



# Lexington-Fayette Urban County Government

200 E. Main St  
Lexington, KY 40507

## Legislation Text

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**File #:** 0086-21, **Version:** 1

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An Ordinance amending Article 8-24 of the Zoning Ordinance to correct an error in the Municode publication for the P-2 Zone- University Research Campus. [Div. of Planning, Duncan]

Authorization to readopt regulations associated with Ordinance 76-2017, it is necessary to correct an error in the Municode publication. No Budgetary impact. (L0086-21) (Duncan/Atkins)

Budgetary Implications [select]: No

Advance Document Review:

**Law:** { Select **Yes**/No, Completed by [Tracy Jones, 1/15/2021]}

**Risk Management:** {Select Yes/No, Completed by [Official, Date]}

Fully Budgeted [select]: NA

Account Number:

This Fiscal Year Impact: \$

Annual Impact: \$

Project:

Activity:

Budget Reference:

Current Balance:

WHEREAS, the Lexington-Fayette Urban County Planning Commission and Urban County Council considered and adopted text amendments to the P-2 zone-University Research Campus, contained in Article 8-24 of the Zoning Ordinance; and thereafter an error was discovered in the Municode Publication; and

WHEREAS, this Council is acting to correct said error in the Municode Publication;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE

URBAN COUNTY GOVERNMENT:

Section 1 - That Article 8-24 of the Lexington-Fayette Urban County Government Zoning

Ordinance is hereby amended as follows:

**8-24 UNIVERSITY RESEARCH CAMPUS (P-2) ZONE**

8-24(a) Intent - This zoning category is created to provide for a mixture of compatible office, and research uses in a campus setting that adheres to high quality standards. Residential, retail, restaurants, and hotel/motel uses are intended to be supportive uses for the organizations located on the research campus.

8-24(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations.
3. Research development and testing laboratories or centers.
4. Colleges, universities, business colleges, technical or trade schools, and other schools and institutions for academic instruction, including dormitory facilities.
5. Libraries, museums, art galleries, and reading rooms.
6. Hospitals, medical and dental offices, clinics, and laboratories.
7. Telephone exchanges, radio, and television studios.
8. Studios for work or teaching of fine arts, such as photography; music; drama; dance; and theater.
9. Community centers and private clubs.
10. Computer and data processing centers.
11. Ticket and travel agencies.
12. Television system signal distribution centers and studios.
13. Meeting and conference centers.
14. Storage and warehousing, when conducted in a completely enclosed building.
15. Parking lots and structures.
16. Offices of purchasers, processors, and handlers of agricultural products, limited to administrative uses only.
17. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of articles of merchandise from the following previously prepared materials: bone, canvas, cellophane, cellulose, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious and semi-precious metals, precious and semi-precious stones, rubber, sheet metal (excluding large stampings), shell, textiles, tobacco, wax, wire, wood (excluding sawmills, planing mills), and yarn.
18. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of such products as: bakery goods; billboards; candy; ceramics; cosmetics; drafting instruments; electrical parts; appliances; electric or neon signs; electronic instruments; food products; meat packaging; ice cream; medical and dental instruments; musical instruments; pharmaceuticals; pottery, china, or figurines; radios; record players; rubber and metal stamps; rubber products; scientific instruments and equipment; shoes; television receivers; toiletries, soaps and detergents; toys; and watches and clocks.

