

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2014-4 & SRA 2014-1: RECREATION AND TOURISM LAND USES

REQUESTED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: See Attached

(Note: Dashed underlined text indicates an addition, and ~~stricken-through text~~ indicates a deletion to the current Zoning Ordinance. Red text indicated a change suggested by the Planning Commission)

STAFF REVIEW:

In January 2014, the Planning Commission initiated a text amendment to modify Articles 1, 8, 11 and 23 of the Zoning Ordinance and one section of the Land Subdivision Regulations in order to implement the comprehensive recommendations of the Urban County Council's ad hoc Recreation ZOTA Work Group.

The 15-member Work Group was formed in February 2012 by Vice-Mayor Gorton in order to expand recreational opportunities and tourism in Fayette County. The Work Group was made up of the Vice-Mayor; Council Member Lane (12th District); members of the Planning Commission and Board of Adjustment; and several business, government, neighborhood and recreation planning representatives. The Work Group held 20 meetings throughout 2012, reviewing the basics of zoning; the intent of each zoning category; numerous maps depicting resources and existing recreational and tourism land uses within the county; the *Rural Land Management Plan* (1999); and tourism facts for Fayette County. The Work Group adopted three goals to help direct and focus their work:

- (1) Showcase Lexington-Fayette County as the Horse Capital of the World by preserving and promoting its unique agricultural industries, environment, cultural landscape and historic resources;
- (2) Encourage agritourism opportunities that are incidental to the primary agricultural use for signature Fayette County farmland; and
- (3) Explore recreational and tourism opportunities that support the quality of life, infrastructure, and environment of urban, neighborhood, and rural areas.

The significant review of existing materials informed the group's collective recommendations for many new definitions, as well as expanding the opportunity for recreational and tourism land uses in virtually every zone. The Work Group also formed two sub-committees that examined the Neighborhood Business (B-1) and Agricultural Natural Areas (A-N) zones more closely.

In general, the text amendment process identified a number of recreation uses, most of which are not being addressed by the current Zoning Ordinance, that generally fall into two larger recreational use categories – "ecotourism" and "agritourism." Definitions were developed for the uses that generally fell within these two categories, and then each land use was reviewed by the Work Group and recommended to be allowed as a principal, accessory, conditional use or prohibited use in virtually every zone; for example, the Work Group looked in detail at "campgrounds" and recommended that two separate definitions be established -- one for "primitive campgrounds" and one for "recreational vehicle campgrounds." This allowed for the more insensitive recreational vehicle campground to be permitted in fewer zoning categories because of its potential negative impact. The proposed definitions for each type of campground provide a clear distinction between the two uses, and this type of clarification was desired by the Work Group for a multitude of recreational land uses. Currently, the most intensive recreational uses, both indoor and outdoor, are permitted in the Highway Service Business (B-3) zone (mostly located within the Urban Service Area), and that would remain true if the proposed ZOTA is adopted by the Urban County Council.

Once the Work Group completed their effort, the Council's staff prepared a final summary of the Recreation ZOTA process and recommendations for presentation to the full Urban County Council. Chair of the Work Group, Don Robinson, and Vice-Mayor Gorton presented the information (which included the detailed recreational use matrix) to the Council in July of last year.

In the summer of 2013, the planning staff transferred the Work Group's recreational use matrix into an initial draft of the text amendment (in the format typically reviewed by the Planning Commission). Following review by the Chair and Vice-Chair of the Work Group, the draft was forwarded to the Planning Commission for review. The Planning Commission initiated the text amendment in January 2014, but has since taken additional time to review the draft text. This thorough review resulted in several proposed modifications. The ZOTA was drafted after a half-dozen work session discussions with the Planning Commission members, up until May 2014.

