted herein, under the following circumstances:
    - (1) the parcel on which the sign is placed is located within the defined Infill and Redevelopment Area; and
    - (2) the existing principal structure on the parcel is located ten (10) feet or less from the front property line.
  - (d) The surface area of a wall-mounted sign shall not exceed fifteen percent (15%) of the wall area to which it is attached or thirty-two (32) square feet, whichever is greater, each wall to be considered separately. Only one sign shall be permitted per wall. In the case of a building containing two or more separate uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual tenant.
  - (e) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area, and direct illumination shall be permitted.
  - (f) Canopy or awning signs (including above-canopy signs) shall be permitted and included in the computation of the maximum permitted sign area and limited to the percentage allowable for wall signs.
- (2) In conjunction with an indoor theater, one marquee, not to exceed twenty-four (24) square feet per theater; such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board attached to one free-standing sign, not to exceed twenty-four (24) square feet per theater. The area of the marquee and attraction board shall be included in the computation of the maximum permitted sign area. (Note: Where an attraction board attached to a free-standing sign is not utilized, a second marquee, mounted on a different building face, shall be permitted as regulated above.)
  - (3) One attraction board, wall mounted or attached to a permitted free-standing sign; the area of the attraction board to be included in the maximum permitted sign area.
  - (4) Traffic directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free-standing, not to exceed two (2) signs per entrance.
  - (5) One sign per tenant or lessee, not exceeding two (2) square feet in area; nonilluminated or indirectly illuminated.
  - (6) One menu board per restaurant use or one menu board per drive-through lane. All copy (including any logos, restaurant name, etc., shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding forty-five (45) square feet in area; maximum height of eight (8) feet if free-standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.
  - (7) One menu box per restaurant use, not exceeding four (4) square feet.
  - (8) Pole-mounted banner signs shall be permitted, subject to the following:

- (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
  - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (9) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
- (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (g) Highway-service 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.
- (1) Signs shall be permitted as follows:
    - (a) The total surface area of signs shall not exceed two (2) square feet per linear foot of street or building frontage, whichever is greater; or thirty-two (32) square feet, whichever is greater.
    - (b) One free-standing sign per lot shall be permitted per street frontage, with a maximum of two (2) free-standing signs; not exceeding seventy-five (75) square feet per sign; minimum setback shall be ten (10) feet.
    - (c) The surface area of wall-mounted sign(s) shall not exceed fifteen percent (15%) of the wall area to which it is attached or thirty-two (32) square feet, whichever is greater, each wall to be considered separately. Only one sign shall be permitted per wall. In the case of a building containing two or more separate uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual tenant.
    - (d) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area.
  - (2) Traffic directional signs and signs on or under a canopy or awning shall be permitted as regulated in the B-1 zone.
  - (3) In conjunction with an indoor theater: one marquee, not to exceed twenty-four (24) square feet per theater; such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board attached to one free-standing sign, not to exceed twenty-four (24) square feet per theater. The area of the marquee and attraction board shall be included in the computation of the maximum permitted sign area. (Note: Where an attraction board attached to a free-

standing sign is not utilized, a second marquee, mounted on a different building face, shall be permitted as regulated above.)

- (4) One attraction board, wall mounted or attached to a permitted free-standing sign, the area of the attraction board to be included in the maximum permitted sign area.
- (5) Menu boards as permitted and regulated in the B-1 zone.
- (6) In addition, billboards shall be permitted as follows:
  - (a) The lot must abut a federal or state highway.
  - (b) No billboard shall exceed four hundred (400) square feet in area.
  - (c) No billboard shall be permitted within one hundred fifty (150) feet of any residential zone.
  - (d) No billboard shall be located within five hundred (500) feet of another billboard.
  - (e) Billboards shall be required to be set back from any street right-of-way twenty (20) feet, or at the same setback as any principal building on the lot, whichever is less.
- (7) As part of a permitted free-standing or wall-mounted billboard or sign for an indoor or outdoor stadium or arena located in a B-3 zone having a permanent seating capacity in excess of five thousand (5,000) persons for athletic and cultural events, an electronic message display system shall be permitted; not exceeding fifty percent (50%) of the total sign area of the permitted sign. No moving or scrolling messages shall be permitted. Messages displayed may be changed not more frequently than every fifteen (15) seconds.
- (8) Pole-banner signs shall be permitted only if displayed in a parking area accessory to a mixed-use project, and subject to the following restrictions:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking areas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking area.
  - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (9) Subdivision signs, only for projects governed by a unified development plan and exceeding four (4) acres in size; one (1) subdivision sign shall be permitted per public street frontage, with a maximum of three (3) signs; not exceeding seventy-five (75) square feet per sign; with a maximum height of ten (10) feet. The total square footage of each subdivision sign shall be counted towards the maximum amount of signage available for the lot allowed under Section 17-11(g)(1)(a) above.