19. Other industrial and manufacturing uses, such as beverage manufacturing; dairy and non-dairy, and food and non-food product bottling plants; box and crate assembly; cabinet shop; cannery; caterers; cooperage; crematory; dextrine and starch manufacturing; enameling, lacquering and japanning; furniture manufacturing; heating equipment manufacturing; inflammable underground liquid storage; iron works (ornamental), and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; and tool manufacturing.
20. Recycling, sorting, baling and processing of glass, nonferrous metals (not including automobile wrecking yard), paper scrap and storage of waste paper, when wholly conducted in a completely enclosed building.
21. Indoor and outdoor athletic facilities, such as field houses; gymnasiums; soccer; polo; and baseball fields.
22. Outdoor recreational facilities, including swimming pools; tennis courts; golf courses and golf driving ranges, and similar uses.
23. Agricultural research and experimentation facilities.
24. Kindergartens, nursery schools, and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five square feet per child.
25. Veterinarian clinics and laboratories.
26. Supportive uses, limited to the following uses:
  - a. Multi-family dwellings.
  - b. Townhouses, except that not more than twelve (12) units shall be attached.
  - c. Restaurants, brew-pubs, and banquet facilities with indoor live entertainment. Such facilities utilizing live entertainment shall be located at least one-hundred (100) feet from any non- mixed use residential structure.
  - d. Hotels and motels, as specifically regulated under Article 8-24(o) (13) herein.
  - e. Designated retail sales or mixed-use areas, which shall be limited to the following uses:
    - i. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations.
    - ii. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
    - iii. Establishments for the retail sale of food products, as per Article 8-16(b) (17).
    - iv. Medical and dental offices, clinics, and laboratories.
    - v. Ticket and travel agencies.
    - vi. Restaurants, brew-pubs and banquet facilities; with live entertainment, dancing, and/or sale of alcoholic beverages.
    - vii. Establishments for the retail sale of merchandise, as per Article 8-16(b) (19).
    - viii. Beauty shops, barber shops, and shoe repair.
    - ix. Quick copy services utilizing xerographic or similar processes, but not including offset printing methods.
    - x. Laundry and laundry pick-up stations, but not including self-service laundry.
    - xi. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than 25 square feet per child.
    - xii. Athletic club facilities.
    - xiii. Market gardens.

- xiv. Multi-family dwellings.
- xv. Townhouses, except that not more than twelve (12) units shall be attached.
- 27. Temporary cellular telephone transmitting facility; not to exceed 70' in height and with a 1:1 height-to-yard ratio.
- 28. Adult day care centers.
- 29. Day Shelters.

**8-24(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

- 1. The accessory uses permitted in the P-1, B-4, and I-1 zones, except as specifically prohibited in Article 8-24(e) below.
- 2. Within the designated retail area, the following accessory uses shall be permitted:
  - a. Parking areas and structures.
  - b. Outdoor patio areas.
  - c. Warehousing, wholesaling, and storage, excluding outdoor storage.
  - d. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein.
  - e. Satellite dish antennas, as further regulated by Article 15-8.

**8-24(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

- 1. Helistops and/or heliports, provided such facilities conform to the requirements of all appropriate Federal, State, and local regulations.
- 2. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
- 3. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
  - a. To check all operating equipment;
  - b. To check Fire suppression system(s);
  - c. To check the condition of the Fire alarm(s);
  - d. To check for indications of fuel leaks and spillage;
  - e. To remove trash from the site;
  - f. To monitor the general condition of the site.
- 4. Temporary structures designed for use or occupancy for 61 to 180 days per 12- month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
- 5. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
- 6. Ecotourism activities to include zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; and seasonal activities.

**8-24(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. Single-family detached residences and two-family dwellings.
2. All outdoor storage and display, and/or sales areas, including any vehicular sales facilities; but excluding outdoor patio areas operated in conjunction with a restaurant.
3. Any uses first permitted in the Heavy Industrial (I-2) zone.
4. Refuse dumps, incinerators, and landfills.
5. A facility for the storage and distribution of gas by railRd. tank cars, through gas piping, or by tank trucks which each have a water capacity in excess of 4,000 gallons.
6. Ecotourism activities.
7. Establishments for the storage, display, rental, or sales of any type of vehicles.
8. Automobile and vehicle refueling and/or service stations.

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

8-24(f) Minimum Lot Size - No limitation, as specifically regulated under 8-24(o) herein. 8-24(g) Minimum Lot Frontage - No limitation.

