

P. Worley, Chair
 K. Plomin, Vice Chair
 D. Wu
 J. Brown
 C. Ellinger
 S. Lynch
 H. LeGris
 L. Sheehan
 W. Baxter
 J. Reynolds



A G E N D A

General Government & Planning Committee

March 7, 2023 1:00 P.M.

I.	February 14, 2023 GGP Committee Summary	(1)
II.	Language Access Website Review	(Reynolds/Brock) (2-9)
III.	Short-Term Rentals	(J. Brown/Thompson) (10-69)
IV.	Vacation Leave Policy Update	(Worley/Howard) (70-80)
V.	Items Referred to Committee	(81)

"General Government and Planning committee, to which shall be referred matters relating to the department of general services and its divisions, the department of planning and its divisions, the department of law, any matter relating to the general administration of government and the divisions under the chief administrative officer, any related partner agencies, and any other matters relating to capital improvement projects." Council Rules & Procedures, Section 2.102 (2) Effective January 1, 2023. Adopted by Urban County Council September 22, 2022

2023 Meeting Schedule

January 17	August 15
February 14	September 19
March 7	October 17
May 9	



General Government and Planning Committee

February 14, 2023

Summary and Motions

Chair Worley called the meeting to order at 1:01 p.m. Vice Mayor Wu and Committee Members J. Brown, Ellinger, Lynch, LeGris, Sheehan, Worley, Baxter, and Reynolds were in attendance. Council Member Sevigny was also present as a non-voting member.

I. January 17, 2023 GGP Committee Summary

A motion by Ellinger to approve the January 17, 2023 GGP Committee Summary, seconded by Baxter, the motion passed without dissent.

II. PLN-ZOTA-22-00015 Intents ZOTA

Chris Woodall and Hal Baillie were available on behalf of this item. It was a follow-up conversation on the Intents ZOTA that was initially heard at the January 17th meeting. Planning emphasized that the Intents ZOTA clarifies and modernizes the language, and does not change what is or is not allowed in certain zones. After a discussion with Planning and Law, Worley proposed a paragraph in the Interpretation Section of the ZOTA.

A motion was made by Baxter to approve the proposed amendment to the Intents ZOTA as presented to the committee and as set forth in the committee packet, seconded by J. Brown. Motion passed without dissent.

A motion was made by J. Brown to move the Intents ZOTA out of Committee and to the full Council, seconded by Jennifer Reynolds, the motion passed without dissent. On behalf of the committee, I so move.

A motion was made by J. Brown to do a partial report-out at the February 14th, 2023 Work Session, seconded by Ellinger, the motion passed without dissent.

III. Committee Announcements

Worley shared the Public Input Subcommittee appointments which include: Chair LeGris, Vice Mayor Wu, CM Ellinger, Lynch, Sheehan, and Plomin. Worley also shared the council members appointed to the Council Rules Committee which include: Chair Baxter, Vice Mayor Wu, CM Ellinger, Lynch, and Reynolds.

IV. Items Referred to Committee – Annual Status Report of Referrals

A motion by Ellinger to remove Diversifying Hiring & Promotional Opportunities within LFUCG, second by Baxter, the motion passed without dissent.

Motion by Baxter to adjourn at 1:11 p.m. Seconded by Ellinger. Motion passed without dissent.

TRANSLATION FEATURE

Lexingtonky.gov





BACKGROUND

- 2016 relaunch of lexingtonky.gov with Google translate module.
- Google dropped support for the translation module.
 - The browser and mobile devices support.
 - Noticeable gaps during the COVID-19 pandemic.
- March 2022 meeting about translation.

PROCESS

March 2022

- Get a quote from our vendor for the FY23 budget.
- Decide between G-translate or Drupal Translate Core Module.

April 2022

- Drupal Translate Core Module selected and added to FY23 budget.

September – November 2022

- Configuration of Drupal Translate Core Module.
- Research and development of wireframes.
- Several rounds of testing.



LAUNCH

December 2022

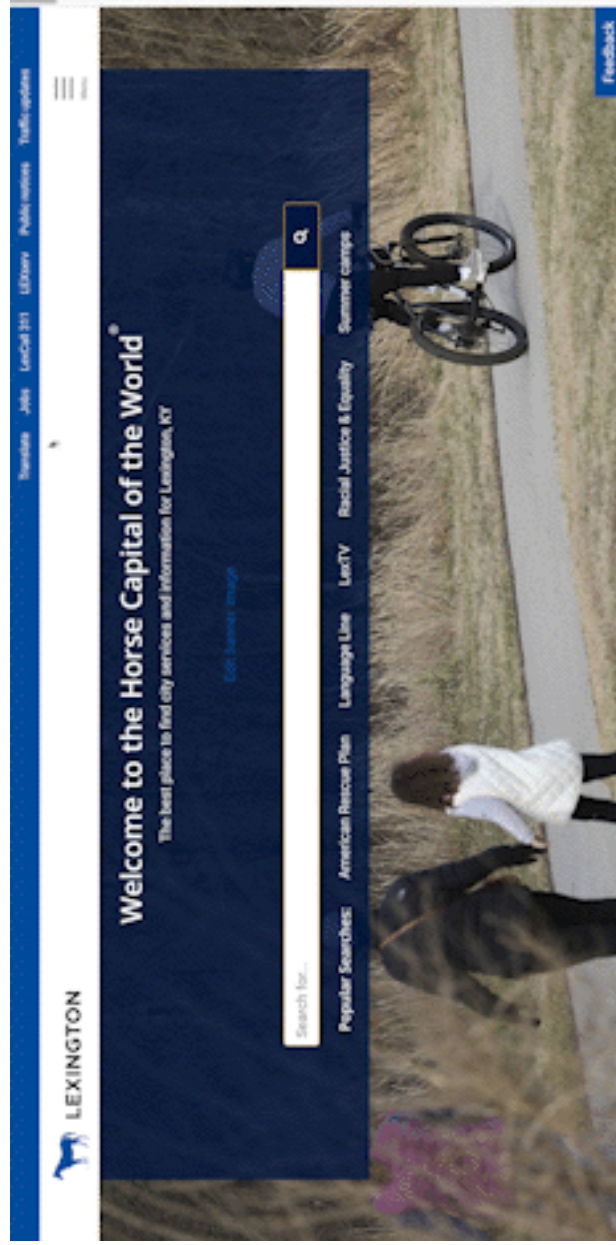
- Feature quietly launches the first weekend in December.
- An announcement went out through the CAO weekly report.

HOW IT WORKS

- 81 languages.
- Accessible from any page of lexingtonky.gov.
- No PDFs.
 - Working with departments and divisions to reduce PDFs.

To use

- Click or tap the translate button.
- Scroll through the language list.
- Click or tap the language you want to use.
- Website will translate to that language.





MOVING FORWARD

- Two things will happen.
 1. Adding analytics.
 2. More languages.



QUESTIONS?

Thank you for your time.

SHORT TERM RENTALS REVIEW OF PROPOSED ORDINANCES

*General Government & Planning Committee
March 7, 2023*



LEXINGTON

Timeline

- **June 11, 2019:**
 - Short Term Rentals (STR) item placed in Planning & Public Safety Committee
- **February 18, 2020:**
 - Committee amended draft ordinance for STR and referred to full Council
- **March 10, 2020:**
 - Following further amendments, ordinance was approved in Work Session
- **March 17, 2020:**
 - Ordinance scheduled to receive first reading; however due to the coronavirus pandemic and the impending government shutdown, the item was tabled pending the return to in-person meetings
- **March 2022:**
 - Workgroup led by Councilmember James Brown and Councilmember Sheehan began meeting to resume these efforts
- **November 29, 2022:**
 - Special Planning & Public Safety Committee meeting for the purpose of hearing public input.