Subdivision signs shall be located at least fifty (50) feet away from any free-standing signs.
- (10) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
  - (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.

- (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (h) *Downtown Business Zones (B-2, B-2A)*. Permitted signs may be free-standing or wall mounted, as specified; such signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated, unless specified otherwise.
  - (1) Signs shall be permitted as follows:
    - (a) One free-standing sign shall be permitted for each street frontage, not to exceed two free-standing signs. The free-standing signs shall have a maximum area of forty (40) square feet, a maximum height of twenty (20) feet, and a maximum projection into the right-of-way of twelve (12) inches.
    - (b) One wall-mounted sign per building face shall be permitted, placed at a height of fifty (50) feet or higher. Such sign shall have a maximum area of three percent (3%) of the wall area to which it is attached, with a maximum projection into the right-of-way of twelve (12) inches.
    - (c) In addition to the wall sign permitted under (b) above, one additional wall mounted sign shall be permitted per building face. Such sign shall have a maximum lettering height or vertical cabinet dimension of two and one-half (2½) feet, and shall be located at a height of less than fifty (50) feet on the building, with a maximum projection into the right-of-way of twelve (12) inches.
    - (d) In addition to the wall mounted signs permitted under (b) and (c) above, each establishment within the building, having a separate and direct entrance to the outside, shall be permitted one wall sign per street building face. Such sign shall be located no lower than ten (10) feet nor higher than thirty (30) feet on the building, and mounted on the building where the establishment is located. Such sign shall have a maximum area of one and one-half (1½) square feet per linear foot of frontage, not to exceed eighty (80) square feet, with a maximum projection into the right-of-way of twelve (12) inches.
    - (e) One projecting sign, not exceeding fifty (50) square feet in area, shall be permitted for each establishment within the building having a separate and direct entrance to the outside. Such sign shall have a minimum vertical clearance of ten (10) feet and a height limit of thirty (30) feet as attached to the building. Such sign shall be mounted on the building so that it does not conflict with wall mounted signs permitted under (b) above or with any windows, doors or other architectural features of the building; and with a maximum projection from the face of the building and into the adjacent right-of-way of eight (8) feet. In no case shall a projecting sign be closer than two (2) feet to the back of curb of any adjacent roadway.
    - (f) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area.
  - (2) Wall-mounted signs, not exceeding five (5) square feet, with a maximum letter height of six (6) inches; located no higher than ten (10) feet on the face of the building; one sign per establishment having a separate and direct entrance to the outside; maximum projection into the right-of-way of twelve (12) inches.
  - (3) Traffic directional signs, menu boards, and menu boxes shall be permitted as regulated in the B-1 zone.
  - (4) Canopy or awning signs shall be permitted in lieu of allowable wall signs, not exceeding twenty percent (20%) of the face of the canopy or awning. Under canopy or under-awning signs shall be permitted. Above-canopy signs shall be permitted and limited to the percentage allowable for wall signs.

