

RESOLUTION NO. 166 - 2023

A RESOLUTION INITIATING FOR PLANNING COMMISSION REVIEW AND RECOMMENDATION ZONING ORDINANCE TEXT AMENDMENTS TO DEFINE SHORT TERM RENTAL, HOSTED SHORT TERM RENTAL, AND UN-HOSTED SHORT TERM RENTAL; TO PROVIDE GENERAL REGULATIONS FOR SHORT TERM RENTALS; TO MAKE HOSTED SHORT TERM RENTALS AN ACCESSORY USE IN ZONES R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3, B-1, P-1, MU-1, MU-2, AND MU-3; TO MAKE HOSTED SHORT TERM RENTALS AND UN-HOSTED SHORT TERM RENTALS A PRINCIPAL USE IN ZONES B-2, B-2A, B-2B, B-4 (WHEN PART OF AN ADAPTIVE REUSE PROJECT, INDUSTRIAL REUSE PROJECT OR ENTERTAINMENT MIXED USE PROJECT), I-1 (WHEN PART OF AN ADAPTIVE REUSE PROJECT, INDUSTRIAL REUSE PROJECT OR ENTERTAINMENT MIXED USE PROJECT), I-2 (WHEN PART OF AN ADAPTIVE REUSE PROJECT, INDUSTRIAL REUSE PROJECT OR ENTERTAINMENT MIXED USE PROJECT), CC, B-6P, AND MU-3; AND TO MAKE UN-HOSTED SHORT TERM RENTALS A CONDITIONAL USE IN ZONES R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3, B-1, P-1, MU-1, MU-2, AND MU-3.

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BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the amending of the zoning ordinance as provided in Exhibit A, which is attached hereto and incorporated herein by reference, to define Short Term Rental, Hosted Short Term Rental, and Un-Hosted Short Term Rental; to provide general regulations for Short Term Rentals; to make Hosted Short Term Rentals an Accessory Use in Zones R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3, B-1, P-1, MU-1, MU-2, and MU-3; to make Hosted Short Term Rentals and Un-Hosted Short Term Rentals a Principal Use in Zones B-2, B-2A, B-2B, B-4 (when part of an Adaptive Reuse Project, Industrial Reuse Project, or Entertainment Mixed Use Project), I-1 (when part of an Adaptive Reuse Project, Industrial Reuse Project, or Entertainment Mixed Use Project), I-2 (when part of an Adaptive Reuse Project, Industrial Reuse Project, or Entertainment Mixed Use Project), CC, B-6P, and MU-3; and to make Un-Hosted Short Term Rentals a Conditional Use in Zones R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3, B-1, P-1, MU-1, MU-2, And MU-3, is hereby initiated for Planning Commission review and recommendation.

Section 2 – That this Resolution shall become effective upon the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 23, 2023

*Linda Gorton*

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MAYOR

ATTEST:

*[Signature]*

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CLERK OF URBAN COUNTY COUNCIL

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**Article 3 GENERAL ZONE REGULATIONS**

**Sec. 1-11. Definitions.**

*Short Term Rental (STR)* means a dwelling unit that is rented in whole or in part, for temporary occupancy by transient guests for a tenancy of less than 30 consecutive days in duration, where no meals are served. This term does not include hotel or motel rooms, extended stay hotels, bed and breakfast facilities, boarding or lodging facilities, or farm employee dwelling units. Transient guests are those who have an established primary residence elsewhere, and this term shall not be construed to include individuals that rent a primary residence on a weekly basis.

*Hosted Short Term Rental* means a short term rental in which the dwelling unit utilized as the STR, or another dwelling unit on the subject property is a primary residence and a primary resident (as defined in Section 13-76 of the Code of Ordinances) continues to occupy the property while the short-term rental is being rented to a transient guest.

*Un-Hosted Short Term Rental* means a short term rental in which a primary resident (as defined in Section 13-76 of the Code of Ordinances) does not occupy the property during the short term rental period.

**Article 3 GENERAL ZONE REGULATIONS**

**Sec. 3-13. General regulations for Short Term Rentals (STRs).**

- a) All short term rentals shall be licensed by the Division of Revenue and subject to the regulations of Section 13 of the Code of Ordinances.
- b) Number of Dwelling Units allowed to be utilized as Short Term Rentals per Property:

Zones Allowed	Hosted	Un-Hosted	# of Short Term Rental Units
<b>R-1A, R-1B, R-1C, R-1D, R-1E, R-1T</b>	Accessory Use	Conditional Use	<u>Hosted</u> : 1 dwelling unit <u>and</u> 1 ADU <u>Un-Hosted</u> : 1 dwelling unit <u>or</u> 1 ADU
<b>R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3</b>	Accessory Use	Conditional Use	<u>For Single Family Lots:</u> <u>Hosted</u> : 1 dwelling unit <u>and</u> 1 ADU <u>Un-Hosted</u> : 1 dwelling unit <u>or</u> 1 ADU <u>For Multi-Family Lots:</u> 3 max.
<b>B-1, P-1, MU-1, MU-2, MU-3</b>	Accessory Use	Conditional Use	25% max.
<b>B-2, B-2A, B-2B, B-4*, I-1*, I-2*, CC, B-6P, MU-3*</b>	Principal Use	Principal Use	No max.

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



- c) **Maximum Occupancy Limit (for accessory and principal uses):** A maximum of two (2) individuals per bedroom, plus an additional 4 individuals; or a total of 12 individuals, whichever is less. Any host or other permanent residents of the dwelling unit present during the short term rental period shall count toward the maximum occupancy.
- d) **Maximum Occupancy Limit (for conditional uses):** The Board shall establish a maximum occupancy for the short term rental use in accordance with the above provision, except the Board may allow additional occupants when there is sufficient evidence that a greater occupancy will not result in overcrowding or create a nuisance.
- e) **Detached accessory structures may be used as a Short Term Rental only in a permitted Detached Accessory Dwelling Unit.**
- f) **Short Term Rentals shall not be utilized for private events, such as weddings or parties, in which the number of participants exceeds the maximum occupancy limit. No private events shall occur between the hours of 11:00 p.m. and 7:00 a.m. Special events for a commercial purpose shall be prohibited at all times.**
- g) **For Short Term Rentals regulated as conditional uses, the Board of Adjustment shall take into consideration:**
  - a. **The number of STRs, if any, within 1,000 feet of the property being considered for such use.**
  - b. **The demonstrated compliance record of the applicant, if they operate other STRs in Lexington.**
  - c. **The occupancy rate of other STRs in the general vicinity, including those operated by the applicant.**
  - d. **Whether other STRs in the general vicinity have been cited as a nuisance, including those operated by the applicant**
- h) **For any conditional use permit approved by the Board of Adjustment for a short term rental, the conditional use permit shall become null and void if the applicant's short-term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.**

### **Sec. 8-5. Single-Family Residential (R-1A) Zone.**

- (c) **Accessory Uses.** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
  1. Private garages, storage sheds, and parking areas.
  2. Living quarters, without cooking facilities and not rented, for guests and employees of the premises.
  3. Swimming pools and tennis courts, including accessory structures and temporary structures associated with those uses.
  4. Agricultural uses, excluding commercial stock raising.
  5. Private, non-commercial parks and open space.
  6. Home offices and home occupations.
  7. A ground, roof or pole-mounted satellite dish antenna, as regulated by Section 15-8.
  8. Family childcare home.