8-24(h) Minimum Front Yard - 200' on streets classified as expressways and major arterials on the official functional classification map; 100' on streets classified as minor arterials; 5' on collector and local streets.

8-24(i) Minimum Side Yard - 15'.

8-24(j) Minimum Rear Yard - 25'.

8-24(k) Minimum Useable Open Space - 40% for the entire P-2 development, as specifically regulated under Article 8-24(o) herein.

8-24(1) Maximum Floor Area - Maximum floor area ratio of 0.75 and as further regulated by Article 8- 24(o) (2).

8-24(m) Maximum Height of Building - 120'.

8-24(n) Off-Street Parking (See Article 16 for additional parking regulations.) Uses first permitted in the B-4 zone - As per 8-4.

Uses first permitted in the I-1 zone - As per 1-1.

Office Uses - One (1) space for each 400 square feet of floor area. Townhouse Dwelling Units - One (1) space per dwelling unit.

Multi-Family Dwelling Units - Three (3) spaces for every two (2) dwelling units or 0.9 spaces per bedroom in a multi-family dwelling, whichever is greater.

Hospitals - One (1) space for every three (3) beds, plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

Hotels and/or Motels - One (1) space per suite with a minimum of five (5) spaces.

Designated Retail Area for Non-Residential Uses - One (1) space for each 400 square feet of floor area for the first 10,000 square feet; one ( 1) space for each 200 square feet of floor area after the first 10,000 square feet.

Kindergartens, Nursery Schools, and Childcare Centers - Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.

Adult Day Care Center - One (1) space for every ten (10) persons being provided care, plus one (1) space per caregiver on the maximum shift.

Day Shelter - One (1) space for every ten (10) persons being provided services, plus one (1) space per staff member on the maximum shift.

Other Recreational Facilities or activities not otherwise stated herein - Five (5) spaces, plus one (1) space for each employee for each separate use.

Combinations - Combined uses shall provide parking equal to the sum of individual requirements.

8-24(o) Special Provisions

1. Any site to be zoned in a P-2 zoning category shall be a minimum of fifty (50) net acres in size.
2. No more than sixty-percent (60%) of any P-2 project shall be covered with buildings and parking lots or other paved surfaces designed for vehicular use. All open space areas shall be permitted, however, to contain outdoor recreational/athletic facilities, such as ball fields; jogging trails; tennis courts; picnic areas; golf courses; or similar outdoor activities for the use of the employees of the principal use of the property or the public at large. Land owned by the developer at the time of rezoning, which is subsequently dedicated at no cost to the public as recreational or open spaces (not streets), shall be included in such open space requirement.
3. The developer shall be required to provide proof of at least the following private covenants having been created prior to the approval of any final development plan:
  - a. A design committee of at least three registered architects and landscape architects (mixed 2 to 1 in either combination) shall be required to review and approve all site and architectural designs within the development.
  - b. An owners' association or other mechanism which provides for uniform maintenance of all open space areas and common areas.
4. Landscaping shall be required as per Article 18 of the Zoning Ordinance, except as modified herein. Perimeter landscaping around the exterior boundary of the project shall be as provided under Article 18 for the I-1 zone; however, the Commission May permit such portions of required perimeter planting to be reallocated to areas interior to the site, where it finds that solid screening is not needed to screen the uses from the adjoining rights-of-way or properties. Tree canopy requirements shall be met for the development in accordance with Article 26. In addition, ten (10) square feet of landscape area for each 100 square feet, or fraction thereof, of vehicular use area shall be required within the development. Street trees shall be required as outlined in the Land Subdiv. Regulations. Open space shall be defined on the preliminary development plan, and designated to protect and/or formally recognize existing natural and man-made features with a particular emphasis on any environmentally sensitive areas, geologic hazard areas, cemeteries, floodplains, or other area in order to meet the open space requirements for the P-2 development. Structures devoted solely to residential use shall be screened from adjacent industrial, office, or business use as required by the Property Perimeter Requirements provided in Article 18-3 (a)(1)(C & D)(3).
5. Signage within the P-2 zone shall be specifically regulated under Article 17-7(m) of the Zoning Ordinance.
6. A preliminary development plan shall be required to be filed in conjunction with any zoning map amendment to a P-2 zone. No building permits shall be issued for any lot or building within the development unless and until final development plans are approved, as provided in Article 21. Prior to filing a final development plan with the Planning Commission, the site developer shall seek the approval of the design committee, as established under Article 8-24(o)(3)(a) herein.
7. At the time of filing of the final development plan, the site developer shall provide a summary report documenting the conceptual design review and recommendation(s) of the design committee. Such summary report shall inform the Planning Commission of the