- (5) Banner signs, pennants and streamers shall be permitted; limited to one such banner, pennant or streamer per ten (10) feet of linear frontage, a total maximum area of fifteen percent (15%) of the wall area to which it is attached, a minimum of eight (8) feet of vertical clearance and a maximum projection into the right-of-way of three (3) feet.
- (6) A-frame or sandwich board type signs shall be permitted as follows:
  - (a) Maximum size of eight (8) square feet per panel, maximum height forty-eight (48) inches, maximum width twenty-four (24) inches;
  - (b) One sign per street front, maximum two signs;
  - (c) Placement of sign shall allow for four (4) clear feet of sidewalk width;
  - (d) Sign shall be in place only when business is open;
  - (e) Placement of sign not to restrict egress from parked cars, and not over curb line;
  - (f) Shall be maintained in good condition;
  - (g) Shall not be attached to any public utility pole, street light standard or tree;
  - (h) Non-illuminated.
- (7) In addition to other permitted signs, wall-mounted electronic message display center boards shall be permitted for civic centers which contain exhibition halls and an arena for athletic and cultural events; for hotels and motels containing conference centers and restaurants; for television and radio system signal distribution centers and studios; and for banks, securities and commodities brokers, credit institutions, savings and loans, and investment companies. The total surface area shall not exceed eighty (80) square feet per sign. One electronic message display center shall be permitted per street front, with a maximum of two signs.
- (8) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
  - (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (9) Pole-mounted banner signs shall be permitted in the B-2 zone, subject to the following:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
  - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (i) *Lexington Center Business Zone (B-2B)*. Permitted signs may be free-standing or wall mounted, as specified; such signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated; painted wall signs shall be prohibited. No free-standing sign permitted under this section shall exceed twenty (20) feet in height, nor project into the right-of-way more than twelve (12) inches.

- (1) Wall-mounted signs, canopy or awning signs, under-canopy or under-awning signs, above-canopy signs and banner signs shall be permitted as regulated in the B-2 and B-2A zones.
- (2) In addition to the other signs permitted in this zone, four (4) wall-mounted electronic message display system signs shall be permitted for civic centers which contain exhibition halls and an arena for athletic and cultural events. Two (2) such signs, not exceeding two hundred (200) square feet, shall be permitted. Two (2) additional signs may also be erected, not exceeding fifty (50) square feet each. Electronic message display system signs may be mounted on the wall of the civic center or any structure having a common wall with the civic center.
- (3) Traffic directional signs and menu boards shall be permitted as regulated in the B-1 zone.
- (4) A-frame or sandwich board type signs shall be permitted and regulated as in the B-2 and B-2A zones.
- (5) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
  - (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (6) In conjunction with an indoor theater, one marquee, not to exceed thirty (30) square feet per theater, with a maximum of three-hundred (300) square feet; such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum sign clearance of eight (8) feet. Marquee signs may utilize electronic message display systems, only if the sign complies with the following additional requirements:
  - (a) Image: Sign must be static and there shall be no moving or scrolling messages, special effects, or animations.
  - (b) Location:
    - i. The sign shall not interfere with, imitate, or resemble an official traffic sign, signal, or traffic control device;
    - ii. The sign shall not be located directly adjacent to, or directly across public right-of-way or a private road, from a residential zone.
  - (c) Duration of message: The sign shall remain static for a period of not less eight (8) seconds. The transition from one (1) message or image to the next shall be direct and immediate.
  - (d) Luminance: Between sunrise and sunset, the maximum luminance shall be five thousand (5,000) nits, and between sunset and sunrise, the maximum luminance shall be five hundred (500) nits. Sunrise and sunset shall be determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for Lexington-Fayette Urban County. The sign must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's luminance.
  - (e) The marquee sign shall not display messages or be illuminated when the use is closed.
- (j) *Interchange Service Business Zone (B-5P)*. Permitted signs shall be either free standing or wall mounted; signs may be non-illuminated, indirectly illuminated, internally illuminated, or directly illuminated.

- (1) Wall-mounted signs and window signs shall be regulated as under Section 17-11(f)(1). Free-standing signs shall be regulated as follows:
  - (a) One free-standing sign per lot shall be permitted, with a maximum area of three hundred fifty-six (356) square feet, with a maximum height of ninety (90) feet, but not below a minimum height of seventy-five (75) feet; a minimum setback often (10) feet from any right-of-way shall be required.
  - (b) In addition, one free-standing sign per street frontage shall be permitted to a maximum of two (2) signs; sign area shall not exceed fifty (50) square feet; sign height shall not exceed twenty (20) feet; a minimum setback of ten (10) feet from any street shall be required.
- (2) One attraction board, wall mounted or attached to the free-standing sign permitted under Section 17-11(j)(1)(b) above; the area of the attraction board to be included in the maximum permitted sign area.
- (3) Menu boards and traffic directional signs shall be permitted and regulated as in the B-1 zone.
- (4) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
  - (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (5) Pole-mounted banner signs shall be permitted, subject to the following:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
  - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (k) *Commercial Center Zone (B-6P)*. Signs within the B-6P zone shall be permitted and regulated as for B-1 [Section 17-11(f)], except as follows:
  - (1) Regional Shopping Centers (30 acres or greater) may have one free-standing sign per street frontage with a maximum of one hundred fifty (150) square feet per sign face and a maximum height of thirty (30) feet. All other Shopping Centers (less than 30 acres) may have one free-standing sign per street frontage with a maximum of seventy-five (75) square feet per sign face and a maximum height of twenty-five (25) feet
  - (2) Non-illuminated or indirectly illuminated projecting signs may be permitted in lieu of wall signs.
  - (3) Multi-Family Residence. Multi-family residential buildings may have:
    - (a) One free-standing sign per entrance that shall not exceed a combined total of thirty-two (32) square feet in area and eight (8) feet in height.

