

Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507



Docket

Tuesday, September 10, 2024

1:00 PM

Council Chamber

General Government and Planning Committee

Committee Agenda

0899-24

Approval of August 29, 2024 Committee Summary

Attachments: [Approval of August 29, 2024 Committee Summary](#)

0900-24

Parental Leave Update

Attachments: [Paid Parental Leave](#)

[Draft Ordinance Amendment - PPL .1 . 4869-8222-0505](#)

0901-24

Rural Short-Term Rentals

Attachments: [STR Code of Ordinance Changes \(to account for RSA additions\) .1 . 4870-16](#)

[RLMB Ag Zones STR DRAFT 03132024](#)

[STR Recommendations to Council - Sept 2024](#)

0902-24

Assessment and Historic Preservation of Lexington's African American Hamlets

Attachments: [Assessment and Historic Preservation of Lexington's African American Hamlets](#)

0903-24

Bring Back the Bluegrass

Attachments: [Bring Back the Bluegrass](#)

0904-24

Items Referred to Committee

Attachments: [GGP referral list 2024](#)

Adjournment



Lexington-Fayette Urban County Government

Master

200 E. Main St
Lexington, KY 40507

File Number: 0899-24

File ID: 0899-24

Type: Committee Item

Status: Agenda Ready

Version: 1

Contract #:

In Control: General Government and Planning Committee

File Created: 09/04/2024

File Name: Approval of August 29, 2024 Committee Summary

Final Action:

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Sponsors:

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History of Legislative File

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Text of Legislative File 0899-24

Title

Approval of August 29, 2024 Committee Summary



General Government and Planning Committee

August 29, 2024

Summary and Motions

Chair Worley called the meeting to order at 3:01 p.m. Vice Mayor Wu and Committee Members J. Brown, Ellinger, Lynch, LeGris, Sheehan, and Reynolds were in attendance. Council members Monarrez, Gray, F. Brown, and Sevigny were present as non-voting members. Council member Plomin was absent.

I. June 11, 2024 General Government and Planning Committee Summary

Motion by Baxter to approve the June 11, 2024, GGP Committee Summary. Seconded by Sheehan. Motion passed without dissent.

II. Digital Billboards

Jennifer Sutton, Council Research Analyst and Traci Wade, Planning Manager, presented on behalf of this item. The topic was originally brought to Council in 2017 and presented to EQPW in 2018. A subcommittee was formed in 2019 and presented to the Planning and Public Safety Committee in August of 2020. The work was paused due to pending litigation. Digital billboards have a screen and are lit internally where static billboards have one message and are lit externally. Digital billboards do not contain video footage, flashing lights or animation. The State of Kentucky's current billboard regulations were updated in 2022 and governs the size, number of faces, angles, sensor requirements, the way messages must be displayed, and the location of billboards. The regulations currently have an exchange policy; 6 billboards for 1 new digital device or 5 devices for 1 conversion of an existing static device.

Currently, the billboard regulations in Lexington do not address digital billboards. Billboards are currently only allowed in B-3, B-4, I-1, and I-2 zones. There are 137 billboard structures in Lexington. Wade shared the proposed ZOTA which covers the location, maximum size, minimum spacing, duration of digital billboard messages, and luminance of digital billboards. It also defines the terms for standard billboard, digital billboard and flashing. The next steps include a Council initiated ZOTA, then it will advance to the Planning Commission where they will have 60 days to conduct their work, for it to then return to Council. There were some concerns regarding distracted driving, energy consumption, light pollution, and impact to quality of life.

A motion by Worley to approve and refer the Digital Billboards ZOTA as presented today to the Planning Commission, seconded by Ellinger, passed 7-2 (Yes: Wu, J. Brown, Ellinger, Lynch, Worley, Baxter, Reynolds. No: LeGris, Sheehan).

III. Short-Term Rentals Policy Review

Evan Thompson with the Division of Law presented on behalf of this item. The Short-Term Rental (STR) ordinance was passed on July 11, 2023. As of last week, the Division of Revenue has approved 686 special fees licenses. Thompson gave an overview of the Code of Ordinance changes. There is a change to the proof of residency required documents. Expiration of STR license and renewals will expire upon a change in use from one form to the other. Section 13-79 lays out certain duties of a licensee and the proposed changes include a change in occupancy limit, which decreases the total possible amount to 10 occupants. An

operator can only have one contract per STR at a time and licensees can't book whole house rentals for hosted rentals. In addition, there are other various clean-up changes.

Thompson explained the ZOTA changes which includes an addition of the Corridor Node Zone and the decrease of total possible occupants. Additional considerations for the Board of Adjustment have also been added. They should also consider whether the property being considered is in a high demand area for STRs and whether the property being considered is within a neighborhood that may be vulnerable to involuntary displacement. There are now spatial limitations for Un-Hosted STRs; no STRs requiring a Conditional Use Permit can be located within 500 feet of another Un-Hosted STR that has already received a Conditional Use Permit or otherwise grandfathered in previously. The number of STRs requiring a Conditional Use Permit cannot exceed 3% of all dwelling units within any given 1000' in residential zones. An operator can apply to the Board of Adjustment for possible relief for the following reasons: it is adjacent to nonresidential zones that allow for Un-Hosted STRs, separation from other Un-Hosted STRs within the buffer area, perimeter of the buffer area and located partially outside the buffer area, or a neighborhood plan encourages and supports Un-Hosted STRs in the subject area.

The areas that are at risk for displacement are determined by the ten census tracts identified in the Neighborhoods in Transition Report. They also examine areas that have tourism designations to determine if it is in area of high demand. The occupancy limit was changed because of conversations with constituents. The Division of Revenue is in the process of implementing their new software.

Next steps include advancing the revised ordinance to Council and to the Planning Commission. Then the ordinance will return to Council for review and adoption.

A motion by J. Brown to approve the proposed Short-Term Rental Ordinances and refer the proposed ZOTA to the Planning Commission, seconded by Sheehan, passed unanimously.

IV. Items Referred to Committee

No action was taken on this item.

V. Adjournment

The Committee adjourned at 4:44 pm.



Lexington-Fayette Urban County Government

Master

200 E. Main St
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File Number: 0900-24

File ID: 0900-24

Type: Committee Item

Status: Agenda Ready

Version: 1

Contract #:

In Control: General
Government and
Planning
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File Created: 09/04/2024

File Name: Parental Leave Update

Final Action:

Title: Parental Leave Update

Notes:

Sponsors:

Enactment Date:

Attachments: Paid Parental Leave, Draft Ordinance Amendment -
PPL .1 . 4869-8222-0505

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History of Legislative File

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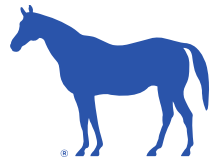
Text of Legislative File 0900-24

Title
Parental Leave Update

PAID PARENTAL LEAVE UPDATE

General Government and Planning Committee

September 10, 2024



LEXINGTON

Background

- Council passed Ordinance 21-7.3 on November 17, 2022

- Retroactive to July 1, 2022

- Benefits of adding Paid Parental Leave
 - Child growth and development
 - Mental health and family economic security
 - Retention and Recruitment

Eligibility

- Full-time and part-time employees must meet the following requirements:
 - Worked for LFUCG for the previous 12 months
 - Worked a total of 1,250 hours
- PPL runs concurrently with FML and an employee must complete the FML paperwork to apply for PPL
- Upon approval, PPL is to be taken consecutively within 6 months of the birth, adoption, or placement of a child.
 - Four (4) weeks for birth or adoption
 - Two (2) weeks for foster care or kinship placement



PPL Request Breakdown July 1, 2022 – June 30, 2024

- Requests - 215
 - 2022: 56
 - 54 births, 1 adoption, 1 placement
 - 2023:111
 - 106 births, 3 adoptions, 2 placements
 - 2024: 51
 - 49 births, 1 adoption, 1 placement
- Approved - 202
- Denied - 13
 - No proof submitted: 3
 - Did not meet length of service requirement: 8
 - Not a covered person: 2

Department Utilization Breakdown

DEPARTMENTS	2022	2023	2024
Chief Administrative Officer (CAO)	0	1	1
Chief Information Officer	0	1	1
Environmental Quality & Public Works (EQPW)	3	7	6
Finance	0	1	0
General Services	3	3	3
Housing Advocacy & Community Development	0	0	0
Law	0	0	1
Mayor's Office	0	0	0
Planning & Preservation	0	0	1
Public Safety *	41	81	46
Social Services	0	2	1
Urban County Council	1	1	0
	48	97	60

- Corrections: 2 (2022), 1 (2023), 6 (2024)
- Police: 18 (2022), 47 (2023), 21 (2024)
- Fire: 19 (2022), 43 (2023), 21 (2024)

Cost Breakdown

- **January 1, 2023 - June 30, 2024**
 - General cost not including backfill or OT for Fire/Police \$894,604.93
 - Police Backfill/OT total Cost \$453,563.08
 - Backfill OT \$425,805.10
 - Acting Assignments \$5,242.50
 - Acting backfill OT \$22,515.448
 - Fire Cost
 - Backfill \$729,300
 - Total Cost **\$2,077,468.01**

Challenges

- Reporting – Divisions reporting PPL incorrectly
- Use – Employees communicating with the division when ready to use PPL within the 6 month timeframe (last minute notifications, save to use during holidays, etc.), employees/divisions understanding PPL is not for intermittent use
- Unique situations – adoption of stepchildren, stillborn babies, birth prior to eligibility

Recommendations

- Offer four (4) weeks of PPL for birth, adoption, and placement of a foster child instead of the current four (4) weeks for birth or adoption and two (2) weeks for placement of a foster child.
- Give flexibility to HR Director with approval from the CAO to make exceptions in unique circumstances.

Questions?



LEXINGTON

ORDINANCE NO. _____ - 2024

AN ORDINANCE AMENDING SECTION 21-37.3 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, RELATING TO PAID PARENTAL LEAVE, AS FOLLOWS: AMENDING SECTION 21-37.3(A) TO DEFINE QUALIFYING EVENT TO INCLUDE PLACEMENT FOR ADOPTION OF A NEWLY ADOPTED CHILD WITH THE EMPLOYEE; AMENDING SECTION 21-37.3(B) TO AUTHORIZE UP TO FOUR (4) WEEKS OF PAID PARENTAL LEAVE FOR PLACEMENT FOR ADOPTION OF A NEWLY ADOPTED CHILD OR FOR FOSTER CARE PLACEMENT OR KINSHIP PLACEMENT OF A CHILD WITH THE EMPLOYEE; AMENDING SECTION 21-37.3(C) TO REQUIRE APPROPRIATE DOCUMENTATION; AND CREATING A NEW SECTION 21-37.3(D) TO AUTHORIZE THE DIRECTOR OF HUMAN RESOURCES, ON RECOMMENDATION TO AND WITH APPROVAL OF THE CHIEF ADMINISTRATIVE OFFICER, TO FIND THAT SPECIAL CIRCUMSTANCES EXIST TO AUTHORIZE THE USE OF PAID PARENTAL LEAVE, CONSISTENT WITH THE GOALS AND OBJECTIVES OF PAID PARENTAL LEAVE, ALL EFFECTIVE UPON PASSAGE OF COUNCIL.

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

Section 1 – That Section 21-37.3(a)(3) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

Sec. 21-37.3 - Paid Parental Leave.

(a) *Definitions.* The following definitions shall apply to this section:

[...]

(3) *Qualifying event* means the birth of an employee’s child, the ~~finalization of~~ placement for adoption of a newly adopted child ~~of~~ with an employee, or the foster care or kinship placement of a newly placed child by an employee, ~~provided that such birth, adoption, or foster care or kinship placement occurred on or after July 1, 2022.~~

Section 2 – That Sections 21-37.3(b)(2) and (3) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby are amended to read as follows:

(b) *Paid Parental Leave.* LFUCG employees shall be eligible to receive paid parental leave due to the birth of the employee’s child, the ~~finalization of~~ placement for adoption ~~for~~ of a newly adopted child, or the foster care of a newly placed child, in accordance with the following provisions:

[...]

(2) Employees shall have experienced a qualifying event as defined by this section and must be the parent of a newly born child, or have ~~finalized the adoption~~ accepted the placement of a child for adoption and reside in the same household as the

newly adopted child, or have received a child by foster care or kinship placement.

(3) An eligible employee may utilize up to four (4) weeks of paid parental leave at 100% of the employee’s base pay per birth, upon placement for adoption of a newly adopted child with the employee, or ~~adoption event or up to two (2) weeks of paid parental leave at 100% of the employee’s base pay~~ upon placement of a child in foster care or kinship placement with the employee. Paid parental leave will be based on the employee’s normal rate of pay, not including premiums or overtime.