LFUCG Workgroup

- James Brown, Council Member At-Large
- Liz Sheehan, 5th District Council Member
- Evan Thompson, Law Department
- Wes Holbrook, Division of Revenue
- Josh Hammond, Division of Revenue
- James Duncan, Division of Planning
- Chris Woodall, Division of Planning
- Chris Taylor, Division of Planning
- Autumn Goderwis, Division of Planning
- Kendra Thompson, Research Analyst
- Layton Garlington, Legislative Aide to CM Sheehan
- Sharon Murphy, Legislative Aide to CM Brown

LFUCG Workgroup

- The Workgroup brought together:
 - Local operators of STRs
 - Representatives from neighborhoods with a concentration of STRs
- LFUCG workgroup held 15 meetings including meetings with stakeholder groups between March 2022 and February 2023
- Throughout this process, there was open dialogue which allowed staff to consider feedback in the process of developing regulatory options that will hopefully support responsible short term rental operators in Lexington, while addressing the concerns of neighborhoods

Draft Proposal

- The purpose of this regulation change is to establish Short Term Rentals as a legal use and define a process for approval and enforcement.
- Four Key Areas of the Proposal:
 - Fee Structure
 - Licensing
 - Enforcement and Appeals
 - Zoning Regulations
- Any STR regulations must be addressed in the Code of Ordinances AND Zoning Ordinance:
 - Amendments to Section 13 of the Code of Ordinances
 - Amendments to the Zoning Ordinance

Amendments to Code of Ordinances

Amendments to Section 13

- Definitions (Sec. 13-76)
- Process for obtaining a Special Fee License
 - Fee Structure (\$200/\$100)
 - Required information for application
- Special Fee License Enforcement
 - Revocation of Special Fee License for violations
 - Administrative Hearing Board subpoena authority if necessary
- Penalty Structure
- Appeals Process
- Transient Room Taxes and Occupational License Fees
- Creation of Short Term Rental “Duties of a Licensee”
- Establishment of licensee requirements for online advertising

Amendments to Zoning Ordinance

- Definitions (Sec. 1-11)
- General regulations outlining the number of allowable STR units based on zoning category
- Two Classifications of STR
 - Hosted – accessory use
 - Un-Hosted – conditional use permit from BOA
 - Allowed as a principal use in Business Zones that allow dwelling units and hotels
- Additional Regulations Include:
 - Maximum Occupancy
 - Requirements for STR in detached ADU
 - Limitations on STR being used for private events
 - Prohibition on STR being used for commercial special events
 - BOA Guidance for consideration of Conditional Use

Amendments to Zoning Ordinance

Allowable Zone

	Hosted	Un-Hosted	# of Short Term Rental Units
R-1A, R-1B, R-1C, R-1D, R-1E, R-1T			<u>Hosted</u> : 1 dwelling unit and <u>1</u> ADU
	Accessory Use	Conditional Use	<u>Un-Hosted</u> : 1 dwelling unit or <u>1</u> ADU
R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3			For Single Family Lots: <u>Hosted</u> : 1 dwelling unit and <u>1</u> ADU
	Accessory Use	Conditional Use	<u>Un-Hosted</u> : 1 dwelling unit or <u>1</u> ADU For Multi-Family Lots: 3 max.
B-1, P-1, MU-1, MU-2, MU- 3			
	Accessory Use	Conditional Use	25% max.
B-2, B-2A, B-2B, B-4*, I-1*, I-2*, CC, B-6P, MU-3*	Principal Use	Principal Use	No max.
			17

**when part of an adaptive reuse project, industrial reuse project, or entertainment mixed use project*

Changes to Code of Ordinances

Operator/Neighborhood Input	Change
Definition of hosted STR, un-hosted STR, and primary residence	Modify the definition of “hosted short-term rental” and “primary residence” to require a dwelling unit on the property be the primary residence of the owner, the operator, or an individual who consents to be the owner’s agent for the purposes of the STR regulation.
Investigating Complaints	Modify 13-77, adding subsection (k) to clarify that other divisions will be working with Division of Revenue
Clarify Contact Information to be posted	Modify 13-79 (a) (5) pertaining to contact information
“Grandfathering” clause	Exemption period of 6 months
License Suspension Period	Eligible to reapply one year after revocation ¹⁸
Consistency	Added greater consistency between the Ordinances

Changes to Zoning Ordinance

Operator/Neighborhood Input	Change
Definition of Hosted/Un-Hosted STR	Tie to definition of primary resident in Code of Ordinances
Consider additional Zones	Modify 3-13(b) to add B-4, I-1, and I-2 zones
Allowed # Units	Modify 3-13(b) to clarify the number of units allowed per lot in each zone
Occupancy Limit	Modify 3-13(c) to include a maximum of 12 occupants
Special Events	Modify 3-13(f) related to special events
Density	Modify 3-13(g) to include within 1,000 feet
Transfer of Conditional Use	Modify 3-13(h) to remove null and void upon the sale or transfer of property

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?





Why Address Short Term Rentals?

The purpose of this regulation change is to establish Short Term Rentals as a legal use and define a process for approval and enforcement. Four key areas are included below:

- 1) Zoning Regulations
- 2) Licenses & Permits
- 3) Fee Structure
- 4) Enforcement & Appeals

Code of Ordinance Changes

Amends Section 13 of the Code of Ordinances to:

- Define Short Term Rentals
- Process for obtaining a Special Fee License
 - Fee structure
 - Required information submittal
- Special Fee License enforcement
 - Administrative Hearing Board subpoena authority
 - Penalty structure
 - Appeals process
- Application of Transient Room Tax and Occupational License Fees
- Creation of Short Term Rental licensee duties and obligations
- Establishment of licensee advertising information requirements for online rental platforms

Zoning Ordinance Changes

Amendments to the Zoning Ordinance:

Article 1: Create definition for Short Term Rental as a use, with distinctions for both Hosted and Un-Hosted units.

Article 3: General regulations for Short Term Rentals that determine the number of permissible Short Term Rentals based on:

- *Four Zoning Categories:*
 - Single Family Residential Zones
 - Multi-family Residential Zones
 - Business Zones that allow dwelling units
 - Business Zones that allow dwelling units AND hotels

Create two classifications of Short Term Rentals and their approval process:

- Hosted (someone lives on the property) - Allowed as an Accessory Use
- Un-Hosted - Allowed with a Conditional Use Permit from the Board of Adjustment
 - Allowed as Accessory Use in Business Zones that allow dwelling units AND hotels

Additional Limitations include:

- Set maximum occupancy limits for each Short Term Rental
- Requirements for Short Term Rentals in detached accessory structures
- Limitation on Short Term Rentals being used for private events
- Prohibition on Short Term Rentals being used for commercial special events
- Board of Adjustment guidance for consideration of Conditional Use applications

