



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Text

File #: 0939-22, **Version:** 1

An Ordinance creating Article 22, Appendix C of the Zoning Ordinance to create a new Planned Unit Development (PUD-3) zone to allow a Mixed-Use Development that would permit a blend of residential, commercial, entertainment, and industrial uses. (Turner Property 4, LLC). Approval 8-0 [Div. of Planning, Duncan]

[An Ordinance amending Article 22 of the Zoning Ordinance to create a new Planned Unit Development 3 (PUD-3) zone to allow a mixed use development that would permit a blend of residential, commercial, entertainment, and industrial uses. Approval 8-0 [Div of Planning, Duncan]]

WHEREAS, the applicants, Turner Property 4, LLC, have initiated a text amendment to Article 22, Appendix C of the Zoning Ordinance to create a new Planned Unit Development (PUD-3) zone to allow a mixed-use development that would permit a blend of residential, commercial, entertainment, and industrial uses; and

WHEREAS, the Planning Commission has reviewed and considered a text amendment to Article 22, Appendix C, to create a new Planned Unit Development (PUD-3) zone to allow a mixed-use development that would permit a blend of residential, commercial, entertainment, and industrial uses. The Planning Commission did recommend APPROVAL by a vote of 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

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

Section 1 - That Article 22, Appendix C of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby created to create a new Planned Unit Development (PUD-3) zone to allow a mixed-use

development that would permit a blend of residential, commercial, entertainment, and industrial uses, as follows:

APPENDIX 22C - INDUSTRIAL REDEVELOPMENT PLANNED UNIT DEVELOPMENT (PUD-3) ZONE

Sec. 22C-1. Intent.

The intent of the Planned Unit Development (PUD-3) zoning classification is to:

1. Implement the Goals and Objectives of the 2018 Comprehensive Plan.
2. Promote the innovative reuse and redevelopment of underutilized sites in Lexington-Fayette County, which is consistent with the Goals and Objectives of the 2018 Comprehensive Plan.

This Planned Unit Development Zone is established to ensure redevelopment that supplements neighborhood character, offers new entertainment and “live where you work” opportunities, and encourages innovation and unique mixed-use development on sites that were used for traditional industrial purposes but which over time have become less suited to traditional industrial uses due to their proximity to non-industrial uses. This Planned Unit Development Zone provides desirable housing, work, and entertainment options to creative professionals while preserving some of the compatible traditional light industrial uses.

Sec. 22C-2. Relationship to the comprehensive plan.

This PUD-3 zone is based upon furthering the following goals, objectives and land use policies of the 2018 Comprehensive Plan:

1. Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development (Theme A, Goal 2, Objective a);
2. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County (Theme A, Goal 2, Objective a);
3. Strengthen efforts to develop a variety of job opportunities that lead to prosperity for all (Theme C, Goal 1, Objective a);
4. Encourage development that promotes and enhances tourism (Theme C, Goal 1, Objective d); and
5. Provide entertainment and other quality of life opportunities that attract young and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal 2, Objective d).

Sec. 22C-3. Minimum site criteria.

Application for a map amendment request to a PUD-3 zone shall be made only on property that meets the following criteria:

1. *Location.* The parcel shall meet all of the following criteria:
 - a. The parcel is located within the Urban Service Area;
 - b. The parcel has direct access to a major arterial roadway or a corridor (as that term is used in the Comprehensive Plan);

- c. The parcel contains at least ten (10) acres; and
 - d. The parcel is currently zoned for primarily business or industrial use.
2. *Other Locations.* A parcel which does not meet all criteria under Section 22C- 4(1) above may nevertheless be rezoned to PUD-3 if it meets all of the following criteria:
- a. The parcel is adjacent to an existing PUD-3 zoned parcel or is adjacent to a parcel for which PUD-3 zoning is being simultaneously sought;
 - b. Connectivity between the parcel and the adjacent PUD-3 parcel is included in the Planned Unit Development Plan;
 - c. The parcel is to be incorporated into the existing PUD-3 development; and
 - d. If the parcel is split-zoned, at least a portion of the parcel is within a business or industrial zone.