Section 3 – That Section 21-37.3(c)(2)(b) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

(c) *Requesting Paid Parental Leave*. In order to be eligible to receive paid parental leave, an employee must comply with the following:

[...]

(2) An eligible employee will be required to furnish the following documentation to support paid parental leave:

[...]

(b) In the case of placement for adoption of a newly adopted child, the employee shall furnish appropriate ~~adoption~~-documentation.

Section 4 – That Section 21-37.3(d) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

(d) *Special Circumstances*. Consistent with the goals and objectives of paid parental leave, the director may, on recommendation to and with approval of the chief administrative officer, find that special circumstances exist in an individual situation and may authorize the employee’s use of paid parental leave.

Section 5 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:



Lexington-Fayette Urban County Government

Master

200 E. Main St
Lexington, KY 40507

File Number: 0901-24

File ID: 0901-24

Type: Committee Item

Status: Agenda Ready

Version: 1

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In Control: General Government and Planning Committee

File Created: 09/04/2024

File Name: Rural Short-Term Rentals

Final Action:

Title: Rural Short-Term Rentals

Notes:

Sponsors:

Enactment Date:

Attachments: STR Code of Ordinance Changes (to account for RSA additions) .1 . 4870-1697-5277, RLMB Ag Zones STR DRAFT 03132024, STR Recommendations to Council - Sept 2024

Enactment Number:

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Hearing Date:

Drafter:

Effective Date:

History of Legislative File

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Text of Legislative File 0901-24

Title
Rural Short-Term Rentals

AN ORDINANCE AMENDING SECTION 13-77 OF THE LEXINGTON-FAYETTE URBAN COUNTY CODE OF ORDINANCES TO REQUIRE APPROVAL FROM THE DIVISION OF PLANNING, AND APPROVAL FROM THE HEALTH DEPARTMENT FOR SHORT-TERM RENTALS UTILIZING SEPTIC TANKS, PRIOR TO THE ISSUANCE OF A SHORT-TERM RENTAL SPECIAL FEES LICENSE; AMENDING SECTION 13-79 OF THE CODE TO SET THE MAXIMUM OCCUPANCY IN SHORT-TERM RENTALS TO THE NUMBER ALLOWED IN THE LICENSEE'S CONDITIONAL USE PERMIT, IF APPLICABLE, OR OTHERWISE THE ZONING ORDINANCE; AND MOVING THE SUBPOENA AUTHORITY OF THE ADMINISTRATIVE HEARING BOARD FROM SECTION 13-80 OF THE CODE TO SECTION 13-81.

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

Section 1 – That Section 13-77 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-77. – Short-term rental special fee license.

- (a) No person shall own a short-term rental in Lexington-Fayette County unless the person possesses a valid special fee license for the short-term rental issued by the Lexington-Fayette Urban County Government, Division of Revenue, as provided in Section 13-13 of the Code and this Article.
- (b) The Director may promulgate such forms and procedures as reasonably necessary for the orderly and efficient processing of short-term rental special fee license applications and renewals. Provided, however, that an applicant shall be required to provide the following information as part of its application for a special license and renewal:
 - (1) Address of the proposed short-term rental;
 - (2) Name, address, phone number, and email address of the applicant;
 - (3) Name, address, phone number, and email address of the operator of the short-term rental, if different from the applicant;
 - (4) Name, address, phone number, and email address of an emergency contact that resides or is otherwise located in Lexington-Fayette County, Kentucky, or within twenty-five (25) miles of the proposed short-term rental;
 - (5) ~~Approval by the Division of Planning that the short-term rental is a hosted short-term rental or is otherwise a legal nonconforming hosted or un-hosted short-term rental under Section 3-13(i) and (j) of the Zoning Ordinance; that the un-hosted short-term rental has a conditional use permit issued by the Board of Adjustment if applicable; that the hosted short-term rental with an occupancy greater than twelve (12) individuals has a conditional use permit issued by the Board of Adjustment, if applicable; or that the short-term rental otherwise complies with the Zoning Ordinance;~~
 - (6) The maximum number of occupants requested for the short-term rental, which shall be consistent with the number permitted by Section 13-79(a)(7);
 - (7) A site plan and floor plan depicting the short-term rental, including the number of vehicles that can be legally parked on the property,

without encroaching onto the street, sidewalks, alleys, public rights of way or public property;

- (8) A certificate of insurance or other valid proof of general liability insurance in the amount not less than one million dollars (\$1,000,000.00) per occurrence, which shall remain in effect at all times while engaged in the licensed activity;
 - (9) An affidavit confirming that the health and safety requirements of Section 13-79(a)(1)-(6) of the Code of Ordinances have been satisfied for each short-term rental;
 - (10) An affidavit confirming that the applicant complies and shall continue to comply with all aspects the applicable building codes, fire codes, and all other applicable state, federal, and local laws or regulations; and
 - (11) For short-term rentals utilizing septic tanks, ~~evidence indicating that the septic tank is of sufficient size to accommodate the occupancy requested in subsection (6).~~ documentation from the Health Department stating that the septic tank on the property is sufficient to handle the proposed use of the property as a short-term rental.
- (c) All applications for a special fee license and renewal shall be accompanied by the fee referenced in Section 13-13 of the Code for short-term rental special fee licenses.
 - (d) The operator of the short-term rental may apply on behalf of the owner of the short-term rental, with the express written permission of the owner. However, the owner of the short-term rental shall remain the Licensee.
 - (e) A short-term rental special fee license shall cover all short-term rentals owned by the Licensee holding the license.
 - (f) All short-term rental special fee licenses and renewals shall expire upon the earlier of (1) December 31st following the most recent application or renewal; (2) a change in Licensee or ownership of a dwelling unit used as a short-term rental; or 3) the revocation of a conditional use permit.
 - (g) Upon receipt of the short-term rental special fee license, each Licensee shall be issued a unique Local Registration Number, by which the short-term rental may be identified.
 - (h) The Director may refuse to issue a license or renew the license of a Licensee in the following circumstances:
 - (1) When the applicant intentionally or knowingly makes a false statement as to a material matter in an application;
 - (2) When the applicant fails to complete any part of the application;
 - (3) When the Licensee has failed to pay any fee, tax, fine, or penalty related to a violation of Sections 13-76 through 13-82;
 - (4) When the property submitted for registration or renewal as a short-term rental is subject to unsatisfied penalties, fines, or liens assessed or levied by the Government for any reason;
 - (5) When the Licensee fails to maintain a conditional use permit, if applicable; or
 - (6) When the Licensee or short-term rental is not in compliance with any applicable federal, state, or local law or regulation, including, without

limitation, mandatory zoning, building, safety, maintenance, health, sanitation, fire, electrical, plumbing, and mechanical codes.

- (i) The Director may revoke the registration of any short-term rental for any of the following reasons:
 - (1) When any one of the circumstances provided in section (h), above, occurs;
 - (2) When the Licensee or the short-term rental has been found to be in violation of Sections 13-76 through 13-82 two (2) or more times during the relevant license term.

A Licensee whose special fees license is revoked is not eligible to apply for another short-term rental special fees license for the dwelling unit in which the license was revoked for a period of one (1) year.

- (j) The Director may revoke, suspend, or refuse to renew or issue a license on a dwelling unit basis.
- (k) Relevant divisions and departments with necessary information for the Director to perform his or her responsibilities under this article should provide such information to the Director at his or her request. Members of the public may also provide complaints and relevant evidence indicating violation of this article to the Director.

Section 2 – That Section 13-79 of the Code of Ordinances be and hereby is created to read as follows:

Sec. 13-79. – Duties of a Licensee.

It is the duty of a Licensee under this Article to ensure that:

- (a) Every short-term rental owned by the Licensee meets and complies with the following at all times:
 - (1) Contains sufficient smoke detectors installed and in working order as required in Section 12-1 of the Code of Ordinances;
 - (2) Contains at least one (1) functional carbon monoxide detector installed in an appropriate location as set forth in the Kentucky Residential Code;
 - (3) Contains at least one (1) maintained and charged fire extinguisher located in an open and easily accessible location on each habitable floor of the short-term rental;
 - (4) Contains at least one (1) operable emergency and rescue opening in every sleeping room, as set forth in the Kentucky Residential Code;
 - (5) Has posted, in a conspicuous location in the short-term rental, the following:
 - a. the name, email address, and telephone number of the Licensee or operator of the short-term rental, if different from the Licensee;
 - b. the name, email address, and telephone number of the registered emergency contact for the short-term rental referenced in the Licensee’s application for a special fees license;

- c. the emergency and non-emergency telephone numbers for police, fire, and emergency medical service providers;
 - d. trash and recycling pickup information;
 - e. a clearly marked emergency evacuation plan for the premises showing exit routes, exits, and fire extinguisher locations;
 - f. the maximum number of occupants permitted in the short-term rental;
 - g. a copy of the conditional use permit, if applicable; and
 - h. the website address of the Lexington-Fayette Urban County Government where the guest may review the locally-required duties of a Licensee and file a complaint;
- (6) Contains no outdoor signage identifying the dwelling unit as a short-term rental;
- (7) May be occupied by the maximum number of individuals provided in the Licensee's conditional use permit, if applicable, or otherwise the Zoning Ordinance, as applicable in the relevant zone. ~~May be occupied by a maximum of two (2) individuals per bedroom, plus an additional four (4) individuals, up to a maximum of twelve (12) individuals; or as otherwise allowed in the Licensee's conditional use permit or the Zoning Ordinance.~~ Any permanent resident of the dwelling unit present during the short-term rental period shall count toward the maximum occupancy; and
- (8) May not become the location where a violation of the laws governing assault, sexual offenses, prostitution, controlled substances, weapons, gambling on the premises, or any felony has occurred. Instances in which the Licensee or primary resident is the victim of the crime and had no control over the criminal act, including domestic violence, shall not be considered.
- (b) 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 described in this section. No private events, such as weddings or parties, 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;
- (c) The Licensee shall abide by all requirements contained within the conditional use permit, if applicable;
- (d) The Licensee shall submit a true and accurate report annually to the Division of Revenue, in the manner and form specified by the Director, identifying:
- (1) The address of each short-term rental owned or operated by the Licensee;
 - (2) The Local Registration Number of each short-term rental owned or operated by the Licensee; and,
 - (3) The number of contracts to which each short-term rental owned or operated by the Licensee was subject in the preceding year, and the duration of each contract;
- (e) Every short-term rental operated by the Licensee complies with all applicable planning and zoning rules, ordinances, and regulations.

Section 3 – That Section 13-80 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-80. – Advertising on a Hosting Platform.

- (a) Short-term rentals registered in accordance with Sec. 13-77 may be advertised for stays of less than thirty (30) days on a Hosting Platform.
- (b) All advertisements for a short-term rental, including, without limitation, those on Hosting Platforms, shall include the following:
 - (1) The short-term rental’s Local Registration Number;
 - (2) language specifying the allowed maximum number of occupants allowed under this Article; and
 - (3) language specifying that guests of the short-term rental are prohibited from allowing more people onto the premises than the maximum occupancy allowed.
- ~~(c) Pursuant to KRS 65.8821, the Administrative Hearing Board established in Sec. 12-6 of the Lexington-Fayette County Code of Ordinances and assigned hearing officer(s) shall have the authority to subpoena information from any person to determine whether there has been a violation of any ordinance that the Board or hearing officer has jurisdiction to enforce. Any such subpoena shall:
 - ~~(1) Be served upon the person, or its registered agent, if applicable, via certified mail;~~
 - ~~(2) Identify the provision(s) of any ordinance that the Government has reason to believe may have been violated; and~~
 - ~~(3) Describe with reasonable specificity the evidence supporting the Government’s reasonable belief that a violation of said ordinance has occurred.~~~~

Section 4 – That Section 13-81 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-81. – Enforcement.