ORDINANCE NO. _____ - ~~2022~~2023

AN ORDINANCE AMENDING SECTION 13-13(B) OF THE CODE OF ORDINANCES TO CREATE A SHORT-TERM RENTAL SPECIAL FEES LICENSE AND SETTING ITS FEE; CREATING SECTION 13-76 OF THE CODE TO DEFINE TERMS REGARDING THE REGULATION OF SHORT-TERM RENTALS; CREATING SECTION 13-77 OF THE CODE TO REQUIRE A PERSON OWNING A SHORT-TERM RENTAL TO OBTAIN A SHORT-TERM RENTAL SPECIAL FEES LICENSE, TO PROVIDE THE INFORMATION REQUIRED IN THE APPLICATION FOR A SHORT- TERM RENTAL SPECIAL FEES LICENSE, AND TO SET THE CRITERIA BY WHICH THE DIRECTOR OF REVENUE MAY DENY AN APPLICATION OR REVOKE A LICENSE; CREATING 13-78 OF THE CODE TO REMIND LICENSEES OF THEIR OBLIGATIONS REGARDING TRANSIENT ROOM TAXES AND OCCUPATIONAL LICENSE FEES; CREATING SECTION 13-79 OF THE CODE TO REQUIRE A LICENSEE TO PERFORM CERTAIN DUTIES RELATING TO ITS SHORT-TERM RENTAL; CREATING SECTION 13-80 OF THE CODE TO REQUIRE LOCAL REGISTRATION NUMBERS PROVIDED BY THE DIVISION OF REVENUE BE INCLUDED BY LICENSEES IN ALL ADVERTISEMENTS, TO REQUIRE CERTAIN INFORMATION IN ADVERTISEMENTS FOR SHORT-TERM RENTALS, AND PROVIDING THE AUTHORITY TO ISSUE SUBPOENAS TO THE ADMINISTRATIVE HEARING BOARD CREATED PURSUANT TO SECTION 12-6 OF THE CODE TO DETERMINE WHETHER VIOLATIONS OF THIS ORDINANCE HAVE OCCURRED; CREATING SECTION 13-81 OF THE CODE TO SET PENALTIES FOR VIOLATIONS; AND CREATING SECTION 13-82 OF THE CODE TO PROVIDE THE ABILITY TO APPEAL THE DENIAL OF AN APPLICATION, THE REVOCATION OF A LICENSE, OR THE FAILURE TO RENEW A LICENSE TO THE DIRECTOR OR REVENUE AND COMMISSIONER OF FINANCE AND CIVIL PENALTIES TO THE ADMINISTRATIVE HEARING BOARD CREATED PURSUANT TO SECTION 12-6 OF THE CODE; AND AUTHORIZING THE DIVISION OF REVENUE TO AMEND ITS REGULATIONS CONSISTENT WITH THIS ORDINANCE; ALL EFFECTIVE ON ENTER DATE HERE.

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

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

- (b) In the event a licensee is engaged in more than one (1) business entity, the highest minimum license fee shall apply. Under the column headed "date due" in the following table the words "before showing" or "before activity" shall, in the case of "before showing," mean that the license fee per showing is due prior to the date of each showing and in the case of "before activity" or "yearly" shall mean that the license fee is due prior to each specified period of engaging in activity.

	Subject to fee	Minimum fee	Date due
(1)	Adult entertainment establishment	\$600.00 per year	Yearly
(2)	Adult entertainment establishment employee	100.00 per year	Yearly
(3)	Alarm business license	250.00 per year	Yearly
(4)	Amusement	50.00 per showing or	Before showing
		200.00 per year	Yearly
(5)	Bazaar	1 to 9 individuals, 100.00 per 1 week showing or 300.00 per year	Before activity
		10 to 19 individuals, 200.00 per 1 week showing or 500.00 per year	Before activity
		20 or more individuals, 300.00 per 1 week showing or 750.00 per year	Before activity
(6)	Bowling alleys	15.00 per lane	Yearly
(7)	Carnival, regardless of local sponsorship	50.00 per day	Before showing
(8)	Circus, unless sponsored as below	200.00 per showing	Before showing
(9)	Circus, sponsored by a bona fide civic, patriotic, religious or educational organization	50.00 per day	Before showing
(10)	Collection agencies	25.00 per year	Yearly
(11)	Detective agencies	250.00 per year	Yearly
(12)	Emergency and transportation ambulance services	30.00 per year per vehicle	Yearly
(13)	Escort agency	600.00 per year	Yearly
(14)	Escort	100.00 per year	Yearly
(15)	Horse-drawn vehicle business	50.00 per year per vehicle	Yearly
(16)	Itinerant merchant	100.00 per month or	Before activity
		150.00 per 3 months or	Before activity
		200.00 per 6 months or	Before activity
		250.00 per year	Yearly
(17)	Junk dealers	250.00 per year	Yearly
(18)	Meat packer or processor	400.00 per year	Yearly
(19)	Milk distributor	400.00 per year	Yearly
(20)	Model/talent business	100.00 per month or	Before activity

		150.00 per 3 months or	Before activity
		200.00 per 6 months or	Before activity
		250.00 per year	Yearly
(21)	Pawnbroker	250.00 per year	Yearly
(22)	Peddler	10.00 per day per person or	Before activity
		250.00 per year per person	Yearly
(23)	Pool and billiard tables	25.00 per table	Yearly
(24)	Precious metals dealers	250.00 per year	Yearly
(25)	Private impound tow truck service	200.00 per year	Yearly
(26)	Scrap metal dealer	500.00 per year	Yearly
(27)	Shooting gallery	50.00 per year	Yearly
(28)	<u>Short-term rentals</u>	<u>200.00 per year for the first rental, then \$100.00 for each remaining rental</u>	<u>Yearly</u>
(289)	Skating rink	100.00 per year	Yearly
(2930)	Teenage canteen	200.00 per year	Yearly
(301)	Temporary mall merchants	100.00 per year	Yearly
(342)	Theater	300.00 per year per theater	Yearly

Section 2 – That Section 13-76 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-76. - ~~Short-term rentals~~ Definitions.

(a) ~~Definitions.~~ For the purposes of this Article, the following definitions shall apply:

(a) Director shall mean the Director of the Lexington-Fayette Urban County Government, Division of Revenue.

(b) Hosted short-term rental shall mean a short-term rental in which the dwelling unit utilized as the short-term rental, or another dwelling unit on the subject property, is a primary residence, and a primary resident continues to occupy the property while the short-term rental is being rented to a transient guest.

(c) Hosting platform shall mean an internet based platform that generally facilitates the rental of the short-term rental accommodations by brokering, coordinating, or in any other way arranging for the rental of the accommodations. generally allows an owner or tenant to advertise a the short-term rental through a website and provides a means for potential transient users to arrange rental and payment through the platform.

- (d) *Licensee Host* shall mean any person who owns or operates a short-term rental that possesses a short-term rental special fees license pursuant to this Article.
- (e) *Person* shall have the same meaning as provided in Section 13-1 of the Code.
- (f) *Primary residence* shall mean ~~thean individual's~~ permanent residence or the usual place of return for housing of the owner of the short-term rental, the operator of the short-term rental, or an individual who otherwise consents to be an agent of the owner or operator for the purposes of this article, as documented by at least two (2) of the following:
- (1) Motor vehicle registration;
 - (2) Driver's license;
 - (3) Voter registration;
 - (4) Tax documents showing the premises as the individual's residence;
 - (5) Utility bill.

An individual may only have (1) primary residence and must reside there for a minimum of two hundred and seventy-five (275) days during the calendar year.

- (g) *Primary resident* shall mean the owner of the short-term rental, the operator of the short-term rental, or an individual who otherwise consents to be the agent of the owner or operator for the purposes of this article, whose primary residence is the dwelling unit utilized as the short-term rental, or another dwelling unit on the subject property.

- ~~(g)~~(h) *Rent* shall have the same definition as provided in Section 2-172 of the Code.

- ~~(h)~~(i) *Short-term rental* shall mean a dwelling unit that is rented, leased, or otherwise assigned, in whole or in part, for temporary occupancy by transient guests for a tenancy of less than thirty (30) consecutive days, where no meals are served. This term does not include hotel or motel rooms, extended stay hotels, bed and breakfast facilities, or boarding and lodging house rooms.

- ~~(i)~~(j) *Short-term rental advertisement* shall mean any method of soliciting another to use a dwelling unit or portion thereof as a short-term rental. away

- ~~(j)~~(k) *Transient user guest* shall mean an individual person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement for a period of less than thirty

(30) consecutive days. has established primary residence in a dwelling unit separate from a dwelling unit on the subject property being rented. This term shall not be construed to include individuals who rent their primary residence on a weekly basis.

~~(k)(l)~~ Un-Hosted short-term rental shall mean a short-term rental in which the dwelling unit utilized as the short-term rental, or another dwelling unit on the subject property, is not a primary residence, or a primary resident fails to occupy the subject property while the short-term rental is being rented to a transient guest.

~~(b) — Payment of taxes or fees.~~ Each host shall be required to pay any applicable taxes or fees in accordance with chapter 13 of the Code of Ordinances.