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9. Hiking and bicycling trails.
  10. Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance.
  11. Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.

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

1. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, when accessory to and located in the same structure with the single-family residence occupied by the owner or operator. All kindergartens and nursery schools shall provide a fenced and screened play area, which shall contain not less than twenty-five (25) square feet per child.
2. Kindergartens, nursery schools and childcare centers for four (4) or more children, when accessory to a place of religious assembly, school or private club as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
3. Home-based businesses.
4. Cemeteries, columbariums, and mausoleums.
5. Outdoor commercial and non-commercial recreational facilities, such as golf courses; sportsmen's farms; riding stables and equine trails; fishing lakes and non-commercial swimming pool; tennis courts; campgrounds; and private clubs.
6. Places of religious assembly.
7. Schools for academic instruction.
8. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
9. Type II Childcare Center. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
10. Bed and breakfast facilities, limited to the rental of not more than one (1) room. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
11. Historic house museums.
12. Seasonal activities.
13. Market gardens.
14. The short-term rental (defined in the Code of Ordinances) of Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an

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adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of short-term rental facilities, if any, within the general neighborhood of the property being considered for such use.

15. **Un-Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance.**

**Sec. 8-6. Single-Family Residential (R-1B) Zone. Refers to R-1A**

**Sec. 8-7. Single-Family Residential (R-1C) Zone. Refers to R-1A**

**Sec. 8-8. Single-Family Residential (R-1D) Zone. Refers to R-1A**

**Sec. 8-9. Single-Family Residential (R-1E) Zone.**

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

1. Private garages, storage sheds and parking areas.
2. Swimming pools and tennis courts.
3. Agricultural uses, excluding commercial stock raising.
4. Private, non-commercial parks and open space.
5. Home offices and home occupations.
6. A ground, roof or pole-mounted satellite dish antenna, as regulated by Section 15-8.
7. Family childcare home.
8. Hiking and bicycling trails.
9. Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance.
10. **Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.**

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

1. As for R-1A.

**Sec. 8-10. Townhouse Residential (R-1T) Zone.**

- (a) *Intent.* This zone is intended to provide for attached single-family dwellings and supporting uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

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

1. Single-Family attached residences, except that not more than twelve (12) units shall be attached.
2. Group Residential Projects, as provided in Article 9.
3. Existing single-family detached residences and single-family detached residences for which a building permit was issued or a plan approved prior to the adoption of this Zoning Ordinance.

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4. Parks and playgrounds operated by government.
  5. Temporary real estate sales offices for the sale of lots, located only within the subdivision in which said lots are located; to be removed at the end of two (2) years or when all the lots are sold, whichever comes first.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Private garages, storage sheds and parking areas.
  2. Swimming pools and tennis courts.
  3. Agricultural uses, excluding commercial stock raising.
  4. Private, non-commercial parks and open space.
  5. Home offices and home occupations.
  6. A ground, roof or pole-mounted satellite dish antenna, as regulated in Section 15-8.
  7. Family childcare home.
  8. Hiking and bicycling trails.
  9. Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance.
  10. **Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.**
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
1. As for R-1A.

**Sec. 8-11. Two-Family Residential (R-2) Zone. Refers to R-1A**

**Sec. 8-12. Planned Neighborhood Residential (R-3) Zone.**

- (a) *Intent.* This zone is primarily for multi-family dwellings and other residential uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. The principal permitted uses in the R-2 zone.
  2. Multi-family dwellings.
  3. Dormitories.
  4. Boarding or lodging houses, assisted living facilities, and hospitality houses for up to eight (8) persons.
  5. Community residences.
  6. Group Residential Projects, as provided by Article 9.
  7. Townhouses, except that no less than three (3) and no more than twelve (12) units shall be attached.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Items 1 through 3 and 6 through ~~10~~ 11 of the permitted accessory uses in the R-1A zone.

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~~2. The keeping of not more than four (4) roomers or boarders per dwelling unit by a resident family for single family or two-family dwellings, except where a bed and breakfast facility is provided; then no roomers or boarders shall be permitted.~~

3. Non-commercial 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-1A zone.

### **Sec. 8-13. High Density Apartment (R-4) Zone. Refers to R-3 (no changes)**

### **Sec. 8-14. High Rise Apartment (R-5) Zone.**

(a) *Intent.* This zone is primarily for multi-family dwellings and particularly for high rise apartments. The R-5 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

(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.

(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 ~~and~~ 11.

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.

### **Sec. 8-15. Professional Office (P-1) Zone.**

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

1. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies.

2. Parking areas or structures.

3. Incidental retail sales or personal services, including facilities for serving food, only for employees, residents or visitors to any permitted use, and having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of five thousand (5,000) square feet.

4. Sales offices for the display of merchandise and the acceptance of orders.

5. Swimming pools, tennis courts, putting greens, hiking and bicycling trails, botanical gardens, nature preserves and other similar non-commercial recreational uses.

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6. Satellite dish antennas, as further regulated by Section 15-8.
  7. One dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be part of the building and located above, to the side, or to the rear of such permitted use.
  8. Retail sales and storage areas accessory to internet-based businesses, for which Certificates of Occupancy are issued after November 15, 2001, provided that the retail sales and storage area occupies no more than twenty-five percent (25%) of the business area, nor more than two thousand, five hundred (2,500) square feet, whichever is less; and having no display space, storage space or signs visible from the exterior of the building.
  9. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.
  10. **Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.**

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

1. Drive-through facilities for sale of goods or products or the provision of services otherwise permitted herein.
2. Parking lots and structures.
3. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
4. Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.
5. Extended-stay hotels, except as permitted in a Professional Office Project.
6. Mail service facilities, except as permitted in a Professional Office Project.
7. Ecotourism activities to include equine or zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; and seasonal activities.
8. **Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.**

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

- (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.