- (a) Pursuant to Section 14-10 of the Code, this Article shall be enforced by citation officers within the Division of Revenue and the Administrative Hearing Board established in Sec. 12-6 of the Lexington-Fayette County Code of Ordinances in accordance with the rules and procedures established therein.
- (b) Except as otherwise provided herein, any person that violates any provision of this Article shall be subject to civil penalties, as imposed by a citation officer within the Division of Revenue in accordance with Section 2B-6 of the Lexington-Fayette County Code of Ordinances, in the following amounts:

1st Offense	\$125.00
2nd Offense	\$250.00

3rd Offense	\$500.00
4+ Offense	\$1,000.00

- (c) In addition to the penalties provided in Section 13-15 of the Code for failure to obtain a special fees license, any person that violates Section 13-77(a) of the Lexington-Fayette Urban County Code of Ordinances shall be subject to civil penalties, as imposed by a citation officer within the Division of Revenue in accordance with Section 2B-6 of the Lexington-Fayette County Code of Ordinances, in the amount of \$500 per offense.
- (d) Any person that violates Sec. 13-78 of the Lexington-Fayette Urban County Code of Ordinances shall be subject to the penalty provided in Article I of this Chapter for failure to pay the applicable tax or occupational license fee.
- (e) Each day that a violation continues after notice of the offense has been served shall constitute a separate offense.
- (f) The Government shall possess a lien on the property owned by the Licensee in accordance with section 2B-9 of the Code of Ordinances for all civil fines issued or incurred under this Section.
- (g) In addition to the penalties provided herein, the Director is authorized, with the assistance of the Department of Law, to bring and prosecute civil actions for violations of this Article as appropriate, including, without limitation, actions for injunctive relief and declarations of rights, in any court of competent jurisdiction.
- (h) Nothing provided herein shall limit the power of the Director, as provided in Sec. 13-77, to deny, revoke, or fail to renew the registration of a short-term rental.
- (i) Pursuant to KRS 65.8821, the Administrative Hearing Board established in Sec. 12-6 of the Lexington-Fayette County Code of Ordinances and assigned hearing officer(s) shall have the authority to subpoena information from any person to determine whether there has been a violation of any ordinance that the Board or hearing officer has jurisdiction to enforce. Any such subpoena shall:
 - (4) Be served upon the person, or its registered agent, if applicable, via certified mail;
 - (5) Identify the provision(s) of any ordinance that the Government has reason to believe may have been violated; and
 - (6) Describe with reasonable specificity the evidence supporting the Government's reasonable belief that a violation of said ordinance has occurred.

Section 5 – That the Division of Revenue be and hereby is authorized to amend the Lexington-Fayette Urban County Government, Division of Revenue, License Fee Regulations (5th Edition) as necessary to implement this Ordinance.

Section 6 – That if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF THE URBAN COUNTY COUNCIL
PUBLISHED:

4870-1697-5277, v. 1

DRAFT

Sec. 1-11. Definitions.

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

Short Term Rental (STR) means the commercial use of a dwelling unit that is rented in whole or in part, for temporary occupancy by transient guests for a tenancy of less than thirty (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 (Occupancy up to 12)	Hosted (Occupancy >12)	Un-Hosted	# of Short Term Rental Units
R-1A, R-1B, R-1C, R-1D, R-1E, R-1T	Accessory Use	Conditional Use	Conditional Use	<u>Hosted</u> : 1 dwelling unit and 1 ADU <u>Un-Hosted</u> : 1 dwelling unit or 1 ADU
R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3	Accessory Use	Conditional Use	Conditional Use	For Single Family Lots: <u>Hosted</u> : 1 dwelling unit and 1 ADU <u>Un-Hosted</u> : 1 dwelling unit or 1 ADU For Multi-Family and Group Residential Lots: 10% max or 1, whichever is greater

Article 3 GENERAL ZONE REGULATIONS

B-1, P-1, MU-1, MU-2, MU-3	Accessory Use	Accessory Use	Principal Use	25% max.
B-2, B-2A, B-2B, B-4*, I-1*, I-2*, CC, B-6P, MU-3*	Principal Use	Principal Use	Principal Use	No max.
A-R, A-B, A-N	Conditional Use	Conditional Use	Prohibited Use	<u>Hosted</u> : 1 dwelling unit <u>or</u> 1 FEDU** Un-Hosted: Prohibited

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

** Only Farm Employee Dwelling Units constructed prior to **INSERT ADOPTION DATE** may be utilized as short term rentals.

- c) Maximum Occupancy Limit (for accessory and principal uses): A maximum of two (2) individuals per bedroom, plus an additional four (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)~~:
 - 1) For conditional uses in residential, mixed-use, commercial, or industrial zones, 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.
 - 2) For conditional uses in agricultural zones, the maximum occupancy shall be a maximum of two (2) individuals per bedroom.
- e) Detached accessory structures may be used as a Short Term Rental only in a permitted Farm Employee Dwelling Unit constructed prior to **INSERT ADOPTION DATE** or a 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:
 - 1) The number of STRs, if any, in proximity of the property being considered for such use.
 - 2) The demonstrated compliance record of the applicant, if they operate other STRs in Lexington.
 - 3) The occupancy rate of other STRs in the general vicinity, including those operated by the applicant.
 - 4) Whether other STRs in the general vicinity have been cited as a nuisance, including those operated by the applicant
 - 5) For STRs in the Rural Service Area:

- i. The applicant shall provide documentation from the Health Department stating that the septic tank on the property is sufficient to handle the proposed use of the property as a short term rental as part of their application to the Board.
 - ii. The Board must find that the proposed STR will not have an adverse impact on agricultural uses occurring on the subject or adjoining properties.
 - iii. The Board must find that the adequate fire safety measures are in place.
 - iv. The Board must find that adequate parking is available on site, and that there are or will be lighted entrances that are easily visible from the roadway.
- 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.
- i) Any Short Term Rental operating in a principal dwelling unit prior to July 11, 2023, that would hereafter be regulated as a conditional use shall be allowed to continue its operation per Article 4-7, but shall utilize the new regulations provided in Sections A, C, E, F, and H above. Such uses shall obtain the license required above from the Division of Revenue and be subject to the regulations of Section 13 of the Code of Ordinances. A change in ownership shall require a conditional use permit to be approved by the Board of Adjustment.
- j) Any Short Term Rental operating in a principal dwelling unit prior to July 11, 2023 that is located in a zone that would hereafter prohibit Short Term Rentals shall be allowed to continue its operation as a non-conforming use per Article 4-3, and shall continue to operate in accordance with the definition of a dwelling unit occupied by one family or housekeeping unit, having no more than one rental contract per week, for a total of no more than 52 rentals per year and with an occupancy of no more than 4 unrelated individuals. Such uses shall obtain the license required above from the Division of Revenue and be subject to the regulations of Section 13 of the Code of Ordinances.
- k) In the A-R, A-B, and A-N zones, any STR operating prior to July 11, 2023 and permitted under subsection j above may continue to operate in accordance with such permit.

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

- (a) *Intent.* This zone is established to preserve the rural character of the agricultural service area by promoting agriculture and related uses, and by discouraging all forms of urban development except for a limited amount of conditional uses.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
 - 1. Land used solely for agricultural purposes, including small farm wineries and equine-related activities, as outlined in KRS 100.
 - 2. Single-family detached dwellings.

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

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

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

1. Horse race tracks with allotted race meets, including accessory simulcast facilities, accessory restaurants and/or the serving of alcoholic beverages, and horse riding and training facilities.
2. Horse sales establishments.
3. Hospitals for large animals, including equine hospitals.
4. Plant nurseries.
5. Commercial greenhouses, but only when all the following conditions are met:
 - a. A 20-foot-wide landscape easement shall be provided around all buildings and parking areas or at the perimeter of the tract of land, containing one (1) tree per thirty (30) feet of length or fraction thereof, plus a continuous six-foot-high planting, hedge, fence, wall or earth mound. Plantings shall be both deciduous and non-deciduous. A detailed site plan showing proposed screening shall be provided, and a performance bond or letter of credit shall be posted with the Division of Building Inspection to ensure completion of screening. New screening shall not be required to be planted when existing screening is substantially similar to the screening mentioned above.
 - b. No structure shall be built within three hundred (300) feet of any existing residential structure on another lot under different ownership, and driveways shall be one hundred (100) feet from property lines.

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- c. There shall be no outdoor display or sale of fungicides, insecticides, chemicals, peat moss, humus, mulches or fertilizer.
 - d. No commercial greenhouse shall be located within a floodplain.
 - e. The commercial greenhouse shall be located where easily accessible by arterial roads. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
 - f. All driveways and parking areas shall be paved or sealed to prevent dust.
6. Commercial composting, but only when the following conditions are met:
- a. That only the open windrow or static pile method of aerobic processing using plant material, soils and animal manure, be permitted.
 - 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 no commercial composting operation be conducted closer than one thousand (1,000) feet to any existing residence.
 - d. 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.
 - e. 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.
7. Agricultural market, but only when the following conditions are met:
- a. The minimum lot size shall be forty (40) acres and shall not be located in A-R zoned land within the Urban Service Area of Lexington-Fayette County.
 - b. The property shall be within one (1) mile of an interstate interchange with a state or federal highway, excluding the two (2) interchanges of Interstate 64 with Interstate 75. The property must also have frontage on a state or federal highway, and access is also to be within one (1) mile of the point of intersection of the centerlines of the interchange, and subject to approval by the Kentucky Transportation Cabinet.
 - c. All roads to the property shall be of sufficient width, and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions.
 - d. The facility shall be at least one thousand (1,000) feet from any property in a residential zone, any property designated as a Rural Settlement (RS) or as an Existing Rural Residential (ERR) land use under the adopted Comprehensive Plan, and any property designated on the National Register of Historic Places. Unless otherwise noted as used herein, the term "facility" shall mean all improvements. Including parking and loading areas, but not including driveways for ingress and egress to the property.
 - e. Improvements such as buildings; barns; and other structures, including stormwater detention basins, truck parking and loading areas: above-ground and underground storage tanks and septic sewage disposal systems shall be located outside of any environmentally sensitive area, including any wellhead protection area.
 - f. All sales and marketing of livestock shall take place in a completely enclosed building, and such building may not be located closer than one thousand (1,000) feet from a residence on a lot under different ownership; provided, however, that all pre-sale and post-sale handling of

livestock shall take place under roof in an area enclosed by a combination of fences and gates in order to secure the livestock while allowing adequate ventilation and air circulation. Agricultural uses, accessory structures, parking lots and driveways shall not be subject to the setback from a residence, as established herein.

- g. There shall be provision for the treatment and/or disposal of waste generated on the site, subject to all applicable local, state and federal requirements. Muck piles or the spreading of animal waste upon any part of the site shall be prohibited.
- h. All parking areas and driveways shall be paved.
- i. Any outdoor lighting proposed must be directed away from, and shielded from, adjacent agricultural and/or residential areas.
- j. The facility shall be operated at all times in compliance with applicable federal, state and local laws and regulations, including those pertaining to noise, air and water quality.
- k. Stormwater management shall be provided pursuant to the requirements of the LFUCG Engineering Manuals, and stormwater shall be treated appropriately prior to its discharge.
- l. Screening shall be provided if the facility is visible from adjoining properties. Such screening and buffering shall be designed so as to minimize the impact of air, noise, odor and/or light generated by the facility upon adjoining properties to the greatest extent practicable. Article 18 of this Zoning Ordinance shall be used to guide the planting of the screening of loading docks and vehicular use areas, but the Board of Adjustment may impose additional screening requirements and landscape buffers, as necessary.
- m. There shall be a minimum of forty-five percent (45%) of the lot, regardless of size, provided as open space, which may not be varied by the Board of Adjustment.
- n. The following accessory uses may also be permitted in conjunction with the operation of an agricultural market, provided that they are operated for uses related to agriculture or services. Supplies and/or equipment used in agriculture, provided that the aggregate of all of these accessory uses may not exceed fifty percent (50%) of the total square footage of all buildings on the property and provided that all such uses are clearly identified on the site plan submitted to the Board of Adjustment:
 - 1) Offices and meeting rooms for the following: banking, insurance and financial institutions; state and federal government entities related to agriculture: livestock and grain commodity trading; or agricultural education; the combined total floor area of which is not to exceed sixty thousand (60,000) square feet:
 - 2) One (1) coffee shop or restaurant, not to exceed five thousand (5,000) square feet and shall be located within the facility and not in an independent structure;
 - 3) Loading docks;
 - 4) Veterinary clinic, including the sale of livestock pharmaceutical supplies;
 - 5) One (1) dwelling unit for owners, operators or employees; and one (1) dwelling unit for watchmen or caretakers, which dwelling units may be separate structures:
 - 6) Retail sale of agricultural products, supplies and related items produced on- or off-premises, including bulk agricultural supplies, with no outdoor storage of such supplies, not to exceed twenty-five thousand (25,000) square feet;
 - 7) Establishments and lots for the display, sale, service, and repair of farm machinery and equipment. Any building for such purpose is not to exceed twenty thousand (20,000)

square feet; areas for indoor service and repair of products sold may not exceed twenty-five percent (25%) of the square footage of the building;