- (b) One wall sign that shall not exceed twelve (12) square feet in area.
- (4) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
  - (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (5) Pole-mounted banner signs shall be permitted, subject to the following:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
  - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (l) *Planned Unit Development Zones (PUD)*. A permitted signs height, size, location, and design features shall be determined by the sign requirements set forth in the zone in which the proposed or existing use is first permitted.
- (m) *University Research Campus Zone (P-2)*. Signs within the P-2 zone shall be permitted and regulated as for P-1 [Section 17-11(e)], except as follows:
  - (1) Wall-mounted signs shall be limited to one per wall, with a maximum of four (4); wall mounted signs not to exceed five percent (5%) of the wall area to which it is attached.
  - (2) Signs within the designated retail area or mixed-use areas shall be permitted and regulated as in the B-6P [Section 17-11 (k)] zone.
  - (3) Subdivision signs shall be permitted and regulated under Section 17-11(e)(10)(c).
  - (4) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
    - (a) Shall be limited to window or wall signs only.
    - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
    - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
    - (d) Shall comply with the applicable regulations for the zone in which they are located.
    - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (n) *Mixed Use 2: Neighborhood Corridor Zone (MU-2)*. Signage shall be as permitted and restricted as follows:

- (1) Signs shall be non-illuminated, indirectly illuminated or internally illuminated, unless otherwise specified.
- (2) No free-standing sign shall exceed ten (10) feet in height.
- (3) Signs shall be permitted as follows:
  - (a) One free-standing sign shall be permitted per street frontage, per development, with a maximum of two (2) free-standing signs; not exceeding seventy-five (75) square feet per sign.
  - (b) The surface area of wall-mounted signs shall not exceed fifteen percent (15%) of the wall area to which they are attached, or thirty-two (32) square feet, whichever is greater; each wall to be considered separately. Only one sign shall be permitted per wall. In the case of a building containing two or more separate uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual tenant.
  - (c) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area; and direct illumination shall be permitted.
  - (d) Canopy or awning signs shall be permitted and limited to the percentage allowable for wall signs. Under-canopy, over-canopy, or under-awning signs shall be permitted.
- (4) Projecting signs shall be permitted in addition to wall-mounted signs, where the purpose of such projecting signs is to create a unified and distinct mixed use area. No more than one (1) sign for each establishment within the building, having a separate and direct entrance to the outside, per street building face. Such sign shall extend no lower than eight (8) feet over the public right-of-way and must be mounted on the building where the establishment is located. Such sign shall have a maximum area of thirty-two (32) square feet, with a maximum projection from the wall of the building of no more than four (4) feet.
- (5) An attraction board may be attached to a free-standing sign, provided it does not exceed the area of the free-standing sign. The area of the attraction board shall be included in the computation of the area of the free-standing sign.
- (6) Traffic directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free-standing, not to exceed two (2) signs per entrance.
- (7) One sign per tenant or lessee, not exceeding two (2) square feet in area; nonilluminated or indirectly illuminated.
- (8) One menu board per restaurant use. All copy shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding thirty (30) square feet in area; maximum height of eight (8) feet if free-standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.
- (9) One menu box per restaurant use, not exceeding four (4) square feet.
- (10) Wall-mounted banner signs, pennants and streamers shall be permitted, limited to one (1) such banner, pennant or streamer per ten (10) feet of linear frontage; a total maximum area of ten percent (10%) of the wall area to which it is attached; a minimum of eight (8) feet of vertical clearance; and a maximum projection into the right-of-way of three (3) feet.
- (11) Pole-mounted banner signs shall be permitted, subject to the following:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.