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3. Warehousing, wholesaling, and storage, excluding outdoor storage; and provided that no building for such accessory use shall have openings other than stationary windows or solid pedestrian doors within one hundred (100) feet of any residential zone.
  4. 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.
  5. Satellite dish antennas, as further regulated by Section 15-8.
  6. One or two (2) pool or billiard tables within an establishment.
  7. Sidewalk cafes, when accessory to any permitted restaurant.
  8. Retail sale of liquid propane (limited to 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.
  9. 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.
  10. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.
  11. Hosted Short Term Rentals, as regulated in Article 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.
4. 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.
5. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located closer than one hundred (100) feet from a residential zone.
6. Upholstery shop.

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7. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
    - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
    - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
    - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
  8. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
    - a. To check all operating equipment;
    - b. To check fire suppression system(s);
    - c. To check the condition of the fire alarm(s);
    - d. To check for indications of fuel leaks and spillage;
    - e. To remove trash from the site;
    - f. To monitor the general condition of the site.
  9. Rehabilitation homes, but only when located closer than five hundred (500) feet from a residential zone, school for academic instruction or a childcare center.
  10. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
  11. Circuses, provided all structures are located not less than two hundred (200) feet from any residential zone; and further provided that all structures for housing animals shall be two hundred (200) feet from any residential zone, residential use, school, hospital, nursing 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.
  16. Ecotourism activities to include zip line trails; tree canopy tours; fishing clubs; botanical gardens; nature preserves; and seasonal activities.
  17. Recreation vehicle and trailer campgrounds, but only when located within 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.
  19. Country inns, but only when located within five hundred (500) feet of an Agricultural Rural (A-R) zone.
  20. **Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.**

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## Sec. 8-17. Downtown Business (B-2) Zone.

- (a) *Intent.* This zone is intended to accommodate existing and future development in the Central Business District.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. The principal permitted uses in the B-1 zone.
  2. Amusement enterprises, such as indoor billiard or pool halls; indoor theaters; bowling alleys; dance halls; skating rinks.
  3. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing or the sale of alcoholic beverages.
  4. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats, provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
  5. Establishments engaged in blueprinting, printing, publishing and lithographing; interior decorating; upholstery; laundering, clothes cleaning and dyeing; clothing alterations and tailoring services.
  6. Hotels and motels.
  7. Passenger transportation terminals.
  8. Any type of dwelling unit.
  9. Wholesale establishments.
  10. Minor automobile and truck repair.
  11. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
  12. Pawnshops.
  13. Stadium and exhibition halls.
  14. Telephone exchanges; radio and television studios.
  15. Cable television system signal distribution centers and studios.
  16. Athletic club facilities.
  17. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under eighteen (18) years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
  18. Parking lots and structures, provided such use conforms to the conditions of Article 16.
  19. **Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance**

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**Sec. 8-18. Downtown Frame Business (B-2A) Zone. Refers to B-2 (No change)**

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## Sec. 8-19. Lexington Center Business (B-2B) Zone.

- (a) *Intent.* This zone is intended to ensure compatible land uses, the preservation of existing attractions compatible with the Lexington Center, and the encouragement of new uses necessary to the proper development of the Downtown Area. The permitted land uses in the zone should have some logical relation to the Lexington Center and to the downtown core, should promote tourism, should promote the economic health of the community, should provide for an aesthetically pleasing environment, and should prevent the creation of influences adverse to the prospering of the Lexington Center and the Downtown Area.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. Civic Center and convention facilities.
  2. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions; savings and loan companies, holding and investment companies.
  3. Offices and clinics.
  4. Schools for academic instruction.
  5. Libraries, museums, art galleries, and reading rooms.
  6. Studios for work or teaching of fine arts, such as photography, music, drama, dance or theater.
  7. Places of religious assembly.
  8. Ticket and travel agencies.
  9. Restaurants, cocktail lounges and nightclubs, including those serving alcoholic beverages and/or offering live entertainment, except as prohibited under Subsection (e) of this section.
  10. Establishments for the retail sale of primarily new merchandise.
  11. Beauty shops and barber shops.
  12. Shoe repair, clothing alterations or tailoring services.
  13. Retail sale of plant, nursery or greenhouse products, or agricultural produce.
  14. Commercial farm markets and market gardens.
  15. Hotels or motels.
  16. Any type of residential use.
  17. Antique shops.
  18. Establishments for the display, rental or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats, provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
  19. Amusement enterprises, such as circuses; carnivals; horse racing or automobile racing, special events, festivals, and concerts provided such activity is operated on a temporary basis of a duration not exceeding two (2) weeks.
  20. Establishments engaged in blueprinting, printing, publishing, and lithography; interior decoration and upholstery; repair of household appliances.
  21. Bookstores, except as prohibited under Subsection (e) of this section.
  22. Indoor amusement enterprises, such as motion picture theaters, except as prohibited under Subsection (e) of this section; billiard or pool halls; bowling alleys; dance halls, skating rinks; and arcades.

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23. Computer and data processing centers.
  24. Telephone exchanges, radio and television studios.
  25. Cable television system signal distribution centers and studios.
  26. Private clubs, except as prohibited under Subsections (e)7, 8 and 9 of this section.
  27. Kindergartens, nursery schools and childcare centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  28. 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.
  29. Historic house museums.
  30. Health clubs, athletic clubs and spas.
  31. **Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance**

## **Sec. 8-21. Wholesale and Warehouse Business (B-4) Zone.**

### *(o) Special Provisions.*

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

In addition to the uses permitted in Subsection (b) of this section, the following uses shall also be permitted in an Office/Warehouse Project:

#### As principal permitted uses:

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

#### As accessory uses:

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

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4. Adaptive Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
- a. The property must be located in or adjacent to, or across a public right-of-way from, the defined Infill and Redevelopment Area. The area of the Project will be defined by the development plan and may include noncontiguous properties that can function together as an interrelated development.
  - b. The Project must include:
    1. At least one (1) existing building that will be adaptively reused as a principal structure.
    2. Public art or a public art easement that is publicly displayed in a publicly accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.
  - c. The applicant shall provide documentation demonstrating that the Project meets at least one (1) of the following criteria:
    1. The site has a single building of over 30,000 square feet that is over 75 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 75 years old.
    2. The site includes a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or was constructed prior to 1950.
  - d. The applicant shall include at least one element from the following categories and must reach total score of 10 points:
    1. Primary Land Use, Building Form, and Design:
      - i. Affordable Housing (6) - Provide residential housing, at least 20% of which will be set aside for affordable housing (60% AMI) for at least 15 years.
      - ii. Affordable Housing (4) - Provide residential housing, at least 20% of which will be set aside for affordable housing (80% AMI) for at least 15 years.
      - iii. Green Rated Site Design (Sustainable Sites Initiative or similar standard) (3) - Incorporating whole of project area.
      - iv. Green Building Design (LEED or similar standard) (3) - Structures that incorporate the principles of sustainable design of adaptively reused structures.
      - v. Green Building (LEED or similar standard) (2) - New Construction vi. Green Infrastructure (2) - Manage 50% of stormwater onsite with Vegetative Low Impact Development BMPs and educational signage (must still meet LFUCG Stormwater Manuals).
      - vii. Renewable Energy (1).
      - viii. Mixed use residential and commercial site wide (1).
      - ix. Innovation Credit (1) - Provide a high degree of innovative modification of land use, building form, and/or design.
    2. Transit, Infrastructure, and Connectivity:

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- i. Parking Structure (4).
  - ii. Riparian Buffer Restoration (3) - Meet requirements of Stormwater Manual Table 1-7 along length of stream on lot.
  - iii. Daylighting of stream/removal of culvert (3).
  - iv. Stream channel restoration (2) - See Stormwater Manual Ch. 9 for guidance.
  - v. Accessible transit shelter and bench (2).
  - vi. Multi-use path or open space oriented amenities (2).
  - vii. Publicly accessible property to property cross-connectivity (2).
  - viii. Innovation Credit (1) - Provide a high degree of innovative modification of transit, infrastructure, and connectivity.
3. Quality of Life Components:
- i. Site is within an area that is a brownfield recovery site (4).
  - ii. Increase of Canopy Coverage to 40% (4).
  - iii. Increase of Canopy Coverage to 30% (3).
  - iv. Increase of Canopy Coverage to 20% (2).
  - v. Site is in a district that has applied for, or has obtained, special funding or similar government incentives (3).
  - vi. Universal Design Standards for all ground floor space (2).
  - vii. 20% Community oriented open space nonresidential (3).
  - viii. 10% Community oriented open space nonresidential (2).
  - ix. Community garden space (1).
  - x. Innovation Credit (1) - Provide a high degree of innovative modification of quality of life components.
- e. Principal uses in Adaptive Reuse Projects:
- 1. Any of the principal uses permitted in the underlying zone.
  - 2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater; theaters, including movie theaters and other indoor amusements, except as prohibited under Section 8-19(e), including billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
  - 3. Community centers, churches and private clubs.
  - 4. Restaurants, with or without outdoor seating and with or without live entertainment.
  - 5. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics and similar items.
  - 6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
  - 7. Banquet facilities or private clubs with live entertainment, brew-pubs, bars, cocktail lounges and nightclubs.



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8. Offices, banks or clinics.
  9. Hotels or motels.
  10. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
  11. Quick copy services not using offset printing methods.
  12. Residences of any kind.
  13. Health clubs, athletic clubs and spas.
  14. Parking lots and structures.
  15. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.
  16. Kindergartens, nursery schools and childcare centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least twenty-five (25) square feet per child.
  17. Indoor or outdoor amusement or entertainment enterprises such as circuses, carnivals, rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two (2) weeks.
  18. Passenger transportation terminals.
  19. Publicly accessible parks.
  20. Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance
- f. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
- g. Prohibited uses:
1. All adult uses, as listed in Sections 8-16(e)14 through 17.
  2. Drive-through facilities.
- h. Parking:
1. For any site that is located on a transit route, there shall be a maximum of four (4) surface parking spaces per one thousand (1,000) commercial square feet.
  2. For any site that is not located on a transit route, there shall be a maximum of five (5) surface parking spaces per one thousand (1,000) commercial square feet.
  3. Structure parking shall not count toward any maximum parking requirement.
- i. Signage: Shall be as permitted under Section 17-11(n) for an MU-2 zone.
- j. Lot and Yard Requirements: No minimum.
- k. Height: No maximum height for adaptive reuse of existing buildings. New buildings shall not be more than twelve (12) feet taller than the tallest structure that is being adaptively reused, or forty-eight (48) feet, whichever is greater.
- l. The applicant shall submit a compliance statement with the development plan that specifies how the project will further the Goals and Objectives and other elements of the Comprehensive Plan.
- m. Prior to holding a hearing on the development plan, the applicant shall post a sign, with dimensions set out in Section 23B-5(b), at a visible location on the property at least fourteen (14)

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days prior to the hearing, informing the public of the location, date and time of the hearing. Evidence of the sign having been posted shall be submitted to the Planning Commission at the hearing.

- n. The Planning Commission shall have the power to approve, modify or disapprove the development plan, as set out in Article 21. In addition, if the Planning Commission approves the development plan, it must adopt a finding that the development plan furthers the Goals and Objectives or other elements of the Comprehensive Plan.
  - o. For additional land to be added to an adaptive reuse project area, the new portion must be adjacent to the current project area. An updated compliance statement must be submitted, which shall implement those elements that have been applied across the project area.
  - p. For any amendment that seeks to expand the originally approved project, the added portion of the project must meet all requirements of Sec. 8-18(o)(4)(d) separate from the original project.
5. Industrial Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
- a. The Planning Commission shall, with the approval of any development plan, consider the following locational and compatibility factors:
    - 1. The site shall be located outside of the defined Infill and Redevelopment Area.
    - 2. An Industrial Reuse Project shall not be located on an arterial roadway.
    - 3. The Project should be located in an area of mixed uses and zones.
    - 4. The Project should be located in a B-4 or 1-1 area in which, due to small lot size, adjacent uses, or the nature of the roadway system, it would not be appropriate to construct larger B-4 or 1-1 uses, such as truck terminals, manufacturing facilities or large warehousing facilities.
    - 5. The property has an existing building coverage that does not allow for substantial expansion of the structure or parking facilities.
  - b. The Project must include:
    - 1. At least one existing building that will be adaptively reused as a principal structure.
    - 2. Public art or a public art easement that is publicly displayed in an accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.
  - c. The applicant shall provide documentation demonstrating that the Project meets at least one of the following criteria:
    - 1. The site includes a building lot coverage of 65% or greater and contains a building that is over 75 years old.
    - 2. The site includes a single building of over 30,000 square feet that is over 75 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 75 years old.
    - 3. The site includes a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or was constructed prior to 1950.