- 8) Covered arena for agricultural and/or agritourism events, not to exceed seventy-five thousand (75,000) square feet; and
 - 9) Agriculture-related museums, not to exceed twenty thousand (20,000) square feet.
- o. A detailed development plan, indicating access points, including construction and circulation routes; parking areas; lighting; screening and landscaping; proposed improvements; accessory uses; detention areas; signage; fencing and other significant physical or geological features of the property shall be submitted as part of any application.
 - p. One (1) free-standing sign per street frontage may be permitted, with a maximum of two (2) signs, not exceeding fifty (50) square feet in area and twenty (20) feet in height. In addition to any free-standing sign, wall-mounted signs may also be permitted, not to exceed a total of five percent (5%) of the wall area to which they are attached. Signs may only be non-illuminated or indirectly illuminated.
 - q. An operational plan shall also be submitted that outlines:
 - 1) Provisions for animal and/or product waste disposal, including grease, subject to all applicable local, state and federal requirements.
 - 2) Provisions for sewage disposal, maintaining air and water quality, and odor management.
 - 3) Hours of operation, and anticipated hours for truck deliveries and truck shipments.
 - 4) Routing of trucks on the site, including truck stacking, parking and loading areas.
 - 5) Protection measures proposed for any environmentally sensitive area located on the site, including any wellhead protection area.
 - 6) Existing and proposed utilities.
 - 7) Where appropriate, a Kentucky No Discharge Operational Permit (KNDOP), or other appropriate permit from the Kentucky Division of Water may be required as part of the approval of an Operational Plan.
 - 8) Any other pertinent information to indicate clearly the orderly operation proposed.
 - r. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.
 - s. The Board of Adjustment shall review all accessory uses approved as part of an application, on an annual basis, to ensure that such uses are operating in compliance with the restrictions set forth herein, and with any additional restrictions and/or conditions imposed by the Board. The Board may modify or revoke its approval of an accessory use if it finds, based upon the evidence, that such accessory use has been operated in violation of this Ordinance or any conditions or restrictions imposed by the Board.
8. Home-based businesses.

For any of the following conditional uses established after January 26, 1995, a total of ten thousand (10,000) square feet shall be the maximum allowable for all structures proposed for such uses.

9. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
10. Rehabilitation homes.

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11. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.
 12. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loudspeakers, retail sales of merchandise, restaurants or food service, and the like), including zoological gardens, sportsmen's farms (including outdoor rifle and other firearm ranges), native animal game preserves, outdoor rodeos, hunting and trapping, and fishing lakes, including private clubs for only these uses.
 13. Commercial and non-commercial outdoor recreational facilities (excluding golf courses), with outdoor lighting; but without loudspeakers, retail sales of merchandise, restaurants or food service, and the like; but only when located immediately adjacent to the Blue Sky Rural Activity Center defined in the adopted Comprehensive Plan.
 14. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
 15. Mining and/or quarrying 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.
 16. Airports, including accessory restaurants and/or the serving of alcoholic beverages.
 17. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:
 - a. Such facilities shall be operated at all times in compliance with applicable federal, state and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.
 - b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.
 - c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.
 - d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
 18. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, only when accessory to a residential use. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
 19. 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.
 20. Places of religious assembly, which may be allowed an additional ten thousand (10,000) square feet of building over and above their existing square footage, provided that the structure(s) existed or the

religious entity had approval of the Board of Adjustment and owned twenty (20) or more contiguous acres prior to the adoption of the Rural Land Management Plan on April 8, 1999.

Places of religious assembly may erect accessory structures, such as outdoor shelters, pavilions, picnic shelters, pergolas, or substantially similar structures, without permanent walls, provided that the size of the accessory structures shall not exceed thirty-five percent (35%) of the floor area of the principal structure or three thousand, five hundred (3,500) square feet, whichever is less. These accessory structures shall not count against the otherwise allowed ten thousand (10,000) square feet for a principal structure.

21. Schools for academic instruction, including accessory dormitories.
22. Kindergartens, nursery schools and childcare centers for four (4) or more children when accessory to a place of religious assembly or school, 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.
23. Concrete mixing, but only when associated with mining or quarrying operations which comply 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 and/or asphalt plant 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. The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event 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 site;
 - 4) Schedule and frequency of shipments;
 - 5) Delivery and shipping spillage control methods;

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- 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.
 - 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.
24. Asphalt plant, but only when associated with mining and/or quarrying which comply 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 asphalt plant 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 sediment 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. The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event 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;

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- 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.
 - 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.
25. Commercial woodlots, but only when the following conditions are met:
- a. A 50-foot open space area shall be required from the perimeter of the tract of land.
 - b. No commercial woodlot shall be located within four hundred (400) feet of any residential structure on another lot under different ownership, and driveways shall be a minimum of one hundred (100) feet from property lines.
 - c. A 20-foot-wide landscape buffer area shall be provided around all commercial woodlots or at the perimeter of the tract of land, containing one (1) tree per thirty (30) feet of length or fraction thereof, plus a continuous six-foot-high planting hedge, fence, wall or earth mound. New screening shall not be required to be planted when existing screening is substantially similar to the screening mentioned above.
 - d. There shall be no storage or sale of wood chips, peat moss, humus, mulches or fertilizer, nor sale to the public of firewood at the site.
 - e. No commercial woodlot shall be located within a floodplain or sinkhole.
 - f. Commercial woodlots shall be located where easily accessible by Federal or State highways. All roads to site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
 - g. All driveways and parking areas shall be paved or sealed to prevent dust.
 - h. Wood shall be stored in rows no greater than ten (10) feet in height, no greater than twenty (20) feet in width, and spaced no less than fifteen (15) feet apart.
 - i. Cutting and splitting of timber shall not occur in the 50-foot open space area of the site, and only between the hours of 8:00 a.m. to 5:00 p.m.
 - j. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.
 - k. No signage shall be permitted on the premises.
 - l. Woodlots shall comply with all applicable Federal and State laws.
26. Bed and breakfast facilities, **including farmstays (as defined by KRS 219.011)**, limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and

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

27. Expansion of golf courses in existence or approved as of January 26, 1995 (including private clubs) with or without driving ranges, including the accessory retail sale of golf-related merchandise, and including an accessory restaurant and/or food service with or without the serving of alcoholic beverages. This use shall not be conducted in conjunction with more than one (1) single-family detached dwelling.
 28. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Subsection (c)2 of this section, which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per one thousand (1,000) gallons of wine, brandies and cordials produced or compounded on-site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval of fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has been obtained for any food services offered, whether it is provided on-site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).
 29. Historic House Museum operated by a governmental entity or by a private, non-profit entity that has Internal Revenue Code Section 501(c)(3) status and that is a member of a recognized museum association such as the Kentucky Museum and Heritage Alliance, the American Association for State and Local History, the American Association of Museums, the Association of Living History, Farm and Agricultural Museums and/or Southeastern Museum Conference; provided, however, that the house shall not be expanded beyond its current or documented historic footprint, and all activities and events shall relate to the educational mission of the governmental or non-profit entity.
 30. Agritourism activities to include corn mazes; farm gift shops (limited to five hundred (500) square feet); educational classes related to agricultural products or skills; horse shows involving more than seventy (70) participants; seasonal activities.
 31. Ecotourism activities to include equine trails; botanical gardens; and nature preserves.
 32. Youth camps.
 33. Small farm Micro-Distilleries. Distilleries associated with an existing small farm winery licensed under KRS 243.155 as of the effective date of the ordinance that produces less than 1,000 gallons of distilled spirit annually. The distillery shall be operated under a Class B License as defined in KRS 243.120. At least one agricultural resource grown on the property (e.g., grapes, corn, rye, wheat) shall be a component of the product produced by the distillery. A small farm micro-distillery shall conform to all applicable local, state and federal laws and regulations related to alcoholic beverages.
 34. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.
- (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. Establishments for the processing of crude petroleum, natural gas, or oil shale.

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2. Disposal of garbage and refuse, transfer stations.
 3. Multifamily, two-family or townhouse dwelling units.
 4. Retail sales or services, wholesale, or warehouse uses, except as provided herein.
 5. Offices, museums and institutional uses, except as provided herein.
 6. Commercial recreational facilities, such as amusement parks; bowling alleys; skating rinks; pool or billiard halls; establishments with coin-operated pool or billiard tables, or outdoor theaters.
 7. Hotels, motels, boarding or lodging houses, and campgrounds.
 8. Manufacturing, compounding, assembling, processing and packaging and other industrial uses.
 9. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
 10. Garden centers or market gardens, except those activities specifically allowed under the definition of commercial greenhouses and plant nurseries.
 11. Major or minor automobile and truck repair, except as provided herein.
 12. Automobile service stations.
 13. Storage, except as permitted herein.
 14. Junk yards.
 15. Sale of new or used merchandise, except as provided herein.
 16. Slaughterhouses.
 17. Penal or correctional institutions.
 18. Sawmills.
 19. Commercial kennels.
 20. Hospitals, nursing homes, rest homes, orphanages, community residences.
 21. Sewage disposal plants.
 22. Fraternity and sorority houses.
 23. Private clubs, including accessory restaurants and/or the serving of alcoholic beverages, except as permitted herein.
 24. Adult entertainment establishments or other similar adult uses.
 25. Special events, parties, festivals, concerts, and children's rides related to a commercial purpose.
 26. Commercial hiking, bicycling and zip line trails; tree canopy tours; canoeing and kayaking launch sites; or recreational outfitters.
 27. Commercial farm markets.

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

- (f) *Minimum Lot Size.* Forty (40) acres, except as noted in subsection (o)(1) of this section below.
- (g) *Minimum Lot Frontage.* Seven hundred fifty (750) feet, except as noted in subsection (o)(1) of this section below.
- (h) *Minimum Front Yard.* Three hundred (300) feet from the right-of-way line, except for the following:

- (1) Lots which have principal permitted residential structures less than three hundred (300) feet from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or fifty (50) feet, whichever is greater;
 - (2) Lots which were created by subdivision plats recorded prior to January 26, 1995 shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater;
 - (3) Existing lots less than three hundred fifty (350) feet in lot depth shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater.
- (i) *Minimum Each Side Yard.* Twenty-five (25) feet.
 - (j) *Minimum Rear Yard.* Twenty-five (25) feet.
 - (k) *Minimum Open Space.* No limitation.
 - (l) *Maximum Lot Coverage.* No limitation.
 - (m) *Maximum Height of Building.* Thirty-five (35) feet, except for buildings devoted solely to agricultural uses, then no limitation.
 - (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. Existing single-family residential structures containing, at a minimum, running water; indoor plumbing; and electricity; and which have been legally occupied at any time within six (6) months of the date of the adoption of this section, may be subdivided from its parent tract on a ten-acre minimum lot with a minimum of two hundred fifty (250) feet of lot frontage, provided that the remaining parent tract has a minimum of forty (40) acres, and at least two hundred fifty (250) feet of frontage on an existing road; or approved access as provided for in Section 6-8(1) of the Land Subdivision Regulations. The provisions of this section shall expire three (3) years from the date of its adoption.

(Code 1983, § 8-1; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 60-84, § 1, 5-3-1984; Ord. No. 89-86, § 6, 5-29-1986; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 154-89, § 1, 8-31-1989; Ord. No. 30-92, §§ 2—4, 3-3-1992; Ord. No. 56-92, § 2, 5-14-1992; Ord. No. 86-92, §§ 2—4, 5-28-1992; Ord. No. 55-94, §§ 2, 3, 4-14-1994; Ord. No. 42-95, § 1, 2-23-1995; Ord. No. 292-95, § 1, 12-7-1995; Ord. No. 98-96, § 1, 6-27-1996; Ord. No. 207-99, § 1, 7-8-1999; Ord. No. 50-2004, § 1, 3-18-2004; Ord. No. 202-2004, § 1, 8-26-2004; Ord. No. 258-2005, § 1, 9-22-2005; Ord. No. 341-2006, §§ 2—7, 12-7-2006; Ord. No. 1-2011, §§ 6, 7, 1-13-2011; Ord. No. 156-2011, § 1, 12-6-2011; Ord. No. 103-2013, § 3, 9-12-2013; Ord. No. 104-2013, § 3, 9-12-2013; Ord. No. 137-2016, § 2(8-1), 7-7-2016; Ord. No. 22-2017, § 3(8-1), 3-2-2017; Ord. No. 124-2017, § 2, 8-31-2017; Ord. No. 166-2017, § 3(8-1), 11-16-2017; Ord. No. 22-2018, § 1, 4-12-2018; Ord. No. 74-2018, § 1, 10-11-2018; Ord. No. 102-2020, § 3, 10-22-2020; Ord. No. 045-2022, § 2, 6-9-2022; Ord. No. 112-2022, § 1, 10-27-2022; Ord. No. 113-2022, § 3, 10-27-2022; Ord. No. 004-2023, § 2, 1-31-2023)

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

- (a) *Intent.* This zone is established to preserve the rural character of the agricultural service area by establishing agricultural land that can serve as buffer areas between urban uses and agricultural land, and between land outside Fayette County and agricultural uses. It is the intent of this zone to provide separation between conflicting uses by requiring appropriate landscaping, fencing, and compatible uses. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate location for the Agricultural Buffer (A-B) zone.