- (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
  - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (o) *Mixed Use 3: Mixed-Use Community Zone (MU-3)*. Signage shall be permitted and restricted as in the MU-2 zone, except as follows:
- (1) Wall-mounted banner signs, pennants and streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which they are attached, with all other restrictions from the MU-2 zone.
  - (2) Pole-mounted banner signs shall be permitted, subject to the following:
    - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
    - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
    - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
    - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
    - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
    - (f) Pole banners in parking lots located in another zone that are incorporated in an approved final development plan for an MU-3 project are permitted, subject to the same restrictions and requirements applicable to the pole-banner signs for the MU-3 project.
  - (3) A-frame or sandwich board type shall be permitted as follows:
    - (a) Maximum size of eight (8) square feet per panel, maximum height forty-eight (48) inches, maximum width twenty-four (24) inches;
    - (b) One sign per street frontage, maximum two signs;
    - (c) Placement of sign shall allow for four (4) clear feet of sidewalk width;
    - (d) Sign shall be in place only when business is open;
    - (e) Placement of sign not to restrict egress from parked cars and not over curb line;
    - (f) Shall be maintained in good condition;
    - (g) Shall not be attached to any public utility pole, street light standard or tree; and
    - (h) Shall be non-illuminated.
  - (4) One (1) free-standing sign per street frontage, per development, shall be permitted. A maximum of two (2) free-standing signs per development shall be deemed as primary, not exceeding one hundred fifty (150) square feet per sign. All other freestanding signs shall be considered secondary, and shall not exceed forty (40) square feet per sign. Such signs may be located in or adjacent to the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works & Development, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for such a sign located in the right-of-way.
  - (5) One (1) project identification sign per building, per street frontage, shall be permitted, not to exceed five percent (5%) of the wall area to which it is attached. Such projecting sign shall extend no lower than eight (8) feet, with a maximum projection from the wall of the building of no more than four (4) feet.

- (6) In addition, and within a designated Entertainment Mixed-Use Project only:
- (a) In conjunction with an indoor theater: one marquee, not to exceed twenty-four (24) square feet, shall be permitted per theater. Such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board per theater may be attached either to one free-standing sign or to the marquee, not to exceed twenty-four (24) square feet.

(p) *Expansion Area Zones.*

- (1) *Conservation District (CD), Expansion Area Residential (EAR-1, EAR-2 and EAR-3) and Community Center (CC) Zones.* Signage in EAR-1, EAR-2, and EAR-3 zones shall be permitted and restricted under Section 17-11(d). Signage in the Community Center (CC) Zone shall be permitted and restricted under Section 17-11(f) for nonresidential uses, and shall be permitted and restricted under Section 17-11(d) for residential uses.
- (2) *Economic Development (ED) Zone.* Signage shall be permitted and restricted as follows:
- (a) *Temporary signs.* One temporary sign per street frontage shall be allowed subject to the following conditions:
- (1) Shall be limited to window or wall signs only.
  - (2) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (3) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (4) Shall comply with the applicable regulations for the zone in which they are located.
  - (5) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (b) *Residential Supportive Uses.* On land designated for residential use within the development as defined by Article 23A-10(j)(12), signage shall be regulated as in the R-3, R-4, and R-5 zones (see Section 17-11(d)).
- (c) *Nonresidential Principal and Supportive Uses.* On land designated for Nonresidential Principal or Supportive Uses within the development as defined by Article 23A-10(j)(12), signage shall be regulated as in the B-3, B-4, I-1, and I-2 zones (see Section 17-11(g)), subject to the following restrictions:
- (1) Billboards shall be prohibited.
  - (2) Regional Medical Campus signage shall be regulated per Article 17-11(e)(11).
  - (3) When located within 800 feet of an interstate right-of-way, free-standing signs shall be regulated per the B-5P zone per Article 17-11(j)(1)(a) and shall be internally illuminated only.

(Ord. No. 015-2021 , § 1, 3-18-2021; Ord. No. 078-2022 , § 1, 8-30-2022)