~~(c) — Payment of transient room taxes required.~~ Each host shall be required to collect and pay to the urban county government all transient room taxes required pursuant to section 2-172 of the Code of Ordinances. The collection and remission of transient room taxes may be paid by a hosting platform or other party on behalf of a host, but the host is ultimately responsible for payment of the taxes.

~~(d) — Compliance with federal, state, and local laws and regulations.~~ Each separate short-term rental shall be in compliance with any currently applicable laws and regulations of the federal, state, or local government, as may be amended from time to time including, but not limited to, laws or regulations on nondiscrimination, zoning, building, safety, property maintenance, health and sanitation, fire, electrical, plumbing, mechanical, and other applicable laws.

Section 3 – That Section 13-77 of the Code of Ordinances be and hereby is created 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, ~~home~~ 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, ~~home~~ 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) Evidence that the short-term rental is a hosted short-term rental, or a copy of the conditional use permit issued by the Board of Adjustment for the un-hosted short-term rental;
 - (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; and
 - (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.
- (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 for non-~~

primary residence an un-hosted short-term rental.

- (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, for the un-hosted short-term rental; 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.
- ~~(j)~~(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 4 – That Section 13-78 of the Code of Ordinances be and hereby is created to read as follows:

Sec. 13-78. – Taxes.

- (a) Pursuant to Section 2-172 of the Lexington-Fayette Urban County Government Code of Ordinances, each Hosting Platform shall be required to collect and pay to the urban county government all transient room taxes on all rent charged or collected by the hosting platform. If rent is not charged or collected by a hosting platform, the Licensee shall be required to collect and pay to the urban county government all transient room taxes required by law.
- (b) Pursuant to Article I of this Chapter, Licensees are responsible for payment of occupational license fees on net profits earned from the operation of short-term rentals and on withholdings from employee compensation paid for work done or services performed in the urban county, subject to any applicable exemptions, including for rental property.

Section 5 – 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 operator of the short-term rental, if different from the Licensee;~~
 - ~~c.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; if different from the Licensee;
 - ~~d.c.~~ the emergency and non-emergency telephone numbers for police, fire, and emergency medical service providers;
 - ~~e.d.~~ trash and recycling pickup information;
 - ~~f.e.~~ a clearly marked emergency evacuation plan for the premises showing exit routes, exits, and fire extinguisher locations;
 - ~~g.f.~~ the maximum number of occupants permitted in the short-term rental;
 - ~~h.g.~~ a copy of the conditional use permit, if applicable; and
 - ~~i.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 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. 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) Guests shall not allow more individuals onto the premises than specified in the booking; 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)(a) 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)(1) language specifying the allowed maximum number of occupants and maximum number of vehicles allowed under this Article; and~~

~~(3)(1) language specifying that guests of the short-term rental are prohibited from allowing more people onto the premises than specified in the booking;~~

~~(e)(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; and

~~(f)(e)~~ Every short-term rental operated by the Licensee complies with all applicable planning and zoning rules, ordinances, and regulations.

Section 6 – That Section 13-80 of the Code of Ordinances be and hereby is created 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;

~~(a)~~(c) Pursuant to KRS 65.8821, the Code Enforcement Board~~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 7 – That Section 13-81 of the Code of Ordinances be and hereby is created 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:

<u>1st Offense</u>	<u>\$125.00</u>
<u>2nd Offense</u>	<u>\$250.00</u>

<u>3rd Offense</u>	<u>\$500.00</u>
<u>4+ Offense</u>	<u>\$1,000.00</u>

- (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.

Section 8 – That Section 13-82 of the Code of Ordinances be and hereby is created to read as follows:

Section 13-82. –Appeals

- (a) If an application is denied, a Licensee's short-term rental special fee license is revoked, or the Director fails to renew a Licensee's short-term rental special fee license under this article, the Licensee may appeal as follows:
 - (1) Upon finding that a condition exists to deny an application, revoke a license, or fail to renew a short-term rental special license fee, the director shall issue a letter to the Licensee or applicant requiring that it come forward and show cause why the above action should not be

taken.

- (2) The Licensee or applicant shall have ten (10) days to respond to the director's letter and shall present evidence showing that the proposed action should not be taken.
- (3) The director shall determine whether the business has produced sufficient evidence to contest the proposed action and shall request review by the commissioner of finance if such evidence exists.
- (4) Within thirty (30) days, the commissioner of finance shall review all evidence and hold a hearing at which the business shall be allowed to present witnesses on its behalf. The commissioner's decision whether to deny an application, revoke a short-term rental special fee license, or fail to renew a license shall be final.

- (5) Failure to appeal as provided above shall result in the Director taking the proposed action described in his or her letter.
- (b) Any person issued civil penalties for violations of this Article may appeal to the Administrative Hearing Board in accordance with Section 12-6 and Section 2B of the Code of Ordinances.
- (c) Any person issued civil penalties for zoning code violations may appeal to the Infrastructure Hearing Board in accordance with Section 5-9 of the Zoning Code and 16-79 of the Code of Ordinances.

Section 9 – 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 10 – 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 11 – That this Ordinance shall become effective on ~~ENTER DATE~~
HERE the date of its passage.

Section 12 – That the Division of Revenue shall not enforce this Ordinance for a period of six months from the Ordinance's effective date to allow property owners adequate time to comply.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF THE URBAN COUNTY COUNCIL

PUBLISHED:

Sec. 1-11. Definitions.

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

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

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

Article 3 GENERAL ZONE REGULATIONS

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

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

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

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

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

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

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

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

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

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

14. The short-term rental (defined in the Code of Ordinances) of Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of short-term rental facilities, if any, within the general neighborhood of the property being considered for such use.

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

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

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

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

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

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

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

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

1. As for R-1A.

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

- (a) *Intent.* This zone is intended to provide for attached single-family dwellings and supporting uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. Single-Family attached residences, except that not more than twelve (12) units shall be attached.

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

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

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

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

- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
 - 1. Items 1 through 3 and 6 through ~~10~~ 11 of the permitted accessory uses in the R-1A zone.
 - ~~2. The keeping of not more than four (4) roomers or boarders per dwelling unit by a resident family for single family or two-family dwellings, except where a bed and breakfast facility is provided; then no roomers or boarders shall be permitted.~~
 - 3. Non-commercial athletic club facilities, when accessory to another permitted or conditional use.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
 - 1. The permitted conditional uses in the R-1A zone.

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

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

- (a) *Intent.* This zone is primarily for multi-family dwellings and particularly for high rise apartments. The R-5 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
 - 1. Multifamily dwellings.
 - 2. Dormitories.
 - 3. Offices, limited to multifamily structures with six (6) or more stories, provided offices are limited to no more than the first two (2) stories with no mixing of offices and apartments on the same floor.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
 - 1. The permitted accessory uses in the R-1A zone, items 1 through 3 ~~and~~, 6 through 9 ~~and~~ 11.
 - 2. Athletic club facilities, when accessory to another permitted or conditional use.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
 - 1. The permitted conditional uses in the R-3 zone.

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

- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
 - 1. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies.
 - 2. Parking areas or structures.
 - 3. Incidental retail sales or personal services, including facilities for serving food, only for employees, residents or visitors to any permitted use, and having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of five thousand (5,000) square feet.

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

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

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

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

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

1. Parking areas or structures.
2. One (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted uses.
3. Warehousing, wholesaling, and storage, excluding outdoor storage; and provided that no building for such accessory use shall have openings other than stationary windows or solid pedestrian doors within one hundred (100) feet of any residential zone.
4. The sale of malt beverages, wine or alcoholic beverages, when accessory to a restaurant permitted under Subsection (b)3. Such accessory use shall not devote more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of such beverages, nor provide any separate outside entrances or separate identification signs for those areas.
5. Satellite dish antennas, as further regulated by Section 15-8.
6. One or two (2) pool or billiard tables within an establishment.
7. Sidewalk cafes, when accessory to any permitted restaurant.
8. Retail sale of liquid propane (limited to twenty pound (20 lb.) containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Subsection (b) of this section.
9. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located more than one hundred (100) feet from a residential zone.
10. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.
11. Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.