The Commission's changes from the initial Work Group draft (shown in red text) generally involved the following:

- Adding definitions for the following terms: agribusiness, amusement park, botanical garden, campgrounds, children's rides, country inn, petting zoo, recreational vehicle, active recreation, passive recreation, scenic byway, scenic highway, and youth camp.
- Modifying definitions for the following terms: bed and breakfast facility, commercial farm market, farm tour, festival, fishing and hunting club, gift shop, homegrown restaurant, seasonal activities, sportsmen's farm, and tree canopy tour.
- Accepting "pony rides" as part of the current KRS definition of agricultural use (which resulted in its removal from list of accessory uses in all the agricultural zones).
- Adding "horse shows for more than 70 participants" and "youth camps," as conditional uses in the agricultural zones.
- Making "gift shops" a conditional use in the A-N zone, similar to the initial proposal for other agricultural zones.
- Adding "country inns" as a conditional use in the B-1 zone, including an off-street parking requirement.

Upon completion of the Planning Commission's review of this extensive text amendment, a public hearing was set and notification was sent to all registered neighborhood associations in Fayette County, as required for all text amendments.

Since the Planning Commission completed its review in mid-May, the staff met several times to review the proposed text amendment and has drafted several suggested changes. The Planning Staff as a whole has a broad mission and has involvement in a number of community groups, boards and commissions. That broad experience, along with the guidance from several local planning documents (*2013 Comprehensive Plan, Greenway Master Plan, Regional Bicycle and Pedestrian Plan, Rural Land Management Plan*), has shaped the staff's draft changes. In general, the staff recommends the following adjustments to the ZOTA (see attached staff alternative text):

- (1) tighten the language of some definitions;
- (2) delete definitions that are not absolutely necessary – meaning that they do not appear elsewhere in the Ordinance;
- (3) relax the proposed regulation of some low impact recreational uses (hiking and biking trails, canoeing and kayaking launch sites, campgrounds, for instance);
- (4) incorporate rock climbing as an adventure tourism activity in the agricultural zones and permit tree canopy tours and commercial farm markets in the A-R zone as a conditional use;
- (5) clarify that ATV, BMX and other race tracks would be regulated as automobile race tracks are currently regulated, and differentiate such race tracks from bicycle trails;
- (6) group tourism-related land uses with other outdoor recreational uses;
- (7) provide additional requirements for review by the Board of Adjustment for recreation and tourism-related land uses in the agricultural zones;
- (8) remove sportsmen's farms and campgrounds from possible location in residential zones; and
- (9) clarify inclusion of sporting goods and recreational equipment sales in the business zones.

The staff believes these proposed modifications create a more consistent treatment of land uses for the entire Urban County.

It is the community's desire to encourage an active lifestyle for Lexington, which can be encouraged by removing obstacles and permitting uses that are currently not allowed in the Zoning Ordinance. In addition, increasing the opportunities for recreation and tourism-related uses is an excellent way to allow for a better quality of life. This text amendment will help do so.

The Staff Recommends: **Approval** for the following reasons:

1. The 2013 Comprehensive Plan recommends "strengthening regulations and policies that propel the agricultural economy; including, but not limited to, local food production and distribution, agritourism, and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World" (Theme C, Goal #1, Obj. B); "encouraging the development of appropriate attractions and supporting uses that promote and enhance tourism" (Theme C, Goal #1, Obj. E); and "providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington" (Theme C, Goal #2, Obj. D). The proposed

text amendment improves the opportunities for recreation and tourism-related land uses throughout Fayette County, to the benefit of all residents.

2. The *Rural Land Management Plan* (1999) acknowledged that “the best preservation tools for the rural service area are those that keep the agricultural economy viable and strong” (page I-4), and called for greenways, staging areas and trails, as well as public access to the community’s unique resources. This all suggests some level of access for recreational enjoyment and possibly tourism.
3. The proposed changes and additions to the definitions in Article 1 of the Zoning Ordinance will provide guidance and clarification to the Board of Adjustment and the Planning Commission in reviewing development applications. This text amendment adds or modifies 38 definitions related to recreation and tourism-related uses.
4. The proposed changes and additions to land use regulations in Articles 8, 11, and 23 will implement the recommendations of the 2013 Comprehensive Plan related to tourism and improving the community’s overall quality of life.

TLW/BJR/WLS

7/2/14

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