Sec. 22C-4. Permitted uses.

The following uses shall be permitted in the PUD-3 zone.

- (a) *Principal Permitted Uses.* Other uses substantially similar to those listed herein shall also be deemed permitted.
1. The principal permitted uses in the I-1 zone except as expressly prohibited in this Article.
 2. Artisan food and beverage production (as defined in the PUD-2 zone).
 3. Artisan manufacturing (as defined in the PUD-2 zone).
 4. Dwelling units of any kind except as prohibited.
 5. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater; and theaters, including movie theaters and other indoor amusements, including without limitation live entertainment and event facilities, billiard or pool halls, bowling alleys, dance halls, skating rinks, arcades, pinball, miniature golf, and similar activities.
 6. Outdoor amusement or entertainment enterprises such as circuses, carnivals, rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two weeks.
 7. Community centers, places of religious assembly and private clubs.
 8. Restaurants, with or without outdoor seating and with or without live entertainment.
 9. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics, and other goods.
 10. Pharmacies.
 11. Banquet facilities or private clubs with or without live entertainment, brew- pubs, bars, cocktail lounges and nightclubs.
 12. Offices, banks, and clinics, including medical and dental offices, clinics, and laboratories.
 13. Beauty shops, barber shops, shoe repair, dressmaking, or tailoring.
 14. Hotels, inns, and bed-and-breakfasts.
 15. Health clubs, athletic clubs, and spas.
 16. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.
 17. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least 25 square feet per child.
 18. Parks, open space, greenspace, and recreational areas.

- 19. Radio, television, and similar media studios.
- 20. Special events space (including social and business purposes), meeting rooms, and conference rooms.
- 21. Animal grooming facilities.
- 22. Offices of veterinarians, animal hospitals or clinics, provided that:
 - a. All exterior walls are completely soundproofed;
 - b. Animal pens are located completely within the principal building; and
 - c. Boarding is limited to only animals receiving medical treatment.

(b) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to the principal uses.)

- 1. Parking areas and structures; loading facilities.
- 2. Swimming pools, tennis courts, hiking and bicycling trails, botanical gardens, and other similar recreational uses.
- 3. Drive-through facilities.

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

- 1. Tattoo parlors.
- 2. Establishments and lots for the display, rental, sale, and repair of farm equipment; contractor equipment; automobiles, trucks; recreational vehicles, such as mini-bikes, motorcycles, bicycles; boats or supplies for such items.

(d) *Prohibited Uses.* The uses below are prohibited.

- 1. Mobile homes.
- 2. All adult uses, as listed in Sections 8-16(e)(14 through 17).
- 3. Commercial wood lots.
- 4. Columbariums and crematories.
- 5. Establishments for the display or sale of trailers, mobile homes, and precut, prefabricated, modular, or shell homes.
- 6. Mining.

Sec. 22C-5. Design standards.

The following design standards and criteria shall be applicable in the PUD-3 zone. The following table shall establish what standards and what process is suggested for each project or parcel; however, applicants may seek dimensional variances from the Board of Adjustment.

Building Height	Maximum of sixty (60) feet This maximum shall not apply to existing structures on the property
-----------------	--

Buffers and Yards	Fifteen (15) feet buffer along boundaries adjacent to residential zones Minimum twenty (20) feet yard on any frontage adjoining a major arterial or corridor (as defined in Comprehensive Plan)
Setbacks	Minimum right-of-way to structure setback: equal to or great than five (5) ft. Minimum structure to structure setback: equal to or great than six (6) ft.
Open Space	Minimum ten percent (10%) of parcel must be usable
Tree Canopy Coverage	Minimum fifteen percent (15%) of parcel