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- d. The applicant shall include at least one element from the following categories and must reach total score of 10 points:
1. Primary Land Use, Building Form, and Design:
    - i. Affordable Housing (6) - Provide residential housing, at least 20% of which will be set aside for affordable housing (60% AMI) for at least 15 years.
    - ii. Affordable Housing (4) - Provide residential housing, at least 20% of which will be set aside for affordable housing (80% AMI) for at least 15 years.
    - iii. Green Rated Site Design (Sustainable Sites Initiative, etc.) (3) - Incorporating whole of project area.
    - iv. Green Rated Site Design (Sustainable Sites Initiative or similar standard) (3) - Incorporating whole of project area.
    - v. Green Building Design (LEED or similar standard) (3) - Structures that incorporate the principles of sustainable design of adaptively reused structures.
    - vi. Green Building (LEED or similar standard) (2) - New Construction.
    - vii. Renewable Energy (1).
    - viii. Mixed use residential and commercial site wide (1).
    - ix. Innovation Credit (1) - Provide a high degree of innovative modification of land use, building form, and/or design.
  2. Transit, Infrastructure, and Connectivity:
    - i. Parking Structure (4).
    - ii. Riparian Buffer Restoration (3) - Meet requirements of Stormwater Manual Table 1-7 along length of stream on lot.
    - iii. Daylighting of stream/removal of culvert (3).
    - iv. Stream channel restoration (2) - See Stormwater Manual Ch. 9 for guidance.
    - v. Accessible transit shelter and bench (2).
    - vi. Multi-use path or open space oriented amenities (2).
    - vii. Publicly accessible property to property cross-connectivity (2).
    - viii. Innovation Credit (1) - Provide a high degree of innovative modification of transit, infrastructure, and connectivity.
  3. Quality of Life Components:
    - i. Site is within an area that is a brownfield recovery site (4).
    - ii. Increase of Canopy Coverage to 40% (4).
    - iii. Increase of Canopy Coverage to 30% (3).
    - iv. Increase of Canopy Coverage to 20% (2).
    - v. Site is in a district that has applied for, or has obtained, special funding or similar government incentives (3).
    - vi. Universal Design Standards for all ground floor space (2).

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- vii. 20% Community oriented open space nonresidential (3).
  - viii. 10% Community oriented open space nonresidential (2).
  - ix. Community garden space (1).
  - x. Innovation Credit (1) - Provide a high degree of innovative modification of quality of life components.
- e. Principal uses in Industrial Reuse Projects:
- 1. Any of the principal uses permitted in the underlying zone.
  - 2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater; theaters, including movie theaters and other indoor amusements, except as prohibited under Section 8-19(e), including billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
  - 3. Community centers, places of religious assembly and private clubs.
  - 4. Restaurants, with or without outdoor seating and with or without live entertainment.
  - 5. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics and similar items.
  - 6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
  - 7. Banquet facilities or private clubs with live entertainment, brew-pubs, bars, cocktail lounges and nightclubs.
  - 8. Offices, banks or clinics.
  - 9. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
  - 10. Residences of any kind.
  - 11. Health clubs, athletic clubs and spas.
  - 12. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.
  - 13. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least 25 square feet per child.
  - 14. Indoor or outdoor amusement or entertainment enterprises such as circuses, carnivals, rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two weeks.
  - 15. Publicly accessible park.
  - 20. Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance
- f. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
- g. Conditional Uses:
- 1. Drive-through facilities.

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- h. Prohibited uses:
    - 2. All adult uses, as listed in Sections 8-16(e)(14 through 17).
  - i. Parking:
    - 1. For any site that is located on a transit route, there shall be a maximum of four (4) surface parking spaces per one thousand (1,000) commercial square feet.
    - 2. For any site that is not located on a transit route, there shall be a maximum of five (5) surface parking spaces per one thousand (1,000) commercial square feet.
    - 3. Structure parking shall not count toward any maximum parking requirement.
  - j. Signage Shall be as permitted under Article 17-7(0) for an MU-2 zone.
  - k. Lot and Yard Requirements - No minimum.
  - l. Height No maximum height for adaptive reuse of existing buildings. New buildings shall not be more than 12 feet taller than the tallest structure that is being adaptively reused on the same lot or the adjacent lot, or 48 feet, whichever is greater.
  - m. The applicant shall submit a compliance statement with the development plan that specifies how the project will further the Goals and Objectives and other elements of the Comprehensive Plan.
  - n. Prior to holding a hearing on the development plan, the applicant shall post a sign, with dimensions set out in Article 23B-5(b), at a visible location on the property at least 14 days prior to the hearing, informing the public of the location, date and time of the hearing. Evidence of the sign having been posted shall be submitted to the Planning Commission at the hearing.
  - o. The Planning Commission shall have the power to approve, modify or disapprove the development plan, as set out in Article 21. In addition, if the Planning Commission approves the development plan, it must adopt a finding that the development plan furthers the Goals and Objectives or other elements of the Comprehensive Plan.
  - p. For additional land to be added to an Industrial Reuse Project area, the new portion must be adjacent to the current project area. An updated compliance statement must be submitted, which shall implement those elements that have been applied across the project area.
  - q. For any amendment that seeks to expand the originally approved project, the added portion of the project must meet all requirements of Sec. 8-18(c)(4)(d) separate from the original project.
  - r. Flex Space Projects that have been approved prior to August 1, 2021, shall be regulated per the approved development plan.

### **Sec. 8-22. Light Industrial (I-1) Zone.**

- (a) *Intent.* This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Adaptive Reuse Projects and Industrial Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
  - 1. The principal permitted uses in the B-4 zone.