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- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. Land used solely for agricultural purposes, including small farm wineries and equine-related activities, as outlined in KRS 100.
 2. Single-family detached dwellings.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as agricultural structures; stables; farm tours; hayrides; petting zoos; and parking areas, provided all yard requirements for a principal residence are met.
 2. Those specific agricultural uses outlined in KRS 100 that are incidental only to a small farm winery licensed as such by the Commonwealth of Kentucky, such as the manufacture and bottling of wines; tasting rooms for the purpose of serving complimentary samples; sale by the drink or bottle, either on or off premises; and sale and shipment of wine, either wholesale or retail.
 3. Home offices and home occupations.
 4. Temporary roadside stands offering for sale only agricultural products grown on the premises, or value-added product sales primarily from agricultural resources grown or raised on the premises.
 5. Keeping of not more than two (2) roomers or boarders by a resident family.
 6. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts; bicycling and hiking trails and the like.
 7. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
 8. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
 9. Satellite dish antennas, as regulated in Section 15-8.
 10. Family childcare home.
 11. Mobile homes, as provided in Article 10.
 12. Dwelling units, farm employee, provided all yard requirements for a principal residence are met.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
1. Hospitals for large animals, including equine hospitals.
 2. Plant nurseries.
 3. Home-based businesses.

For any of the following conditional uses established after January 26, 1995, except where the A-B zone is adjacent to the county boundary, and the property is a minimum of ten (10) acres and has frontage on a state highway, a total of ten thousand (10,000) square feet shall be the maximum allowable for all structures proposed for such uses:

4. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
5. Rehabilitation homes.
6. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.

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7. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loudspeakers, retail sales of merchandise, restaurants or food service, and the like). Including zoological gardens; sportsmen's farms (including outdoor rifle and other firearm ranges); native animal game preserves; outdoor rodeos; hunting and trapping; primitive campgrounds; and fishing lakes; including private clubs for only these uses.
 8. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
 9. Mining and/or quarrying 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.
 10. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:
 - a. Such facilities shall be operated at all times in compliance with applicable federal, state and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.
 - b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.
 - c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.
 - d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
 11. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, only when accessory to a residential use. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
 12. 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.
 13. Places of religious assembly.
 14. Schools for academic instruction, including accessory dormitories.
 15. Kindergartens, nursery schools and childcare centers for four (4) or more children when accessory to a place of religious assembly or school, 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.
 16. Bed and breakfast facilities, **including farmstays (as defined by KRS 219.011)**, limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and

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

17. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Section 8-1(c)2, which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per one thousand (1,000) gallons of wine, brandies and cordials produced or compounded on-site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval of fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has been obtained for any food services offered, whether it be provided on-site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).
 18. Agritourism activities to include corn mazes; children's rides; farm gift shops (limited to five hundred (500) square feet); educational classes related to agricultural products or skills; horse shows involving more than seventy (70) participants; seasonal activities.
 19. Ecotourism activities to include commercial hiking, bicycling trails; equine trails; zip line trails; tree canopy tours; canoeing and kayaking launch sites; botanical gardens; and nature preserves.
 20. Youth camps.
 21. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.
- (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. Establishments for the processing of crude petroleum, natural gas, or oil shale.
 2. Disposal of garbage and refuse, transfer stations.
 3. Multifamily, two-family or townhouse dwelling units.
 4. Retail sales or services, wholesale, or warehouse uses, except as provided herein.
 5. Offices, museums, and institutional uses.
 6. Commercial recreational facilities, such as amusement parks; bowling alleys; skating rinks; pool or billiard halls; establishments with coin-operated pool or billiard tables, or outdoor theaters.
 7. Hotels, motels, boarding or lodging houses, except bed and breakfast facilities permitted herein.
 8. Manufacturing, compounding, assembling, processing and packaging and other industrial uses.
 9. Automobile, truck, ATV, motorcycle, bicycle moto-cross, or other vehicle or bicycle race tracks.
 10. Garden centers, market gardens, commercial greenhouses and plant nurseries.
 11. Major or minor automobile and truck repair.
 12. Automobile service stations.

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13. Storage, except as permitted herein.
 14. Junk yards.
 15. Sale of new or used merchandise, except as provided herein.
 16. Stockyards and slaughtering of animals.
 17. Penal or correctional institutions.
 18. Sawmills.
 19. Commercial kennels.
 20. Hospitals, nursing homes, rest homes, orphanages, community residences.
 21. Sewage disposal plants.
 22. Fraternity and sorority houses.
 23. Private clubs, including accessory restaurants and/or the serving of alcoholic beverages, except as permitted herein.
 24. Horse race tracks.
 25. Veterinarian offices.
 26. Commercial composting.
 27. Airports.
 28. Concrete mixing and asphalt plants.
 29. Commercial woodlots.
 30. Golf courses.
 31. Adult entertainment establishments or other similar adult uses.
 32. Special events, parties, festivals, and concerts related to a commercial purpose.
 33. Commercial farm markets.
 34. Recreation vehicle and trailer campgrounds; and recreational outfitters.

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

- (f) *Minimum Lot Size.* Ten (10) acres.
- (g) *Minimum Lot Frontage.* Two hundred fifty (250) feet.
- (h) *Minimum Front Yard.* Three hundred (300) feet from the right-of-way line, except for the following:
 - (1) Lots which have principal permitted residential structures less than three hundred (300) feet from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or fifty (50) feet, whichever is greater;
 - (2) Lots which were created by subdivision plats recorded prior to January 26, 1995 shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater;
 - (3) Existing lots less than three hundred fifty (350) feet in lot depth shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater.
- (i) *Minimum Each Side Yard.* Fifty (50) feet.
- (j) *Minimum Rear Yard.* One hundred (100) feet.

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- (k) *Minimum Open Space.* No limitation.
 - (l) *Maximum Lot Coverage.* No limitation.
 - (m) *Maximum Height of Building.* Thirty-five (35) feet, except for buildings devoted solely to agricultural uses, then no limitation.
 - (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.* For any development in an Agricultural Buffer Area (A-B) zone, the following provisions shall apply:
 1. All Agricultural-Buffer Area (A-B) zone developments shall provide a fenced buffer yard along the boundary of the development with land recommended for Natural Areas and Core Agricultural and Rural Land in the Comprehensive Plan. In order to prevent the growth of plants that may be toxic to animals, the buffer yard shall be kept mowed and free of trees, shrubs and plants other than grasses. Existing vegetation may remain as specified under Section 6-3(b) of the Land Subdivision Regulations. Buffer yards may, however, be used for utility installation and easements. Such buffer yard shall be the responsibility of the property owner in the A-B zone to install and to maintain, and shall consist of the following:
 - a. A double row of standard gauge diamond-mesh wire fences, of durable construction, at least eight (8) feet apart, with one (1) fence to be not less than fifty-two (52) inches high, set on seven and one-half (7½)-foot posts, with a required six-inch top board, to be placed closest to the A-B development; and the second fence to be not less than fifty-eight (58) inches high, set on eight-foot posts, with a required six-inch top board, placed nearest the adjoining agricultural property; or
 - b. A single, standard gauge, diamond mesh wire fence, of durable construction, not less than seventy-two (72) inches high, set on nine-foot posts, with a required six-inch top board, with the mowed buffer yard to be eight (8) feet adjoining the fence; or
 - c. Other buffer yard and fencing which achieves the intent of this section and which is agreed upon by the developer of the Agricultural Buffer Area and the adjoining agricultural property.

(Code 1983, § 8-2; Ord. No. 208-99, § 1, 7-8-1999; Ord. No. 197-2006, § 1, 7-6-2006; Ord. No. 341-2006, §§ 8—10, 12-7-2006; Ord. No. 103-2013, § 3, 9-12-2013; Ord. No. 137-2016, § 2(8-2), 7-7-2016; Ord. No. 22-2017, § 3(8-2), 3-2-2017; Ord. No. 166-2017, § 3(8-2), 11-16-2017; Ord. No. 102-2020, § 3, 10-22-2020; Ord. No. 045-2022, § 2, 6-9-2022; Ord. No. 113-2022, § 3, 10-27-2022; Ord. No. 004-2023, § 3, 1-31-2023)

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

- (a) *Intent.* This zone is established to preserve areas within the Rural Service Area that are physically unique, primarily due to their association with the Kentucky River and its tributaries. This area is characterized by steeper slopes, forested areas, and thinner/poorer soils, and is known as a habitat for rare and unusual flora and fauna. Because these lands are environmentally sensitive, special care is needed to ensure that the uses that are permitted are compatible with the goal of conservation and preservation of these lands. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate locations for the Agricultural Natural Areas (A-N) Zone.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)

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

In making its determination, the Board of Adjustment shall:

- (1) Require the submission of an environmental assessment prepared by a qualified professional.
 - (2) Consider mitigation of environmental impacts over time.
 - (3) Consider the operational plan of any proposed agritourism or ecotourism activities.
 - (4) Consider requiring certification for any proposed ecotourism activities.
1. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
 2. Places of religious assembly.

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3. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.
 4. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loudspeakers, retail sales of merchandise, restaurants or food service, and the like), including zoological gardens; sportsmen's farms (including outdoor rifle and other firearm ranges); native animal game preserves; outdoor rodeos; hunting and trapping; primitive campgrounds; and fishing lakes, including private clubs for only these uses.
 5. Mining and/or quarrying 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.
 6. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:
 - a. Such facilities shall be operated at all times in compliance with applicable federal, state and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.
 - b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.
 - c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.
 - d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
 7. Bed and breakfast facilities, **including farmstays (as defined by KRS 219.011)**, limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
 8. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Section 8-1(c)2, which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per one thousand (1,000) gallons of wine, brandies and cordials produced or compounded on-site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval for fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has

been obtained for any food services offered, whether it be provided on-site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).

9. Agritourism activities, to include corn mazes; farm gift shops (limited to five hundred (500) square feet); educational classes related to agricultural products and skills; horse shows involving more than seventy (70) participants; seasonal activities.
 10. Ecotourism activities, to include commercial hiking and bicycling trails; equine trails; tree canopy tours; canoeing and kayaking launch sites; botanical gardens; nature preserves and recreational outfitters, limited to equipment rental only.
 11. Youth camps.
 12. Home-based businesses.
 13. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.
- (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. Establishments for the processing of crude petroleum, natural gas, or oil shale.
 2. Disposal of garbage and refuse, transfer stations.
 3. Multifamily, two-family or townhouse dwelling units.
 4. Retail sales or services, wholesale, or warehouse uses, except as provided herein.
 5. Offices, museums, and institutional uses.
 6. Commercial recreational facilities, such as amusement parks; bowling alleys; skating rinks; pool or billiard halls; establishments with coin-operated pool or billiard tables, or outdoor theaters.
 7. Hotels, motels, boarding or lodging houses, except bed and breakfast facilities permitted herein.
 8. Manufacturing, compounding, assembling, processing and packaging, and other industrial uses.
 9. Automobile, truck, ATV, motorcycle, bicycle moto-cross, or other vehicle or bicycle race tracks.
 10. Garden centers, market gardens, commercial greenhouses and plant nurseries.
 11. Major or minor automobile and truck repair.
 12. Automobile service stations.
 13. Storage, except as permitted herein.
 14. Junk yards.
 15. Sale of new or used merchandise, except as provided herein.
 16. Stockyards and slaughtering of animals.
 17. Penal or correctional institutions.
 18. Sawmills.