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

1. Self-service car washes, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
2. The rental of trucks (single rear axle: Twenty-eight (28) feet maximum overall length), trailers and related items in conjunction with the operation of an automobile service station, provided that the service station abuts a state or federal highway. No more than five (5) trucks shall be stored for longer than forty-eight (48) hours on any service station. A site plan shall be submitted for the approval of the Board of Adjustment for the continued control of such activity and shall show the entire property, buildings, signs, parking and location of the proposed storage area.
3. A restaurant or brew-pub, without live entertainment or dancing, which devotes more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of malt beverages, wine or alcoholic beverages.
4. Outdoor live entertainment and/or dancing, cocktail lounges or nightclubs, unless prohibited under Subsections (e)(14) and (15) of this section. Such uses shall be located at least one hundred (100) feet from any residential zone; and indoor uses shall be sound-proofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood. The Board may also impose time restrictions to minimize nuisance to the surrounding neighborhood.
5. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located closer than one hundred (100) feet from a residential zone.

6. Upholstery shop.
7. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
8. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
 - a. To check all operating equipment;
 - b. To check fire suppression system(s);
 - c. To check the condition of the fire alarm(s);
 - d. To check for indications of fuel leaks and spillage;
 - e. To remove trash from the site;
 - f. To monitor the general condition of the site.
9. Rehabilitation homes, but only when located closer than five hundred (500) feet from a residential zone, school for academic instruction or a childcare center.
10. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
11. Circuses, provided all structures are located not less than two hundred (200) feet from any residential zone; and further provided that all structures for housing animals shall be two hundred (200) feet from any residential zone, residential use, school, hospital, nursing or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
12. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
13. Extended-stay hotels.
14. Parking lots, provided such use conforms to the conditions of Article 16.
15. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, except as accessory uses herein.
16. Ecotourism activities to include zip line trails; tree canopy tours; fishing clubs; botanical gardens; nature preserves; and seasonal activities.
17. Recreation vehicle and trailer campgrounds, but only when located within five hundred (500) feet of an interstate interchange.
18. Hunting clubs, but only when located more than five hundred (500) feet from a residential zone.
19. Country inns, but only when located within five hundred (500) feet of an Agricultural Rural (A-R) zone.

20. Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.

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

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

3. Sidewalk cafe, when accessory to any permitted restaurant.
4. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
5. Satellite dish antennas, as further regulated in Section 15-8.
6. Micro-brewery, when accessory to a restaurant permitted herein; shall be located at least one hundred (100) feet from a residential zone, and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
7. Parking areas or structures.
8. **Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.**

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

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

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

23. Computer and data processing centers.
 24. Telephone exchanges, radio and television studios.
 25. Cable television system signal distribution centers and studios.
 26. Private clubs, except as prohibited under Subsections (e)7, 8 and 9 of this section.
 27. Kindergartens, nursery schools and childcare centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
 28. Pawnshops which:
 - (1) Were in operation prior to August 31, 1990, and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or
 - (2) Had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.
 29. Historic house museums.
 30. Health clubs, athletic clubs and spas.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Storage area for delivery vehicles of a permitted use.
 2. Sidewalk cafe, when accessory to any permitted restaurant.
 3. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
 4. Parking lots and parking structures, when accessory to principal permitted uses.
 5. Satellite dish antennas, as further regulated by Section 15-8.
 6. Micro-brewery, when accessory to a restaurant permitted herein; shall be located at least one hundred (100) feet from a residential zone, and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
 7. **Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance**

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

(o) *Special Provisions.*

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

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

As principal permitted uses:

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

As accessory uses:

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

- 4. Adaptive Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
 - a. The property must be located in or adjacent to, or across a public right-of-way from, the defined Infill and Redevelopment Area. The area of the Project will be defined by the development plan and may include noncontiguous properties that can function together as an interrelated development.
 - b. The Project must include:
 - 1. At least one (1) existing building that will be adaptively reused as a principal structure.
 - 2. Public art or a public art easement that is publicly displayed in a publicly accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.
 - c. The applicant shall provide documentation demonstrating that the Project meets at least one (1) of the following criteria:
 - 1. The site has a single building of over 30,000 square feet that is over 75 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 75 years old.
 - 2. The site includes a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or was constructed prior to 1950.
 - d. The applicant shall include at least one element from the following categories and must reach total score of 10 points:
 - 1. Primary Land Use, Building Form, and Design:
 - i. Affordable Housing (6) - Provide residential housing, at least 20% of which will be set aside for affordable housing (60% AMI) for at least 15 years.
 - ii. Affordable Housing (4) - Provide residential housing, at least 20% of which will be set aside for affordable housing (80% AMI) for at least 15 years.
 - iii. Green Rated Site Design (Sustainable Sites Initiative or similar standard) (3) - Incorporating whole of project area.

- iv. Green Building Design (LEED or similar standard) (3) - Structures that incorporate the principles of sustainable design of adaptively reused structures.
 - v. Green Building (LEED or similar standard) (2) - New Construction
 - vi. Green Infrastructure (2) - Manage 50% of stormwater onsite with Vegetative Low Impact Development BMPs and educational signage (must still meet LFUCG Stormwater Manuals).
 - vii. Renewable Energy (1).
 - viii. Mixed use residential and commercial site wide (1).
 - ix. Innovation Credit (1) - Provide a high degree of innovative modification of land use, building form, and/or design.
2. Transit, Infrastructure, and Connectivity:
- i. Parking Structure (4).
 - ii. Riparian Buffer Restoration (3) - Meet requirements of Stormwater Manual Table 1-7 along length of stream on lot.
 - iii. Daylighting of stream/removal of culvert (3).
 - iv. Stream channel restoration (2) - See Stormwater Manual Ch. 9 for guidance.
 - v. Accessible transit shelter and bench (2).
 - vi. Multi-use path or open space oriented amenities (2).
 - vii. Publicly accessible property to property cross-connectivity (2).
 - viii. Innovation Credit (1) - Provide a high degree of innovative modification of transit, infrastructure, and connectivity.
3. Quality of Life Components:
- i. Site is within an area that is a brownfield recovery site (4).
 - ii. Increase of Canopy Coverage to 40% (4).
 - iii. Increase of Canopy Coverage to 30% (3).
 - iv. Increase of Canopy Coverage to 20% (2).
 - v. Site is in a district that has applied for, or has obtained, special funding or similar government incentives (3).
 - vi. Universal Design Standards for all ground floor space (2).
 - vii. 20% Community oriented open space nonresidential (3).
 - viii. 10% Community oriented open space nonresidential (2).
 - ix. Community garden space (1).
 - x. Innovation Credit (1) - Provide a high degree of innovative modification of quality of life components.
- e. Principal uses in Adaptive Reuse Projects:
- 1. Any of the principal uses permitted in the underlying zone.

2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater; theaters, including movie theaters and other indoor amusements, except as prohibited under Section 8-19(e), including billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
 3. Community centers, churches and private clubs.
 4. Restaurants, with or without outdoor seating and with or without live entertainment.
 5. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics and similar items.
 6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
 7. Banquet facilities or private clubs with live entertainment, brew-pubs, bars, cocktail lounges and nightclubs.
 8. Offices, banks or clinics.
 9. Hotels or motels.
 10. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
 11. Quick copy services not using offset printing methods.
 12. Residences of any kind.
 13. Health clubs, athletic clubs and spas.
 14. Parking lots and structures.
 15. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.
 16. Kindergartens, nursery schools and childcare centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least twenty-five (25) square feet per child.
 17. Indoor or outdoor amusement or entertainment enterprises such as circuses, carnivals, rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two (2) weeks.
 18. Passenger transportation terminals.
 19. Publicly accessible parks.
 20. [Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance](#)
- f. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
- g. Prohibited uses:
1. All adult uses, as listed in Sections 8-16(e)14 through 17.
 2. Drive-through facilities.
- h. Parking:
1. For any site that is located on a transit route, there shall be a maximum of four (4) surface parking spaces per one thousand (1,000) commercial square feet.