- (a) *Design and Construction.* There shall be consistency of complementary, durable materials that reflect the context of the property and the intent of this PUD-3 zone. The applicant shall file with its application an architectural packet identifying the proposed styles, materials, and finishes of any proposed structures which shall be considered by the Planning Commission in determining whether to approve the Planned Unit Development Plan.
- (b) *Other Design Considerations.* The following design considerations should be implemented where feasible:
1. Structures should be oriented toward the primary internal streets, roads, or access ways.
 2. Parking and loading/unloading areas should be oriented to the side or rear of buildings where feasible, or shall be screened or landscaped if in front of the building.
 3. Pedestrian walkways should be provided for each structure.
 4. Site sustainability factors should be considered, including (i) stormwater management, (ii) preservation and enhancement of tree canopy and native plants, (iii) protection of streams, (iv) facilitation of rideshare, multimodal transportation, pedestrian, and bicycle traffic, (v) walkability, and (vi) green infrastructure.
 5. Building sustainability factors should be considered, including (i) green building practices, (ii) eco-friendly energy systems, (iii) enhanced permeable surfaces, and (iv) durable building materials.

Sec. 22C-6. Application review procedures.

All applications for a PUD-3 shall be reviewed under the following procedure:

- (a) *Authorization to Prepare Required Materials.* In order to ensure that the Planned Unit Development Plan has been prepared in a professional manner using a multi-discipline approach, it shall be certified by an architect registered to practice in the State of Kentucky and one (1) or more of the following professionals:
1. An urban planner who is a full member of AICP.
 2. An architect or landscape architect licensed to practice in the State of Kentucky.
 3. A civil engineer registered to practice in the State of Kentucky.

(b) *Plan and Permit Process.* Any map amendment request to a PUD-3 zone shall be filed in such form and such materials as required by Article 6 of this Zoning Ordinance and the by-laws of the Planning Commission; however, the Planned Unit Development Plan shall be submitted as required by this Article. It is the intent of the PUD-3 zone that Planned Unit Development Plans shall be approved by the Planning Commission, while zone map amendment requests to a PUD-3 zone shall receive zoning approval from the Urban County Council. The applicant may request recommendations from the Division of Planning at any point in the review process and make changes so that the revisions can be submitted to the remaining review groups. Subdivision plans and plats shall only be required if a subdivision of the parcel is proposed. If a subdivision plan is required, it may be submitted together with a Planned Unit Development Plan.

1. *Pre-Application Conference.* A pre-application conference as set forth in Article 6 shall be required prior to the submission of a map amendment request to a PUD-3 zone. At the conference a sketch or concept plan and a preliminary site inventory shall also be presented.
2. *Filing.* To formally request Planning Commission action on the map amendment to a PUD-3 zone, the applicant shall submit to the Division of Planning a completed application form, all materials as required herein and a fee as required by the Commission's adopted filing and fee schedule. The Planned Unit Development Plan submitted shall conform to the informational requirements of a final development plan under Article 21.
3. *Technical Committee.* The Division of Planning and other concerned agencies shall review the submitted materials and meet together as a Technical Committee to discuss the technical aspects of the physical design elements of the proposed development and to delineate and try to resolve any conflicts. The Technical Committee shall make recommendations that shall be utilized in preparation of the staff's recommendation to the Commission's Zoning and Subdivision Committees.
4. *Staff Recommendation.* The Division of Planning shall review all land use and physical design elements of the PUD-3 proposal for compliance with the provisions and intent of this Article, and shall prepare a written report, including recommendations, for consideration by the Commission's Zoning and Subdivision Committees. The staff report shall also be included in information forwarded to the full Commission and Council.
5. *Subdivision Committee.* The Subdivision Committee shall review the recommendations of the staff and shall evaluate the Planned Unit Development Plan to determine its compliance with the requirements of this Article. The Subdivision Committee shall give special consideration to the physical design aspects of the development proposal in making its recommendation to the Commission.
6. *Zoning Committee.* The Zoning Committee shall review the recommendations of the staff and shall evaluate the map amendment request to determine its compliance with the requirements of this Article. The Zoning Committee shall give special consideration to the land use aspects of the application but shall consider all aspects

of the development proposal in making its recommendation to the Commission.