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2. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of articles of merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious and semi-precious metals, precious and semi-precious stones, rubber, sheet metal (excluding large stampings), shell, textiles, tobacco, wax, wire, wood (excluding sawmills, planing mills), and yarn.
  3. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of such products as: bakery goods; billboards; candy; ceramics; cosmetics; drafting instruments; electrical parts; appliances; electric or neon signs; electronic instruments; food products; meat packaging; ice cream; medical and dental instruments; musical instruments; pharmaceuticals; pottery, china, or figurines; radios; record players; rubber and metal stamps; rubber products; scientific instruments and equipment; shoes; television receivers; toiletries, soaps and detergents; toys; and watches and clocks.
  4. Other industrial and manufacturing uses, such as auto parts rebuilding; battery manufacturing; beverage manufacturing; micro-brewery as regulated by KRS 243.157 and KRS 243.150; Class B (craft) distillery as defined in KRS 243.120; dairy and non-dairy and food and non-food product bottling plants; box and crate assembly; building materials sales; rental storage yard; bag, carpet and rug cleaning and dyeing; cabinet shop; cannery; cooperage; columbariums and crematories; dextrine and starch manufacturing; enameling, lacquering, and japanning; felt manufacturing; electric foundry; furniture manufacturing; heating equipment manufacturing; inflammable underground liquid storage; iron works (ornamental), and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; radium extraction; railway or truck terminal; stone monument works; tool manufacturing; vehicle storage yards for which occupancy permits were issued prior to May 1, 1985; welding, and other metal working shops.
  5. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, and processing of paper shall be permitted only when wholly conducted in a completely enclosed building.
  6. Adaptive Reuse Projects, as set out in Section 8-21(b)23 and Section 8-21(o)4.
  7. Industrial Reuse Projects, as set out in Section 8-21 (b)26 and Section 8-21 (o)5.
  8. Commercial wood lots, provided that:
    - a. All wood storage and processing activities are located at least three hundred (300) feet from the nearest residential zone;
    - b. Wood piles are no greater than fifteen (15) feet in height, no greater than twenty (20) feet in width, no greater than one hundred (100) feet in length, and are spaced no less than twenty (20) feet from any property line; and
    - c. Cutting and splitting of timber takes place only between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Off-street parking areas and structures; loading facilities.
  2. Dwelling units for watchmen or caretakers, provided that such facilities shall be located on the same premises as the permitted use.
  3. Outdoor storage of products manufactured on the premises or materials to be used in manufacture on the premises.

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4. Facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.
  5. Offices.
  6. Recreational facilities, except as prohibited herein.
  7. Sale of manufactured goods.
  8. Sale of finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than thirty percent (30%) of the total floor and storage area.
  9. Satellite dish antennas, as further regulated by Section 15-8.
  10. Beauty salons where accessory to an athletic club facility, provided that the area of the salon shall not constitute more than ten percent (10%) of the total floor area, that the salon has no separate external entrance, nor separate business signage.
  11. Retail sale of liquid propane (limited to twenty-pound (20-lb.) containers), when accessory to retail sale of building materials and lumber permitted under Section 8-21(b)(18).
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
1. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
  2. Public utilities and public service uses and structures.
  3. Penal or correctional institutions.
  4. Grain drying, when operated in a fully enclosed building at least three hundred (300) feet from the nearest residential, business, or professional office zone.
  5. The above- or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station or limited by Subsection (e) of this section; and provided such operations conform to the standards prescribed by the National Fire Protection Association, the Kentucky Occupational Safety and Health Standards for General Industry, and any requirements of the Fire Marshal. Such conformance shall be certified in writing by the Fire Marshal, and any required protective measures for the containers shall be met in all ways.
  6. Banks, with or without drive-through facilities, except as provided as part of an Adaptive Reuse Project or an Industrial Reuse Project, provided:
    - a. The site lies within the area of a development plan approved by the Planning Commission, having a minimum one hundred (100) acres zoned industrial;
    - b. There shall be an on-site stacking capacity of a minimum of twenty (20) cars for each bank having drive-through facilities;
    - c. The site shall not have direct access to an arterial street;
    - d. There exists, within the development plan area, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least five hundred (500) employees;

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- e. There exists, within a one-mile radius of the property boundaries of the proposed site, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least two thousand, five hundred (2,500) employees;
  - f. A site development plan is submitted to, and approved by, the Board of Adjustment and the Planning Commission.
7. Concrete mixing and concrete products, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:
- a. That no concrete mixing operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.
  - b. Noise, Air and Water Quality: The facility shall be operated at all times in compliance with applicable federal, state and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Section 6-7, Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
  - c. Development Plan: The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, stormwater and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.
  - d. Drainage and Erosion Control: All operations shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event that adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
  - e. Roads: All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.
  - f. Screening: Screening shall be provided as defined in accordance with LFUCG Article 18 of this Zoning Ordinance.
  - g. Transportation Plan: A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
    - 1) Product shipping and deliveries;
    - 2) Mode of transportation;
    - 3) Route(s) to and from the site;
    - 4) Schedule and frequency of shipments;
    - 5) Delivery and shipping spillage control methods;
    - 6) Employee parking.
  - h. Storage: Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three (3) sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.



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- i. Excess Product and Waste: Excess product and waste, when disposed of on-site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.
  8. Cable television system facilities, including transmitting towers; antennas; earth stations; microwave dishes; relays; business offices; television studios; and storage facilities.
  9. Vehicle storage yards, for which occupancy permits were applied for on or after May 1, 1985.
  10. Commercial composting, provided that the following requirements are met:
    - a. That all such composting shall be conducted in a fully enclosed building.
    - b. That a permit-by-rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
    - c. That a development plan, indicating access points and circulation routes; proposed signage; screening and landscaping; fencing and other significant geological or physical features of the property, be submitted as part of any application.
    - d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.
  11. Helistops and heliports, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
  12. 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.
  13. Places of religious assembly, Sunday schools, and schools for academic instruction, when affiliated with a place of religious assembly or a religious entity, except as provided as part of an Adaptive Reuse Project.
  14. Retail sale, except as provided as part of an Adaptive Reuse Project, of furniture and household-related items, such as antiques; fabrics; fixtures; furnishings; glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.
  15. Community centers, except as provided as part of an Adaptive Reuse Project.
  16. Childcare centers, except as provided as part of an Adaptive Reuse Project.
  17. Agricultural market and market gardens.
  18. 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.

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19. Circus, 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.
  20. Day shelters.
  21. Ecotourism activities to include campgrounds, commercial hiking, bicycling, and zip line trails; tree canopy trails; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities.
- (e) *Prohibited Uses.* (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)
1. The prohibited uses in the B-4 zone, Section 8-21(e)3 through 11, and 14 through 16.
  2. All uses first permitted in the I-2 zone, except as specifically permitted herein.
  3. A facility for the storage and distribution of gas by railroad tank cars, through gas piping, or by tank trucks, which each have a water capacity in excess of four thousand (4,000) gallons.
  4. Slaughterhouses.
  5. Equine trails, children's rides, pony rides and petting zoos.
- 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 Front Yard.* 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.
- (k) *Minimum Useable Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Seventy-five (75) feet, except when a side or rear yard abuts a Professional Office or 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. All industrial uses shall be conducted in a completely enclosed building, except for outdoor storage uses, which shall be enclosed on all sides by a solid wall or fence not less than six (6) feet in height.
  2. All buildings and structures shall be at least one hundred (100) feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access.
  3. Landscape buffer areas shall be required as set forth in Article 18.