2. For any site that is not located on a transit route, there shall be a maximum of five (5) surface parking spaces per one thousand (1,000) commercial square feet.
3. Structure parking shall not count toward any maximum parking requirement.
- i. Signage: Shall be as permitted under Section 17-11(n) for an MU-2 zone.
- j. Lot and Yard Requirements: No minimum.
- k. Height: No maximum height for adaptive reuse of existing buildings. New buildings shall not be more than twelve (12) feet taller than the tallest structure that is being adaptively reused, or forty-eight (48) feet, whichever is greater.
- l. The applicant shall submit a compliance statement with the development plan that specifies how the project will further the Goals and Objectives and other elements of the Comprehensive Plan.
- m. Prior to holding a hearing on the development plan, the applicant shall post a sign, with dimensions set out in Section 23B-5(b), at a visible location on the property at least fourteen (14) days prior to the hearing, informing the public of the location, date and time of the hearing. Evidence of the sign having been posted shall be submitted to the Planning Commission at the hearing.
- n. The Planning Commission shall have the power to approve, modify or disapprove the development plan, as set out in Article 21. In addition, if the Planning Commission approves the development plan, it must adopt a finding that the development plan furthers the Goals and Objectives or other elements of the Comprehensive Plan.
- o. For additional land to be added to an adaptive reuse project area, the new portion must be adjacent to the current project area. An updated compliance statement must be submitted, which shall implement those elements that have been applied across the project area.
- p. For any amendment that seeks to expand the originally approved project, the added portion of the project must meet all requirements of Sec. 8-18(o)(4)(d) separate from the original project.
5. Industrial Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
 - a. The Planning Commission shall, with the approval of any development plan, consider the following locational and compatibility factors:
 1. The site shall be located outside of the defined Infill and Redevelopment Area.
 2. An Industrial Reuse Project shall not be located on an arterial roadway.
 3. The Project should be located in an area of mixed uses and zones.
 4. The Project should be located in a B-4 or 1-1 area in which, due to small lot size, adjacent uses, or the nature of the roadway system, it would not be appropriate to construct larger B-4 or 1-1 uses, such as truck terminals, manufacturing facilities or large warehousing facilities.
 5. The property has an existing building coverage that does not allow for substantial expansion of the structure or parking facilities.
 - b. The Project must include:
 1. At least one existing building that will be adaptively reused as a principal structure.

2. Public art or a public art easement that is publicly displayed in an accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.
- c. The applicant shall provide documentation demonstrating that the Project meets at least one of the following criteria:
1. The site includes a building lot coverage of 65% or greater and contains a building that is over 75 years old.
 2. The site includes a single building of over 30,000 square feet that is over 75 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 75 years old.
 3. The site includes a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or was constructed prior to 1950.
- d. The applicant shall include at least one element from the following categories and must reach total score of 10 points:
1. Primary Land Use, Building Form, and Design:
 - i. Affordable Housing (6) - Provide residential housing, at least 20% of which will be set aside for affordable housing (60% AMI) for at least 15 years.
 - ii. Affordable Housing (4) - Provide residential housing, at least 20% of which will be set aside for affordable housing (80% AMI) for at least 15 years.
 - iii. Green Rated Site Design (Sustainable Sites Initiative, etc.) (3) - Incorporating whole of project area.
 - iv. Green Rated Site Design (Sustainable Sites Initiative or similar standard) (3) - Incorporating whole of project area.
 - v. Green Building Design (LEED or similar standard) (3) - Structures that incorporate the principles of sustainable design of adaptively reused structures.
 - vi. Green Building (LEED or similar standard) (2) - New Construction.
 - vii. Renewable Energy (1).
 - viii. Mixed use residential and commercial site wide (1).
 - ix. Innovation Credit (1) - Provide a high degree of innovative modification of land use, building form, and/or design.
 2. Transit, Infrastructure, and Connectivity:
 - i. Parking Structure (4).
 - ii. Riparian Buffer Restoration (3) - Meet requirements of Stormwater Manual Table 1-7 along length of stream on lot.
 - iii. Daylighting of stream/removal of culvert (3).
 - iv. Stream channel restoration (2) - See Stormwater Manual Ch. 9 for guidance.
 - v. Accessible transit shelter and bench (2).

- vi. Multi-use path or open space oriented amenities (2).
 - vii. Publicly accessible property to property cross-connectivity (2).
 - viii. Innovation Credit (1) - Provide a high degree of innovative modification of transit, infrastructure, and connectivity.
3. Quality of Life Components:
- i. Site is within an area that is a brownfield recovery site (4).
 - ii. Increase of Canopy Coverage to 40% (4).
 - iii. Increase of Canopy Coverage to 30% (3).
 - iv. Increase of Canopy Coverage to 20% (2).
 - v. Site is in a district that has applied for, or has obtained, special funding or similar government incentives (3).
 - vi. Universal Design Standards for all ground floor space (2).
 - vii. 20% Community oriented open space nonresidential (3).
 - viii. 10% Community oriented open space nonresidential (2).
 - ix. Community garden space (1).
 - x. Innovation Credit (1) - Provide a high degree of innovative modification of quality of life components.
- e. Principal uses in Industrial Reuse Projects:
- 1. Any of the principal uses permitted in the underlying zone.
 - 2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater; theaters, including movie theaters and other indoor amusements, except as prohibited under Section 8-19(e), including billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
 - 3. Community centers, places of religious assembly and private clubs.
 - 4. Restaurants, with or without outdoor seating and with or without live entertainment.
 - 5. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics and similar items.
 - 6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
 - 7. Banquet facilities or private clubs with live entertainment, brew-pubs, bars, cocktail lounges and nightclubs.
 - 8. Offices, banks or clinics.
 - 9. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
 - 10. Residences of any kind.
 - 11. Health clubs, athletic clubs and spas.
 - 12. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.

13. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least 25 square feet per child.
 14. Indoor or outdoor amusement or entertainment enterprises such as circuses, carnivals, rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two weeks.
 15. Publicly accessible park.
 20. [Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance](#)
- f. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
 - g. Conditional Uses:
 1. Drive-through facilities.
 - h. Prohibited uses:
 2. All adult uses, as listed in Sections 8-16(e)(14 through 17).
 - i. Parking:
 1. For any site that is located on a transit route, there shall be a maximum of four (4) surface parking spaces per one thousand (1,000) commercial square feet.
 2. For any site that is not located on a transit route, there shall be a maximum of five (5) surface parking spaces per one thousand (1,000) commercial square feet.
 3. Structure parking shall not count toward any maximum parking requirement.
 - j. Signage Shall be as permitted under Article 17-7(0) for an MU-2 zone.
 - k. Lot and Yard Requirements - No minimum.
 - l. Height No maximum height for adaptive reuse of existing buildings. New buildings shall not be more than 12 feet taller than the tallest structure that is being adaptively reused on the same lot or the adjacent lot, or 48 feet, whichever is greater.
 - m. The applicant shall submit a compliance statement with the development plan that specifies how the project will further the Goals and Objectives and other elements of the Comprehensive Plan.
 - n. Prior to holding a hearing on the development plan, the applicant shall post a sign, with dimensions set out in Article 23B-5(b), at a visible location on the property at least 14 days prior to the hearing, informing the public of the location, date and time of the hearing. Evidence of the sign having been posted shall be submitted to the Planning Commission at the hearing.
 - o. The Planning Commission shall have the power to approve, modify or disapprove the development plan, as set out in Article 21. In addition, if the Planning Commission approves the development plan, it must adopt a finding that the development plan furthers the Goals and Objectives or other elements of the Comprehensive Plan.
 - p. For additional land to be added to an Industrial Reuse Project area, the new portion must be adjacent to the current project area. An updated compliance statement must be submitted, which shall implement those elements that have been applied across the project area.