following: architectural elements included in the building(s) design; how the building(s) will be compatible in form and scale with adjacent structures; building materials; entry features; and sustainable building features. The Planning Commission shall consider the design committee's recommendation in their decision. A final development plan with two or more buildings shall be designed as a cohesive architectural statement, with all development features exhibiting compatible design elements.

8. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and final record plat.
9. Parking areas shall not be permitted to encroach into required front yards. However, no more than 10 visitor parking spaces May be permitted within such required yards.
10. In addition to the required development plan, the applicant for any P-2 zoning category shall be required to file a comprehensive development statement at the time of filing. Such comprehensive development statement shall include, at a minimum:
  - a. A traffic impact analysis.
  - b. A preliminary site analysis of all significant natural and man-made features with a particular emphasis on any environmentally sensitive areas, geologic hazard areas, existing vegetation which should be given priority as use for open space areas.
  - c. Any proposed use restrictions, building requirements, architectural requirements, or similar restrictions over those required herein.

Such studies shall be evaluated by the staff as part of the overall review of the map amendment request and development plan. Based upon such review, the Planning Commission and/or Council May impose restrictions on uses or other development aspects, including design criteria, as a part of the approval of the P-2 project.

11. Except to the extent otherwise permitted herein, all uses shall be conducted in a completely enclosed building.
12. No site utilities shall be permitted to be above ground, with the exception of major electric and telephone distribution lines (which shall generally be located on lot perimeters), pad mounted transformers, and similar facilities. Service connections of such utilities to individual buildings shall be required to be underground. Any utilities to be located above ground shall be shown on required final development plans. All such overhead utilities shall be designed, located, and, where appropriate, screened, so as to preclude visibility from adjoining arterial Rd.ways and public open space and/or greenway areas to the greatest extent feasible.
13. Supportive uses are subject to the following requirements:
  - a. The total acreage of supportive uses shall not exceed fifteen percent (15%) of the area of the P-2 development.
  - b. Supportive uses shall only be developed and constructed either concurrently with or after construction and occupancy of at least 250,000 square feet of floor area for other principal permitted uses. Development shall be phased as follows:
    - i. Until 250,000 square feet of other principal permitted uses are approved and constructed for the P-2 development, the permitted floor area of supportive uses shall not exceed a maximum of twenty percent (20%) of the total floor area of all approved and constructed structures.
    - ii. Once the P-2 development has 250,000 square feet of existing floor area of other principal permitted uses, the phasing restriction in Article 8-24(o) (13) (b) (i) shall no longer apply.

- c. Designated retail or mixed-use areas can be included within the supportive uses. Such designated retail and mixed-use areas shall be defined on a preliminary development plan for the P-2 zone. The designated retail or mixed-use areas shall be designated and located to primarily serve the needs of employees, residents, and visitors to the university research campus. Entrance to designated retail or mixed-use areas shall be located on collector or local streets and not major or minor arterial streets.
- d. Entrance to restaurants, brew-pubs and/or banquet facilities, with indoor live entertainment shall be located on collector or local streets, and not on major or minor arterial streets.
- e. The number of hotels and/or motels within a P-2 development shall not exceed a total of one (1) per fifty (50) net acres of the P-2 development.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COU