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(Code 1983, § 8-22; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 89-86, § 21, 5-29-1986; Ord. No. 35-87, §§ 1, 2, 3-5-1987; Ord. No. 154-88, § 1, 7-7-1988; Ord. No. 93-89, § 1, 6-1-1989; Ord. No. 154-89, § 1, 8-31-1989; Ord. No. 58-91, § 2, 4-4-1991; Ord. No. 84-91, § 2, 5-2-1991; Ord. No. 93-91, § 1, 5-16-1991; Ord. No. 30-92, §§ 14, 15, 3-3-1992; Ord. No. 134-92, § 3, 7-9-1992; Ord. No. 213-94, § 8, 1-20-1994; Ord. No. 31-95, § 1, 2-9-1995; Ord. No. 258-96, § 1, 12-12-1996; Ord. No. 7-99, § 1, 1-28-1999; Ord. No. 50-2004, § 1, 3-18-2004; Ord. No. 339-2006, §§ 1—6, 11-21-2006; Ord. No. 43-2007, § 1, 2-22-2007; Ord. No. 227-2008, §§ 7, 8, 10-23-2008; Ord. No. 1-2011, § 8, 1-13-2011; Ord. No. 99-2011, § 9, 8-25-2011; Ord. No. 100-2011, § 9, 8-25-2011; Ord. No. 114-2011, § 2, 8-25-2011; Ord. No. 153-2012, § 1, 12-6-2012; Ord. No. 5-2013, § 2, 1-31-2013; Ord. No. 89-2013, § 1, 8-15-2013; Ord. No. 155-2013, § 2, 12-10-2013; Ord. No. 68-2015, § 1(8-22), 6-18-2015; Ord. No. 137-2016, § 2(8-22), 7-7-2016; Ord. No. 166-2017, § 3(8-22), 11-16-2017; Ord. No. 060-2021, § 2, 7-6-2021; Ord. No. 43-2022, § 1, 5-26-2022; Ord. No. 113-2022, § 3, 10-27-2022)

**Sec. 8-22. Light Industrial (I-1) Zone.**

**(Refers to B-4, No Change)**

**Sec. 8-23. Heavy Industrial (I-2) Zone.**

**(Refers to B-4, No Change)**

## 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, 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) Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance

## APPENDIX 23A. ZONING CATEGORIES AND RESTRICTIONS

### Sec. 23A-5. Expansion Area Residential 1 (EAR-1) Zone.

- (a) *Intent.* This zone is intended to provide a mixture of low density residential uses which will serve as a transition between the more intensely developed suburban neighborhoods and the Rural Service Area.
- (b) *Principal Uses.*
  - 1. Single-family, two-family, multifamily, and townhouse dwellings.
  - 2. Community residences.
  - 3. Golf courses and common open spaces.
  - 4. Places of religious assembly when located adjacent to a street that has the functional classification of collector/boulevard or arterial.
- (c) *Accessory Uses.*

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1. Private garages and parking areas.
  2. Accessory Dwelling Units, as regulated in Article 3-12.
  3. Swimming pools and tennis courts, which may include a clubhouse, as approved by the Planning Commission on a final development plan, for the use and enjoyment of the surrounding neighborhood, which may also include weight training and exercise rooms, restrooms, meeting rooms, or similar facilities.
  4. Home offices and home occupations.
  5. Family childcare home.
  6. The keeping of not more than two (2) roomers or boarders by a resident family.
  7. Childcare facilities and schools for academic instruction when accessory to a place of religious assembly on the same property.
  8. Non-commercial hiking and bicycling trails.
  9. **Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.**

(d) *Conditional Uses.*

1. Home-based businesses.
2. Type II Childcare Center. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
3. Temporary Real Estate Sales Offices for the sale of lots located only within the subdivision in which the sales office is located, to be removed at the end of two (2) years or when all the lots are sold, whichever comes first.
4. Clubhouse, with sale of food and merchandise, when accessory to a golf course.
5. Historic house museums.
6. Schools for academic instruction, except as permitted herein, but only when located on a lot adjacent to a street that has the functional classification of collector/boulevard or arterial.
7. Equine trails.
8. Seasonal activities.
9. Market gardens.
10. **The short-term rental (defined in the Code of Ordinances) of Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of short-term rental facilities, if any, within the general neighborhood of the property being considered for such use.**
11. **Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.**

**Sec. 23A-6. Expansion Area Residential 2 (EAR-2) Zone. (Refers to EAR-1, no change)**

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**Sec. 23A-7. Expansion Area Residential 3 (EAR-3) Zone. (Refers to EAR-2, no change)**

**Sec. 23A-9. Community Center (CC) Zone.**

- (a) *Intent.* The intent of this zone is to implement the Community Center land use designation in the Expansion Area Master Plan by providing a mixture of residential uses and nonresidential uses which serve the needs of the surrounding residential neighborhoods.
- (b) *Principal Uses.*
1. As for EAR-3.
  2. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
  3. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations, including but not limited to, real estate sales offices.
  4. Places of religious assembly.
  5. Libraries, museums, art galleries, and reading rooms.
  6. Medical and dental offices, clinics, and laboratories.
  7. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
  8. Community centers and private clubs.
  9. Nursing and personal care facilities, and rehabilitation homes.
  10. Computer and data processing centers.
  11. Ticket and travel agencies.
  12. Kindergartens, nursery schools and childcare centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  13. Business colleges, technical or trade schools or institutions.
  14. 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.
  15. Restaurants, except as prohibited under Section 8-16(e)(14) and (15), which offer no live entertainment or dancing.
  16. Establishments for the retail sale of merchandise, including clothing; shoes; fabrics; yard goods; fixtures, furnishings, and appliances, such as floor covering, radios, TV, phonograph products and other visual and sound reproduction or transmitting equipment; furniture; kitchen and laundry equipment; glassware and china; and other establishments for the retail sale of hardware and wallpaper, lawn care products; paint and other interior or exterior care products; hobby items; toys; gifts; antiques; newspapers and magazines, stationery and books; flowers; music; cameras; jewelry and luggage; business supplies and machines; prescription and non-prescription medicines and medical supplies.