- q. For any amendment that seeks to expand the originally approved project, the added portion of the project must meet all requirements of Sec. 8-18(c)(4)(d) separate from the original project.
- r. Flex Space Projects that have been approved prior to August 1, 2021, shall be regulated per the approved development plan.

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

- (a) *Intent.* This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Adaptive Reuse Projects and Industrial Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
 1. The principal permitted uses in the B-4 zone.
 2. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of articles of merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious and semi-precious metals, precious and semi-precious stones, rubber, sheet metal (excluding large stampings), shell, textiles, tobacco, wax, wire, wood (excluding sawmills, planing mills), and yarn.
 3. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of such products as: bakery goods; billboards; candy; ceramics; cosmetics; drafting instruments; electrical parts; appliances; electric or neon signs; electronic instruments; food products; meat packaging; ice cream; medical and dental instruments; musical instruments; pharmaceuticals; pottery, china, or figurines; radios; record players; rubber and metal stamps; rubber products; scientific instruments and equipment; shoes; television receivers; toiletries, soaps and detergents; toys; and watches and clocks.
 4. Other industrial and manufacturing uses, such as auto parts rebuilding; battery manufacturing; beverage manufacturing; micro-brewery as regulated by KRS 243.157 and KRS 243.150; Class B (craft) distillery as defined in KRS 243.120; dairy and non-dairy and food and non-food product bottling plants; box and crate assembly; building materials sales; rental storage yard; bag, carpet and rug cleaning and dyeing; cabinet shop; cannery; cooperage; columbariums and crematories; dextrine and starch manufacturing; enameling, lacquering, and japanning; felt manufacturing; electric foundry; furniture manufacturing; heating equipment manufacturing; inflammable underground liquid storage; iron works (ornamental), and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; radium extraction; railway or truck terminal; stone monument works; tool manufacturing; vehicle storage yards for which occupancy permits were issued prior to May 1, 1985; welding, and other metal working shops.
 5. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, and processing of paper shall be permitted only when wholly conducted in a completely enclosed building.
 6. Adaptive Reuse Projects, as set out in Section 8-21(b)23 and Section 8-21(o)4.
 7. Industrial Reuse Projects, as set out in Section 8-21 (b)26 and Section 8-21 (o)5.
 8. Commercial wood lots, provided that:

- a. All wood storage and processing activities are located at least three hundred (300) feet from the nearest residential zone;
 - b. Wood piles are no greater than fifteen (15) feet in height, no greater than twenty (20) feet in width, no greater than one hundred (100) feet in length, and are spaced no less than twenty (20) feet from any property line; and
 - c. Cutting and splitting of timber takes place only between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
 - 1. Off-street parking areas and structures; loading facilities.
 - 2. Dwelling units for watchmen or caretakers, provided that such facilities shall be located on the same premises as the permitted use.
 - 3. Outdoor storage of products manufactured on the premises or materials to be used in manufacture on the premises.
 - 4. Facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.
 - 5. Offices.
 - 6. Recreational facilities, except as prohibited herein.
 - 7. Sale of manufactured goods.
 - 8. Sale of finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than thirty percent (30%) of the total floor and storage area.
 - 9. Satellite dish antennas, as further regulated by Section 15-8.
 - 10. Beauty salons where accessory to an athletic club facility, provided that the area of the salon shall not constitute more than ten percent (10%) of the total floor area, that the salon has no separate external entrance, nor separate business signage.
 - 11. Retail sale of liquid propane (limited to twenty-pound (20-lb.) containers), when accessory to retail sale of building materials and lumber permitted under Section 8-21(b)(18).
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
 - 1. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
 - 2. Public utilities and public service uses and structures.
 - 3. Penal or correctional institutions.
 - 4. Grain drying, when operated in a fully enclosed building at least three hundred (300) feet from the nearest residential, business, or professional office zone.
 - 5. The above- or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station or limited by Subsection (e) of this section; and provided such operations conform to the standards prescribed by the National Fire Protection Association, the Kentucky Occupational Safety

and Health Standards for General Industry, and any requirements of the Fire Marshall. Such conformance shall be certified in writing by the Fire Marshall, and any required protective measures for the containers shall be met in all ways.

6. Banks, with or without drive-through facilities, except as provided as part of an Adaptive Reuse Project or an Industrial Reuse Project, provided:
 - a. The site lies within the area of a development plan approved by the Planning Commission, having a minimum one hundred (100) acres zoned industrial;
 - b. There shall be an on-site stacking capacity of a minimum of twenty (20) cars for each bank having drive-through facilities;
 - c. The site shall not have direct access to an arterial street;
 - d. There exists, within the development plan area, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least five hundred (500) employees;
 - e. There exists, within a one-mile radius of the property boundaries of the proposed site, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least two thousand, five hundred (2,500) employees;
 - f. A site development plan is submitted to, and approved by, the Board of Adjustment and the Planning Commission.
7. Concrete mixing and concrete products, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:
 - a. That no concrete mixing operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.
 - b. Noise, Air and Water Quality: The facility shall be operated at all times in compliance with applicable federal, state and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Section 6-7, Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
 - c. Development Plan: The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, stormwater and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.
 - d. Drainage and Erosion Control: All operations shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event that adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
 - e. Roads: All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.
 - f. Screening: Screening shall be provided as defined in accordance with LFUCG Article 18 of this Zoning Ordinance.
 - g. Transportation Plan: A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
 - 1) Product shipping and deliveries;

- 2) Mode of transportation;
 - 3) Route(s) to and from the site;
 - 4) Schedule and frequency of shipments;
 - 5) Delivery and shipping spillage control methods;
 - 6) Employee parking.
- h. Storage: Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three (3) sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.
 - i. Excess Product and Waste: Excess product and waste, when disposed of on-site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.
8. Cable television system facilities, including transmitting towers; antennas; earth stations; microwave dishes; relays; business offices; television studios; and storage facilities.
 9. Vehicle storage yards, for which occupancy permits were applied for on or after May 1, 1985.
 10. Commercial composting, provided that the following requirements are met:
 - a. That all such composting shall be conducted in a fully enclosed building.
 - b. That a permit-by-rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
 - c. That a development plan, indicating access points and circulation routes; proposed signage; screening and landscaping; fencing and other significant geological or physical features of the property, be submitted as part of any application.
 - d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.
 11. Helistops and heliports, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
 12. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.

13. Places of religious assembly, Sunday schools, and schools for academic instruction, when affiliated with a place of religious assembly or a religious entity, except as provided as part of an Adaptive Reuse Project.
 14. Retail sale, except as provided as part of an Adaptive Reuse Project, of furniture and household-related items, such as antiques; fabrics; fixtures; furnishings; glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.
 15. Community centers, except as provided as part of an Adaptive Reuse Project.
 16. Childcare centers, except as provided as part of an Adaptive Reuse Project.
 17. Agricultural market and market gardens.
 18. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
 19. Circus, provided all structures are located not less than two hundred (200) feet from any residential zone; and further provided that all structures for housing animals shall be two hundred (200) feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
 20. Day shelters.
 21. Ecotourism activities to include campgrounds, commercial hiking, bicycling, and zip line trails; tree canopy trails; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities.
- (e) *Prohibited Uses.* (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)
1. The prohibited uses in the B-4 zone, Section 8-21(e)3 through 11, and 14 through 16.
 2. All uses first permitted in the I-2 zone, except as specifically permitted herein.
 3. A facility for the storage and distribution of gas by railroad tank cars, through gas piping, or by tank trucks, which each have a water capacity in excess of four thousand (4,000) gallons.
 4. Slaughterhouses.
 5. Equine trails, children's rides, pony rides and petting zoos.
- Lot, Yard, and Height Requirements. (See Articles 3 and 15 for additional regulations.)
- (f) *Minimum Lot Size.* No limitation.
 - (g) *Minimum Lot Frontage.* No limitation.
 - (h) *Minimum Front Yard.* Twenty (20) feet.
 - (i) *Minimum Each Side Yard.* No limitation, except as provided in Subsection (o) of this section.
 - (j) *Minimum Rear Yard.* No limitation, except as provided in Subsection (o) of this section.
 - (k) *Minimum Useable Open Space.* No limitation.
 - (l) *Maximum Lot Coverage.* No limitation.