-
19. Commercial kennels.
 20. Hospitals, nursing homes, rest homes, orphanages, community residences.
 21. Sewage disposal plants.
 22. Fraternity and sorority houses.
 23. Private clubs, including accessory restaurants and/or the serving of alcoholic beverages, except as permitted herein.
 24. Horse race tracks.
 25. Veterinarian offices. Including equine and large animal hospitals.
 26. Commercial composting.
 27. Airports.
 28. Concrete mixing and asphalt plants.
 29. Commercial wood lots.
 30. Golf courses.
 31. Adult entertainment establishments or other similar adult uses.
 32. Special events, parties, festivals, concerts, and children's rides related to a commercial purpose.
 33. Commercial farm markets.
 34. Zip line trials.
 35. Recreation vehicle and trailer campgrounds.

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

- (f) *Minimum Lot Size.* Forty (40) acres.
- (g) *Minimum Lot Frontage.* Seven hundred fifty (750) feet.
- (h) *Minimum Front Yard.* Three hundred (300) feet from the right-of-way line, except for the following:
 - (1) Lots which have principal permitted residential structures less than three hundred (300) feet from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or fifty (50) feet, whichever is greater;
 - (2) Lots which were created by subdivision plats recorded prior to January 26, 1995 shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater;
 - (3) Existing lots less than three hundred fifty (350) feet in lot depth shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater.
- (i) *Minimum Each Side Yard.* Fifty (50) feet.
- (j) *Minimum Rear Yard.* One hundred (100) feet.
- (k) *Minimum Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Thirty-five (35) feet, except for buildings devoted solely to agricultural uses, then no limitation.
- (n) *Off-Street Parking.* (See Articles 16 and 18 for additional parking regulations.)

No minimum requirements.

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

(Code 1983, § 8-3; Ord. No. 209-99, § 1, 7-8-1999; Ord. No. 341-2006, §§ 11—13, 12-7-2006; Ord. No. 103-2013, § 3, 9-12-2013; Ord. No. 137-2016, § 2(8-3), 7-7-2016; Ord. No. 22-2017, § 3(8-3), 3-2-2017; Ord. No. 166-2017, § 3(8-3), 11-16-2017; Ord. No. 102-2020, § 3, 10-22-2020; Ord. No. 045-2022, § 2, 6-9-2022; Ord. No. 113-2022, § 3, 10-27-2022; Ord. No. 004-2023, § 4, 1-31-2023)

DRAFT

**RECOMMENDATIONS for STRs
in the
AGRICULTURAL ZONES
from the
RURAL LAND MANAGEMENT BOARD**

September 10, 2024



LEXINGTON

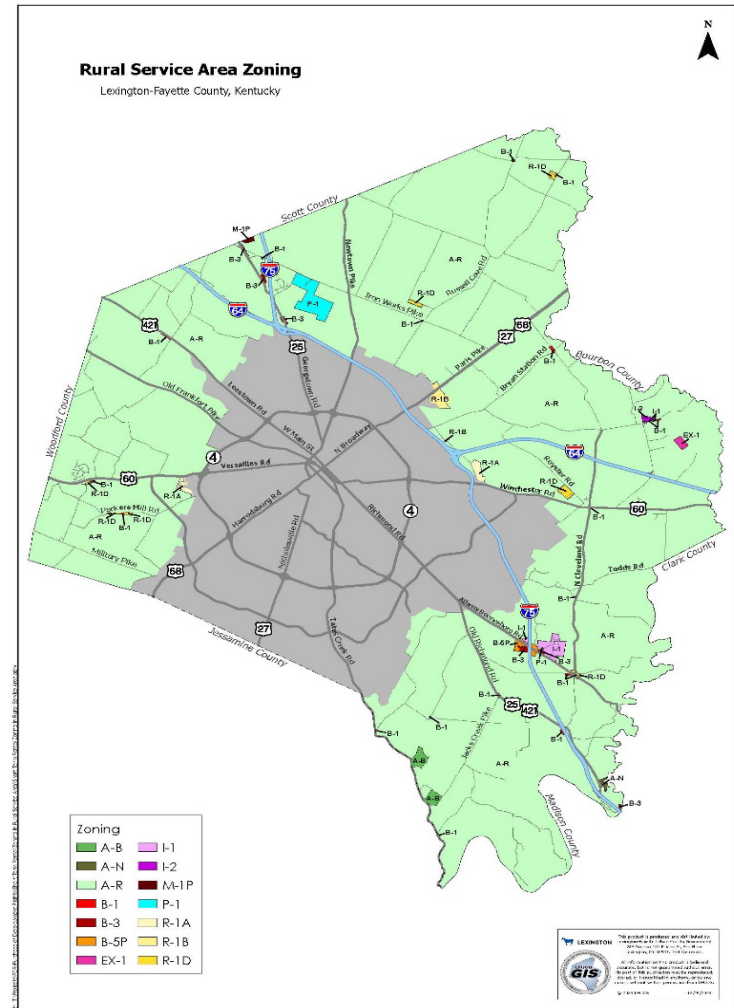


Background

- Recognizing the unique character, opportunities and challenges of allowing STRs in the Agricultural Zones and the Rural Service Area (RSA), Council Members James Brown and Liz Sheehan asked the Rural Land Management Board to review the issue and bring recommendations to the Council.
- Chair Martin assigned this task to the Board's Ordinance Review and Long-Range Planning Committee chaired by Margaret Graves (Conservation Group).
- In addition to Ms. Graves and Chair Martin, committee members included Hannah Emig (Realtor), Philip Meyer (Farm Bureau), Mary Quinn Ramer (VisitLex), Christine Stanley (Historic Preservation), Don Todd (former 12th District Council Member), and Council Member Dave Sevigny (non-voting).
- Staff support was provided by Shaun Denney of Commissioner Horn's Office, Autumn Goderwis of Planning, Tracy Jones and Evan Thompson of the Law Department, and PDR Director, Beth Overman.

Rural Service Area Zoning

- The Rural Area is primarily comprised of the Agricultural-Rural (A-R) Zone as (shown in green).
- There are also small areas zoned Ag-Natural (A-N) and Ag-Buffer (A-B).
- These are the three areas for which the RLMB made recommendations.
- The Rural Service Area includes 11 additional land-use zones, as shown on the map, all of which also exist inside the Urban Service Area (USA).
- It is our understanding from the Law Department those 11 zones will be governed by the same zoning regulations as those within the USA.





Recommendations #1 and #2

1. All STRs in the Agricultural Zones should be required to obtain a conditional use permit from the Board of Adjustment.
 - Residences in the Rural Service Area (RSA) do not have city sewer services and instead rely on septic tanks.
 - The Board of Adjustment (BOA) should require that all STRs in the RSA provide a certificate from the Health Department stating the septic tank on the property is sufficient to handle the proposed use of the property as an STR before applying for a conditional use permit.
 - The BOA should also require that adequate fire safety measures are in place prior to granting a conditional use. Fire Chief Wells recommends that the location of the nearest fire hydrant be included in the staff report to the BOA.
2. The BOA should consider the number of STRs within a 1-mile radius of the property and no more than 1 STR should be permitted within a 1-mile radius.
 - This is consistent with the 1-mile radius restriction for Bed and Breakfast operations in the Agricultural Zones.



Recommendations #3 and #4

3. Adjacent property owners should be notified of the conditional use permit application as required by existing public notice requirements.
 - This will allow neighbors to voice support or concern and share helpful information with the BOA such as what type of farming takes place next door.
4. Only hosted STRs should be permitted in the Agricultural Zones to ensure that visitors understand the unique challenges of farming, do not disrupt active agricultural operations, and are not injured by livestock.
 - Hosted STRs will give visitors an opportunity to learn about farming and experience the unique attributes of the rural area.
 - It will also bring a measure of safety to both the guests and any livestock residing on the host property or those adjacent to it.



Recommendations #5 and #6

5. Only one STR should be allowed on each property and no newly constructed STRs should be permitted.
 - The primary land use in the Agricultural Zones is, and should remain, agriculture.
 - Because STRs are a commercial non-agricultural use, the number permitted in the Agricultural Zones should be limited.

6. A property owner with an existing Farm Employee Dwelling Unit (FEDU) may apply to the Board of Adjustment for a conditional use permit to convert no more than 1 FEDU per property to an STR.
 - Many parcels in the Ag Zones include multiple residences on one property so hosted STRs will not require the owner and guest to reside in the same house.
 - FEDUs are accessory residences in the Agricultural Zones and can only be occupied by farm employees or family members who work on the farm.



Recommendations #7 and #8

7. Given the dependence on septic tanks and there being no city-provided residential water in the Agricultural Zones, maximum occupancy should be limited to 2 individuals per bedroom.

8. All STRs in the RSA should be required to have onsite parking and lighted entrances that are easily visible from the roadway.
 - This is due to safety concerns on narrow rural roads, the lack of streetlights, and for fire and emergency personnel.
 - Fire Chief Wells said it is very important the address of the property be clearly marked and that the Division of E-911 has the address of each house on the property and knows how to reach it. For example, an STR being in the back of a 200-acre farm.
 - Lighting can include bright ground-level spotlights that clearly illuminate the address.
 - These are requirements the Board of Adjustment can ensure will be included when issuing a conditional use permit.



Recommendations #9 and #10

9. Special events including, but not limited to, weddings, bachelor and bachelorette parties, wedding or baby showers, parties, and family reunions should be limited to the number of participants staying in the STR.
 - This is consistent with the ordinance language governing STRs in the Urban Service Area and should apply in the Agricultural Zones as well.
 - Section 3- 13(f) of the STR ordinance states that “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 pm and 7:00 am. Special events for a commercial purpose shall be prohibited at all times.”

10. Only 14 property owners in the Rural Service Area registered their existing STR by the January 11, 2024 deadline. All other STRs in the Agricultural Zones should be subject to the new requirements recommended above and should not be grandfathered in.

Next Steps

- Urban County Council initiation of Zoning Ordinance Text Amendment (ZOTA)
- When/if approved by Council, ZOTA is referred to Planning Commission
- Planning Commission process
 - Public Hearing for ZOTA
- Upon approval of Planning Commission, ZOTA returns to Council for final review/adoption
- Urban County Council
 - Final Adoption of Zoning Text
 - Action on Code of Ordinance revisions



Questions?



Lexington-Fayette Urban County Government

Master

200 E. Main St
Lexington, KY 40507

File Number: 0902-24

File ID: 0902-24

Type: Committee Item

Status: Agenda Ready

Version: 1

Contract #:

In Control: General
Government and
Planning
Committee

File Created: 09/04/2024

File Name: Assessment and Historic Preservation of Lexington's African American Hamlets

Final Action:

Title: Assessment and Historic Preservation of Lexington's African American Hamlets

Notes:

Sponsors:

Enactment Date:

Attachments: Assessment and Historic Preservation of Lexington's African American Hamlets

Enactment Number:

Deed #:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 0902-24

Title

Assessment and Historic Preservation of Lexington's African American Hamlets



A SENSE OF PLACE: REMEMBERING AND CELEBRATING THE HISTORY OF FAYETTE COUNTY'S RURAL BLACK HAMLETS

This presentation explores the history and significance of historic rural black hamlets in Lexington, Fayette County, Kentucky and updates to the ASOP Initiative.



ASOP: INTRODUCTION



History of Lexington, Fayette County

Explore the historical context and geographic locations of Lexington-Fayette County's rural black hamlets.



Rural Black Hamlets

Investigate the establishment and development of historic rural black communities in the region.



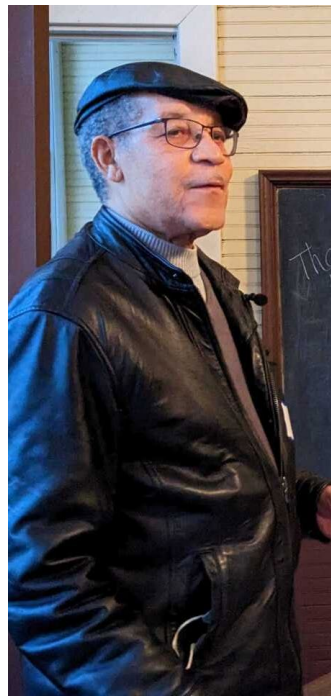
Significance and Impacts

Discuss the cultural, social, and economic importance of these rural black hamlets. Honoring the heritage and culture by creating a dedicated space in the community to highlight their significance.

This introduction will set the stage for a deeper exploration of the rich history and legacy of Lexington's historic rural black hamlets.