7. *Planning Commission.* The Planning Commission shall conduct a public hearing on the zone map amendment and Planned Unit Development Plan following the Commission procedure as set forth in Article 6 and shall vote to recommend approval, conditional approval, or disapproval of the proposed map amendment and Planned Unit Development Plan within ninety (90) days of the date of filing unless the applicant agrees to a longer time period. The Commission shall review all submitted material and shall recommend approval if it is found that all materials including the Planned Unit Development Plan substantially comply with the requirements and the intent of this Article.
8. *Urban County Council.* Action on the proposed zone map amendment by the Urban County Council shall be as set forth in Section 6-6 of the Zoning Ordinance.
9. *Certification of the Planned Unit Development Plan.* Within six (6) months of the Council's action to approve a PUD-3 zone, unless a time extension has been granted, the following steps shall be completed:
 - a. The applicant shall submit a completed and corrected tracing of the Planned Unit Development Plan to the Division of Planning. This plan shall include any restrictive notes required by the Commission or agreed to by the applicant at public hearings.
 - b. The Planned Unit Development Plan shall be certified by the Commission's Secretary if it is in conformance with all requirements.
 - c. Required copies of the tracing shall be made by the Division of Planning at the applicant's expense. If the requirements listed above have not been met within six (6) months, the staff shall notify the Commission, which may initiate a map amendment to the previous zone or other appropriate zone. The Commission shall have authority to grant a time extension or to re-approve an expired plan. The Commission may require changes in the Planned Unit Development Plan where it is found that time has necessitated such changes for the health, safety or welfare of the community.
10. *Effect of Approval of the Planned Unit Development Plan.* Upon certification of the Planned Unit Development Plan, the applicant shall be authorized to do the following:
 - a. *Preparation of Improvement Plans.* The applicant may proceed to prepare improvement plans in conformance with the requirements for preparation and review of such plans contained within the Land Subdivision Regulations.
 - b. *Preparation of Final Subdivision Plan.* A final subdivision plat shall be required for all Planned Unit Development Plans which propose a subdivision of the parcel. Such plat shall be prepared, reviewed, and recorded in conformance with the requirements for final subdivision plats contained within the Land Subdivision Regulations in accordance with the intent and requirements of this Article. Such subdivision plat may be submitted together with a Planned Unit Development Plan or prepared separately after certification of the Planned Unit Development Plan.
 - c. *Issuance of Building Permits.* Upon certification of the Planned Unit Development Plan and recording of the final subdivision plat (if required), the Division of

Planning shall forward copies to the Division of Building Inspection which may issue permits in accord with the approved Planned Unit Development Plan and the final subdivision plat. The plans shall limit and control the issuance of all building and occupancy permits and restrict the construction, location and use of all land and structures to the conditions set forth in the plans.

11. *Amendments to Planned Unit Development Plans.* Amendments to Planned Unit Development Plans shall require the same information and shall be reviewed and processed in accordance with the requirements and design standards contained herein for the original plan submission, except that amendments which meet the definitions of minor amendments under Section 21-7(a)(1)-(2) of this Zoning Ordinance may be approved by the Division of Planning in accordance with the procedures contained within Section 21-7.
12. *Sign Submittal.* Any plan or permit which proposes construction of a new sign shall require as part of the application submittal of the proposed signage. The sign submittal shall set forth the size, location, material, and other dimensions and characteristics, which shall comply with Section 22C-7 below. Nothing in this section shall require approval to utilize, update, maintain, and repair existing signs.

Sec. 22C-7. Signs.

1. Signs shall be regulated as in the Mixed-Use Community (MU-3) zone.
2. Existing signs may remain so long as they are maintained in good condition and are not expanded. Existing signs may be repainted (including logos, names, and similar marks) and indirectly illuminated.

Sec. 22C-8. Timing of development.

Within five (5) years of the approval of the Planned Unit Development Plan (as applicable), unless an extension of the time period is granted, the applicant shall be required to obtain building permits for all structures shown thereon. No permits for unconstructed buildings may be issued after that date based on the Planned Unit Development Plan. The applicant may submit the plan for reapproval.

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

0939-22:TWJ:X:\Cases\PLANNING\22-LE0003\LEG\00765362.DOCX