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17. Beauty shops, barber shops, shoe repair, self-service laundry, or laundry pick-up station, including clothes cleaning establishments of not more than 40 pounds capacity and using a closed system process.
  18. Automobile service stations, provided such use conforms to all requirements of Article 16.
  19. Repair of household appliances.
  20. Retail sale of plant nursery or greenhouse products, except as prohibited herein.
  21. Outdoor miniature golf or putting courses.
  22. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
  23. Carnivals, special events, festivals, and 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 are adversely affected. A carnival, special events, festivals, and concerts may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
  24. Indoor theaters.
  25. Rental of equipment whose retail sale would be permitted elsewhere in this zone.
  26. Arcades, including pinball, and electronic games.
  27. Athletic club facilities.
  28. Swimming pools; tennis courts; putting greens; hiking, bicycling and equine trails; and other similar commercial and non-commercial recreational uses.
  29. Brew-pub.
  30. Day shelters.
  31. Commercial farm markets.
  32. Market gardens.
  33. Banquet facilities.
  34. Offices of veterinarians, animal hospitals or clinics, provided that:
    - (a) All exterior walls are completely soundproofed;
    - (b) Animal pens are located completely within the principal building; and
    - (c) Boarding is limited to only animals receiving medical treatment.

35. Hotels and motels

36. **Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.**

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### **Sec. 28-3. Mixed use 1: Neighborhood Node Zone (MU-1).**

Mixed use 1: "Neighborhood Node Zone (MU-1)" is hereby created and regulated as follows:

- (a) *Location Criteria.* MU-1 shall only be permitted on parcels which meet all of the following criteria:
1. The parcel must contain a combined total frontage of at least one hundred (100) feet of the intersection of two (2) streets, one (1) of which has the functional classification of arterial or collector, and must be located inside the Urban Service Area boundary.
  2. The parcel must contain at least five thousand (5,000) square feet and may not exceed a maximum of one-half (½) acre.
  3. The parcel must be designated in a Medium, High, or Very High Density Residential, or Commercial Land Use Category in the Comprehensive Plan or currently zoned for commercial use.
- (b) *Principal Permitted Uses.* The following shall be principal permitted uses in the MU-1 zone:
1. Dwelling units.
  2. The principal permitted uses of the P-1 and B-1 zones, except as specifically prohibited hereinbelow.
- (c) *Accessory Uses.* The following shall be considered accessory uses in the MU-1 zone:
1. The accessory uses permitted in the P-1 and B-1 zone except for drive-through facilities.
- (d) *Conditional Uses.* The following shall be conditional uses in the MU-1 zone:
1. 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.
  2. **Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.**

### **Sec. 28-4. Mixed use 2: Neighborhood Corridor Zone (MU-2).**

- (b) *Principal Permitted Uses.* The following shall be principal permitted uses in the MU-2 zone:
1. Dwelling units.
  2. The principal permitted uses of the P-1 and B-1 zone except as specifically prohibited hereinbelow.
- (c) *Accessory Uses.* The following shall be accessory uses in the MU-2 zone:
1. The accessory uses permitted in the P-1 and B-1 zones, except for drive-through facilities.
- (d) *Conditional Uses:* The following shall be conditional uses in the MU-2 zone:
1. Drive-through facilities as an adjunct to a permitted use.
  2. 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.
  3. **Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.**





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## Sec. 28-5. Mixed use 3: Mixed use Community Zone (MU-3).

- (b) *Principal Permitted Uses.* The following shall be principal permitted uses in the MU-3 zone:
1. Dwelling units.
  2. The principal permitted uses of the P-1 and B-1 zones, except as specifically prohibited hereinbelow.
- (c) *Accessory Uses.* The following shall be accessory uses in the MU-3 zone:
1. The accessory uses permitted in the P-1 and B-1 zones, including drive-through facilities, except as prohibited under Subsection (e) of this section, below.
- (d) *Conditional Uses.* ~~The conditional uses in the B-1 zone except as prohibited under Subsection (e) of this section, below.~~
1. ~~The conditional uses in the B-1 zone except as prohibited under Subsection (e) of this section, below.~~
  2. ~~Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.~~
- (h) *Special Provisions.* Special provisions shall be as follows:
6. An Entertainment Mixed use Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, and recommended by the adopted Comprehensive Plan for mixed use or a nonresidential land use, upon the approval of a preliminary development plan and a final development plan as provided in Article 21 herein. In its approval of such a development plan, the Commission shall find that the location is both appropriate for the use, and compatible with neighboring land uses. The parcel shall be subject to the MU-3 zone regulations above and the following requirements:
    - (a) Subdivision of land in an Entertainment Mixed use Project is permitted, subject to the following regulations:
      1. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
      2. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.
    - (b) At least twenty-five percent (25%) of the combined floor area of all buildings constructed within an Entertainment Mixed use Project shall be located on the second or higher floor.
    - (c) Where multiple principal structures are proposed within an Entertainment Mixed use Project:
      1. Mixing within a single structure shall not be required within the first forty percent (40%) of floor area for commercial use, or after the fifteen percent (15%) minimum mix of residential to nonresidential uses has been achieved in multiple-use structures. Once the project has reached fifteen thousand (15,000) square feet of commercial use, additional commercial square footage will not be required.

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2. The front building wall of at least fifteen percent (15%) of all buildings shall be required to be built at the zero-foot setback line.
- (d) Buildings within an Entertainment Mixed use Project may be a maximum of eighty (80) feet in height, regardless of location, provided a 1:1 height-to-yard ratio is maintained from any residential zone.
  - (e) In addition to the uses otherwise permitted above in the MU-3 zone, the following uses shall also be permitted in an approved Entertainment Mixed use Project:
    1. As Principal Permitted Uses:
      - a. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing, and/or sale of malt beverages, wine or alcoholic beverages.
      - b. Motels, hotels, ~~and~~ extended-stay hotels, ~~and~~ short-term rentals as regulated in Article 3-13.
      - c. Indoor amusements, such as billiards or pool halls, skating rinks, theaters, or bowling alleys.
      - d. Athletic club facilities.
      - e. Drive-in restaurants, provided that all outside food service shall be at least one hundred (100) feet from any residential zone.
      - f. 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.
      - g. Grandstands associated with horse race tracks with allotted race meets, including simulcast facilities, accessory restaurants and/or the serving of alcoholic beverages provided that such structures or uses, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.