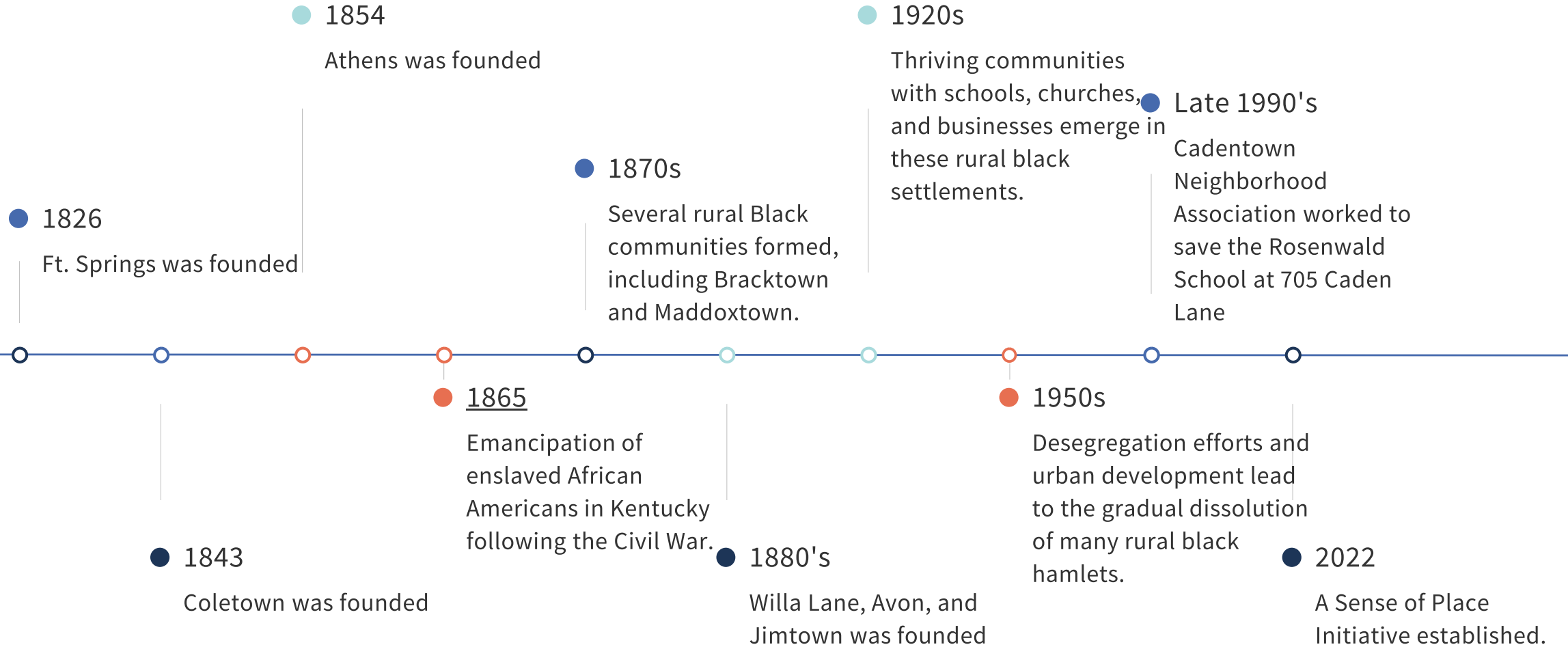


STEERING COMMITTEE MEMBERS





TIMELINE OF KEY EVENTS





HISTORY OF BLACK HAMLETS



Schools

Education was an important part of the community. Just about every hamlet had their own school. Free school or a Rosenwald school.



Cemeteries

Almost all of the hamlets had either dedicated cemeteries or cemeteries on the property of their homes.



Religious Traditions

Stories of baptisms in the creek at Ft. Springs.



Economy

Local convenience and grocery stores were part of the hamlets economy.



ECONOMIC ACTIVITIES

- **Agriculture**

Farming, livestock raising, and crop production were the primary economic activities that supported these rural black hamlets, providing food, income, and sustenance.

- **Education & Religious Institutions**

Schools and churches were the anchors of the black hamlet communities. Beginning with the free black community's creation of private schools for their children in the 1840s and concluding with the desegregation of the city's public schools in 1956.

- **Domestic Services**

Many residents found employment as domestic workers, cooks, maids, and caretakers in the surrounding white households and farms.

- **Skilled Trades**

Specialized crafts and trades, such as blacksmithing, carpentry, masonry, and textile production, were essential economic activities within the hamlets.

- **Small-Scale Commerce**

Local stores, shops, and markets provided goods and services to the hamlet residents, fostering a vibrant community-based economy.

**“THE RURAL BLACK HAMLETS OF LEXINGTON,
FAYETTE COUNTY, KENTUCKY WERE VIBRANT
COMMUNITIES THAT FOSTERED A DEEP SENSE OF
BELONGING, RESILIENCE, AND CULTURAL
IDENTITY AMIDST THE CHALLENGES OF SYSTEMIC
RACISM AND ECONOMIC MARGINALIZATION.”**

TIFFANY BROWN



THE CADENTOWN COMMUNITY

Constructed in 1923 during a time when Fayette County's Black residents couldn't attend white schools, it ceased being a school in 1943, according to records.

The wooden, one-story building tucked into a once-rural neighborhood off of Old Todds Road sits behind the former Cadentown Baptist Church. It's easy to drive by it on Caden Lane and not realize it's there — or its historical significance.

The property at 705 Caden Ln will become a dedicated cultural heritage hub that houses the history and legacy of all of the hamlets in Fayette County.



ASOP: PROJECT UPDATES

There are several components that will complete the first phases of this initiative to dedicate a permanent space in Cadentown to house the history and heritage of Lexington-Fayette County rural black hamlets.

School	Church	Cemetery	Exhibit Design
Repairs to wooden siding, envelope, windows, paint, HVAC.	ADA Accessible pathway from school to church, Bathrooms, etc.	Cemetery clean up and site identification.	Cultural heritage exhibit design with artifacts, oral histories, photos, etc from hamlet communities.



ASOP: FUNDRAISING UPDATE

Initial fundraising goal of \$500,000.

for school, church, cemetery and programming.

Total Raised to Date

\$539,808

Unrestricted

\$257,657.38

Endowment

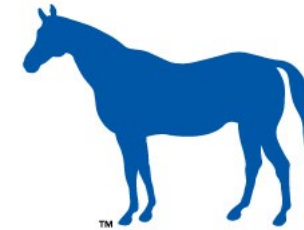
\$106,340.62

Special Projects

\$175,000



ASOP NAMED SPONSORS



VISITLEX



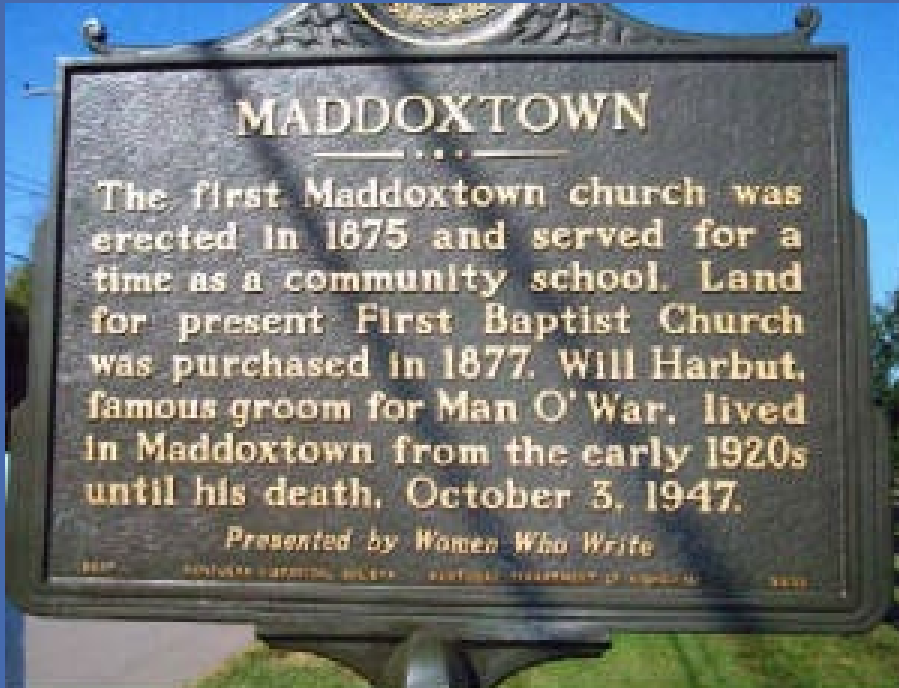


COMMUNITY ENGAGEMENT

- 12 Public Community Engagement Meetings
Hamlet History surveyed, collection of oral histories and artifacts.
Steering committee is comprised of members of the community,
including hamlet communities.



HISTORIC MARKER GRANT PROGRAM



The Sense of Place Historic Marker Mini Grant Program aims to support the installation of historic markers that highlight significant historical sites within our community. This program encourages local engagement in preserving and promoting our shared heritage.

- Design and production of the historic marker.
- Installation costs, including site preparation and labor.
- Educational materials related to the historic marker.
- Promotional costs directly associated with the marker's unveiling.

ASOP PATH FORWARD

Comprehensive Community Engagement

Continue our robust community engagement process to gather input from residents, stakeholders, and preservation experts on the unique needs and priorities of these historic black hamlets.

Historic Resource Inventory and Assessment

Conduct a comprehensive inventory and assessment of the historic Black resources and landmarks within these hamlets, including buildings, structures, and cultural landscapes for future opportunities to educate and preserve the history of the hamlets.

Targeted Preservation and Rehabilitation Efforts

Implement targeted rehabilitation initiatives to stabilize and restore the key historic structures in Cadentown, while ensuring the accessibility of these communities for current and future use.

Capacity Building and Historic Tourism

Invest in capacity-building initiatives and economic development strategies to empower residents and support the long-term vibrancy and self-determination of these historic black hamlets.



QUESTIONS?



Lexington-Fayette Urban County Government

Master

200 E. Main St
Lexington, KY 40507

File Number: 0903-24

File ID: 0903-24

Type: Committee Item

Status: Agenda Ready

Version: 1

Contract #:

In Control: General
Government and
Planning
Committee

File Created: 09/04/2024

File Name: Bring Back the Bluegrass

Final Action:

Title: Bring Back the Bluegrass

Notes:

Sponsors:

Enactment Date:

Attachments: Bring Back the Bluegrass

Enactment Number:

Deed #:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 0903-24

Title

Bring Back the Bluegrass

BRING BACK THE BLUEGRASS – NATURALIZATION EFFORTS IN PARKS

General Government and Planning Committee

September 10th, 2024

Chris Cooperrider, Deputy Director of Parks Maintenance








LEXINGTON

2018 Parks Master Plan: Public Input

PLACES

*Top 5
Things to improve*

-  Walking and Hiking Trails
-  Nature Parks
-  Neighborhood Parks
-  Bike Trails
-  Indoor Swimming Pool




PROGRAMS

*Top 5
Things to improve*

-  Adult Fitness and Health
-  Summer Concerts
-  Programs for Adults (Age 50+)
-  Nature Programs
-  Pet Exercise (at Dog Parks)

ACTIONS

*Top 3
Things needed*

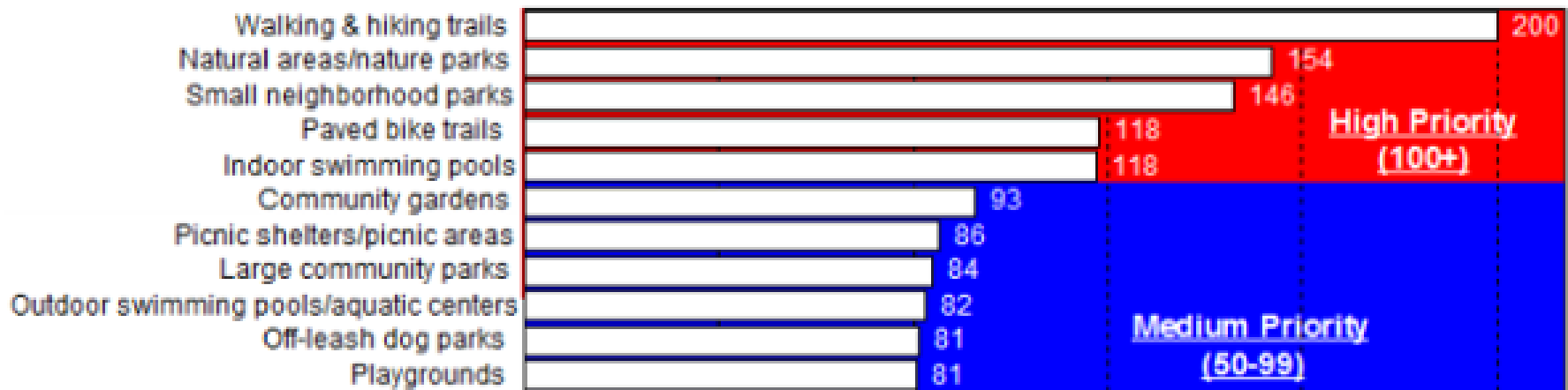
-  Upgrade Current Parks
-  Build New Walking and Biking Trails
-  Buy Land for Future Parks

952 Households 



2018 Parks Master Plan Survey

Top Priorities for Investment for Recreation Facilities Based on the Priority Investment Rating

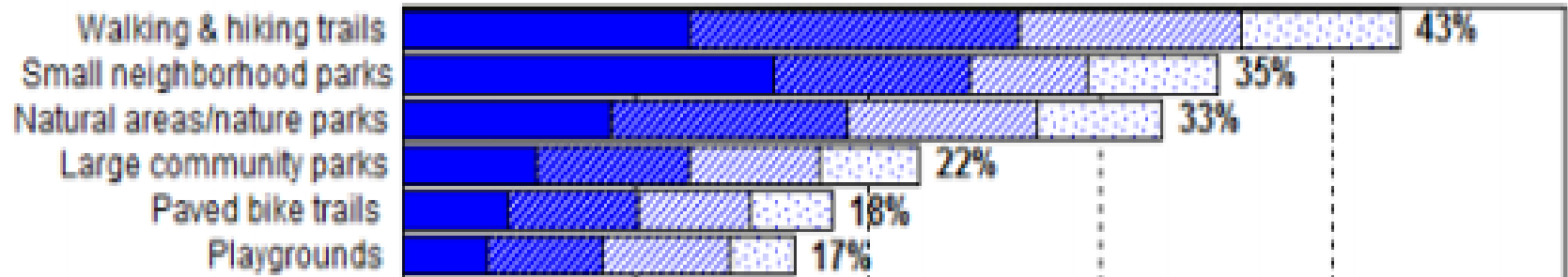




2018 Parks Master Plan Survey

Q11. Recreation Facilities Most Important to Household

by percentage of respondents who selected the item as one of their top four choices



Bring Back the Bluegrass

- In response to 2018 Master Plan Survey, Naturalization efforts began in March of 2020 in the form of “Bring Back the Bluegrass.”
- Naturalized areas were selected based on a variety of criteria
 - Existing natural features – creeks, streams, topography
 - Master Plan data
 - Passive recreation
 - High demand for multi-purpose fields/space
 - Support Mayors’ Monarch Pledge
 - Support water quality efforts
- #1 Parks 2018 Master Plan request: more hiking, walking trails. Implemented with grass mown trails.



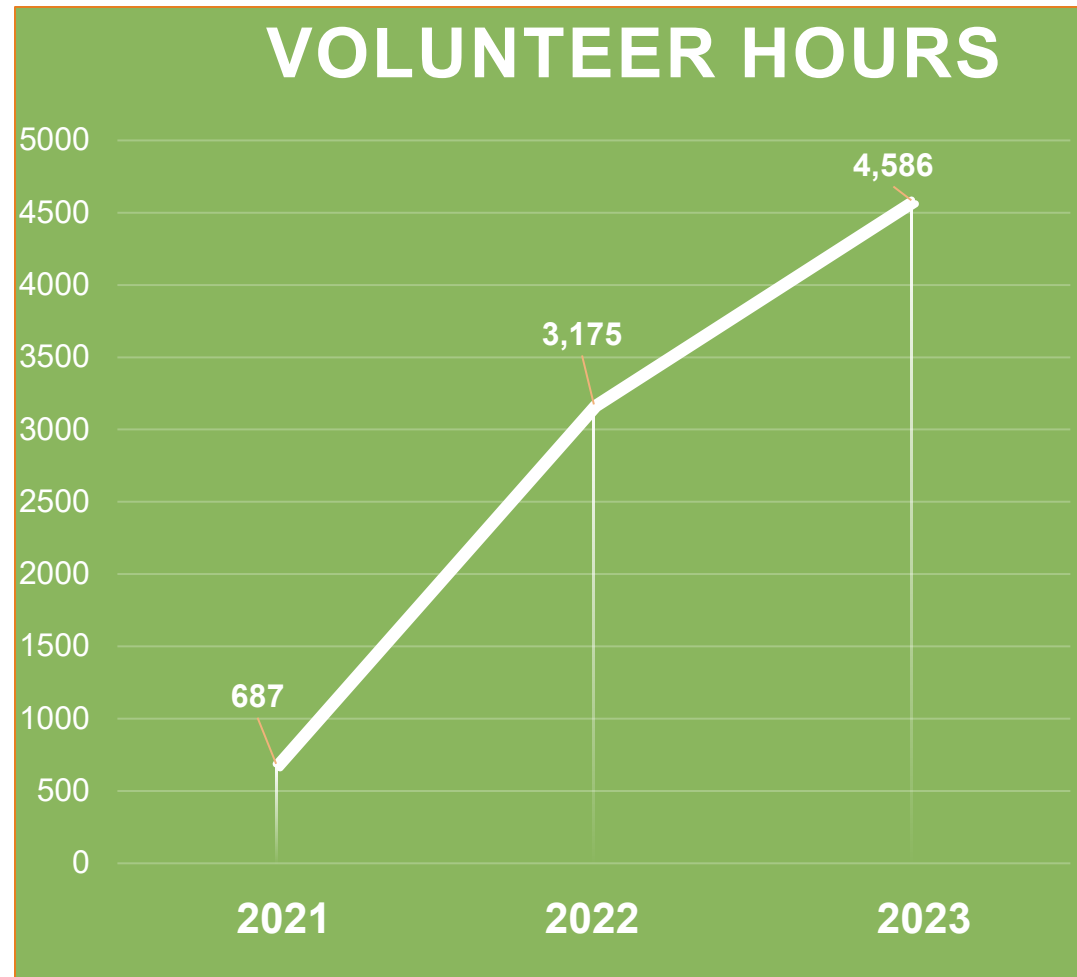
Elkhorn Park- Mown path
438 Cane Run Road • Lexington, Ky, 40515





Bring Back the Bluegrass

- Naturalization is a community effort.
- More than 11 organized volunteer groups and countless individuals logged 10,490 hours in past 3 years.
- Opportunities for volunteerism exist at the 28 parks currently undergoing naturalization.
- Partnered with Columbia Gas, Division of Environmental Services, and multiple Friends groups to improve and develop naturalized areas within neighborhood parks.



Bring Back the Bluegrass by Park

Park Name	Acres
Castlewood Park	1.22
Douglass Park	1.96
Elkhorn Park	2.38
Marlboro Park	1.44
MLK	1.60
Oakwood Park	2.51
Highlands Park	1.13
Whitney Young Park	1.81
Belleau Woods Park	5.46
Kirklevington Park	7.31
Johnson Heights Park	2.26
Lansdowne-Merrick Park	1.90
Dixie Park	2.15
Kenawood Park	1.99
Liberty Park	17.20
Mapleleaf Forest Park	0.84
Mount Tabor Park	1.82
Armstrong Mill Park	2.30
Berry Hill Park	1.46
Gainesway Park	0.92
Hartland Park	1.22
Higbee Mill Park	2.98
Waverly Park	1.88
Wellington Park	2.85
Beaumont Preserve	8.70
Dogwood Park	1.04
Garden Springs Park	0.96
Pine Meadows Park	0.73
Total	80.02



Castlewood Park



Benefits of Naturalization

- Native vegetation and trees assist with storm water management. Supports 2008 EPA Consent Decree efforts.
- Supports Mayors' Monarch Pledge 2016 – 2024. LFUCG recognized as a national leader!



Higbee Mill Park

Benefits of Naturalization

- Underutilized park space returned to natural state provides valuable habitat to native wildlife and pollinators.
- Wildflowers and trees provide color and diversity to parks' landscape.
- Supports top two requests in 2018 Parks Master Plan (Natural Areas and Trails).



Castlewood Park Pollinator

2023 – 2024 Improvements

- Native trees planted in multiple parks:
 - Marlboro, Dogwood, Waverly, Belleau Woods and Liberty Parks.

- New wildflowers beds established and planted in multiple parks -
 - Marlboro Park (District 1)
 - Castlewood Park (District 1)
 - Elkhorn Park (1)
 - Kirklevington Park (4)
 - Belleau Woods Park (4)
 - Liberty Park (6)
 - Dixie Park (District 6)
 - Higbee Mill Park (District 9)
 - Garden Springs Park (District 11)



Elkhorn Park



2023-2024 Improvements



Dixie Park



Marlboro Park



Kirklevington Park



Liberty Park



Bring Back the Bluegrass – Future Plans

Nature in Your Neighborhood – Programming naturalized areas.

Leverage resources in locations that have support and community involvement.

Implement additional native plantings and continued maintenance of existing successes.

Explore and establish new partnerships for establishing and maintaining naturalized areas.

Continue with efficiency improvements using existing resources.

Questions?





Lexington-Fayette Urban County Government

Master

200 E. Main St
Lexington, KY 40507

File Number: 0904-24

File ID: 0904-24

Type: Committee Item

Status: Agenda Ready

Version: 1

Contract #:

In Control: General
Government and
Planning
Committee

File Created: 09/04/2024

File Name: Items Referred to Committee

Final Action:

Title: Items Referred to Committee

Notes:

Sponsors:

Enactment Date:

Attachments: GGP referral list 2024

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Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 0904-24

Title

Items Referred to Committee

ITEMS REFERRED TO COMMITTEE

General Government and Planning Committee

Referral Item	Referred By	Date Referred	Last Heard	Status	File ID
1 Review of Short-Term Rentals	J. Brown	June 11, 2019	August 29, 2024		0864-24; 0901-24
2 Recommendations for Ensuring the Continuous Operations for Shared Use Paths, Sidewalks, and Bike Lanes	C. Ellinger	August 10, 2021	January 18, 2022		0074-22
3 Examine Ways to Evenly Distribute Social Service Facilities in Neighborhoods	J. Reynolds	June 14, 2022			
4 Assessment of Lexington's African American Hamlets and Historic Preservation of Their Heritage	K. Plomin	April 26, 2022	December 6, 2022		0902-24
5 Examine opportunities to relocate programming and initiatives from the Mayor's Office to other relevant Divisions within LFUCG.	L. Sheehan	May 31, 2022			
6 Charter Review	L. Sheehan	November 1st, 2022		In progress	
7 Acquire investor owned or other properties	P. Worley	November 3rd, 2022			
8 Disparity Study	C. Ellinger	November 15, 2022	April 16, 2024		0405-24
9 Boards and Commissions Comprehensive Review	S. Lynch	January 24th, 2023	August 15th, 2023	In progress	0804-23
10 Planning and Development Approval Process Study: Recommendation #8 Tighten Certification to Lock in Requirements	J. Reynolds	June 27th, 2023			
11 Planning and Development Approval Process Study: Recommendation #10 Establish a Development Liaison Position	J. Reynolds	June 27th, 2023			
12 Parental Leave Update	W. Baxter	July 11th, 2023			0900-24
13 Electronic Billboards	Worley	June 1, 2018	August 29, 2024		0863-24
14 Homelessness Need Assessment RFP	P. Worley/Fogle	October 31st, 2023	February 13, 2024		0168-24
15 Urban Growth Ordinance ZOTA	P. Worley	January 16, 2024	February 13, 2024		0167-24
16 Comprehensive Plan Theme A: Equity Policies 1 & 2 Continuing Education	D Wu	January 16, 2024			
17 Office/Residential Conversions	D. Wu	January 16, 2024			
18 Two-way Street Conversions	D. Wu	January 16, 2024			
19 Bring Back the Bluegrass	D. Gray	January 16, 2024			0903-24
20 Landlord and Tenant Advisory Boards	S. Lynch	June 11, 2024			
21 Absentee Landlords	D. Gray	August 20, 2024			
Annual/Period Updates					
22 Lexington Global Engagement Center (Global Lex)	J. Reynolds	January 2015	October 1, 2022	January 16th, 2024	1170-22
23 Annual PDR Review (Required by Ordinance)	J. Brown		April 16, 2024		0402-24
24 Division and Program Review - 2022 Evaluations Selection	BFED Committee	November 30, 2021	November 15, 2022		1172-22
25 Lexington History Museum	Plomin / Budget COW	FY20 March 21, 2017 / 28, 2019	May September 19, 2023	made an annual item on 8/17/21	0969-23
Subcommittees					
26 Public Input Work Group	H. LeGris	January 17, 2023	June 11, 2024	In progress	0605-24