(m) *Maximum Height of Building.* Seventy-five (75) feet, except when a side or rear yard abuts a Professional Office or Residential zone, then a 3:1 height-to-yard ratio.

(n) *Off-Street Parking.* (See Articles 16 and 18 for additional parking regulations.)

No minimum requirements.

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

(o) *Special Provisions.*

1. All industrial uses shall be conducted in a completely enclosed building, except for outdoor storage uses, which shall be enclosed on all sides by a solid wall or fence not less than six (6) feet in height.
2. All buildings and structures shall be at least one hundred (100) feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access.
3. Landscape buffer areas shall be required as set forth in Article 18.

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

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

[\(Refers to B-4, No Change\)](#)

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

[\(Refers to B-4, No Change\)](#)

Article 12 COMMERCIAL CENTER (B-6P) ZONE

Sec. 12-4. Accessory uses.

The accessory uses permitted in a B-6P zone shall be as follows:

- (a) The accessory uses in the B-1 and P-1 zones.
- (b) Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.
- (c) Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance

APPENDIX 23A. ZONING CATEGORIES AND RESTRICTIONS

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

- (a) *Intent.* This zone is intended to provide a mixture of low density residential uses which will serve as a transition between the more intensely developed suburban neighborhoods and the Rural Service Area.
- (b) *Principal Uses.*
 - 1. Single-family, two-family, multifamily, and townhouse dwellings.
 - 2. Community residences.
 - 3. Golf courses and common open spaces.
 - 4. Places of religious assembly when located adjacent to a street that has the functional classification of collector/boulevard or arterial.
- (c) *Accessory Uses.*
 - 1. Private garages and parking areas.
 - 2. Accessory Dwelling Units, as regulated in Article 3-12.
 - 3. Swimming pools and tennis courts, which may include a clubhouse, as approved by the Planning Commission on a final development plan, for the use and enjoyment of the surrounding neighborhood, which may also include weight training and exercise rooms, restrooms, meeting rooms, or similar facilities.
 - 4. Home offices and home occupations.
 - 5. Family childcare home.
 - 6. The keeping of not more than two (2) roomers or boarders by a resident family.
 - 7. Childcare facilities and schools for academic instruction when accessory to a place of religious assembly on the same property.
 - 8. Non-commercial hiking and bicycling trails.
 - 9. Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.

(d) *Conditional Uses.*

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

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

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

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

- (a) *Intent.* The intent of this zone is to implement the Community Center land use designation in the Expansion Area Master Plan by providing a mixture of residential uses and nonresidential uses which serve the needs of the surrounding residential neighborhoods.
- (b) *Principal Uses.*
1. As for EAR-3.
 2. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
 3. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations, including but not limited to, real estate sales offices.

4. Places of religious assembly.
5. Libraries, museums, art galleries, and reading rooms.
6. Medical and dental offices, clinics, and laboratories.
7. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
8. Community centers and private clubs.
9. Nursing and personal care facilities, and rehabilitation homes.
10. Computer and data processing centers.
11. Ticket and travel agencies.
12. Kindergartens, nursery schools and childcare centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
13. Business colleges, technical or trade schools or institutions.
14. Establishments for the retail sale of food products, such as supermarkets; dairy, bakery, meat, beer, liquor, and wine and other food product stores; and provided that production of food products is permitted only for retail sale on the premises.
15. Restaurants, except as prohibited under Section 8-16(e)(14) and (15), which offer no live entertainment or dancing.
16. Establishments for the retail sale of merchandise, including clothing; shoes; fabrics; yard goods; fixtures, furnishings, and appliances, such as floor covering, radios, TV, phonograph products and other visual and sound reproduction or transmitting equipment; furniture; kitchen and laundry equipment; glassware and china; and other establishments for the retail sale of hardware and wallpaper, lawn care products; paint and other interior or exterior care products; hobby items; toys; gifts; antiques; newspapers and magazines, stationery and books; flowers; music; cameras; jewelry and luggage; business supplies and machines; prescription and non-prescription medicines and medical supplies.
17. Beauty shops, barber shops, shoe repair, self-service laundry, or laundry pick-up station, including clothes cleaning establishments of not more than 40 pounds capacity and using a closed system process.
18. Automobile service stations, provided such use conforms to all requirements of Article 16.
19. Repair of household appliances.
20. Retail sale of plant nursery or greenhouse products, except as prohibited herein.
21. Outdoor miniature golf or putting courses.
22. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
23. Carnivals, special events, festivals, and concerts on a temporary basis, and upon issuance of a permit by the Divisions of Planning and Building Inspection, which may restrict the permit in terms of time; parking; access; or in other ways to protect public health, safety, or welfare, or deny such if public health, safety, or welfare are adversely affected. A carnival, special events, festivals, and concerts may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
24. Indoor theaters.
25. Rental of equipment whose retail sale would be permitted elsewhere in this zone.

26. Arcades, including pinball, and electronic games.
27. Athletic club facilities.
28. Swimming pools; tennis courts; putting greens; hiking, bicycling and equine trails; and other similar commercial and non-commercial recreational uses.
29. Brew-pub.
30. Day shelters.
31. Commercial farm markets.
32. Market gardens.
33. Banquet facilities.
34. Offices of veterinarians, animal hospitals or clinics, provided that:
 - (a) All exterior walls are completely soundproofed;
 - (b) Animal pens are located completely within the principal building; and
 - (c) Boarding is limited to only animals receiving medical treatment.

35. Hotels and motels

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

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

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

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

- (d) *Conditional Uses.* The following shall be conditional uses in the MU-1 zone:
1. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
 2. Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.

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

- (b) *Principal Permitted Uses.* The following shall be principal permitted uses in the MU-2 zone:
1. Dwelling units.
 2. The principal permitted uses of the P-1 and B-1 zone except as specifically prohibited hereinbelow.
- (c) *Accessory Uses.* The following shall be accessory uses in the MU-2 zone:
1. The accessory uses permitted in the P-1 and B-1 zones, except for drive-through facilities.
- (d) *Conditional Uses:* The following shall be conditional uses in the MU-2 zone:
1. Drive-through facilities as an adjunct to a permitted use.
 2. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
 3. Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.

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

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

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

VACATION LEAVE BALANCE INCREASE PROPOSAL

General Government & Social Services Committee

March 7, 2023



LEXINGTON

Agenda

- Overall Leave Categories and Accruals
- Exceptions During the Pandemic
- Where We Are Today
- Comparative Entities
- Proposal

Leave Categories

- There are four major leave categories for classified and unclassified civil service employees:
 - Vacation
 - Sick
 - Holiday
 - Compensatory Time
- All are outlined in the Code of Ordinances

How Leave is Accrued and Banked

- Sick Leave (Section 21-34)
 - Employees earn 10 hours a month for every fully completed month of service.
 - Employees are paid out for any accrued leave above 600 hours in January of each year.
- Holidays (Section 21-38)
 - Employees earn two swing holidays each year in January.
 - Employees are provided holiday hours based on their work schedule as holidays occur (those with 8-hour work days earn 8 hours and those with 10-hour work days earn 10 hours).
 - Employees may carryover 80 hours of holiday each year and the cutback is performed at the end of the pay period in which December 31 falls.
- Compensatory Time (Section 21-37.1)
 - Exempt employees earn one hour for each hour worked over 40 hours.
 - Employees may accrue and continually carry a maximum of 120 hours (increased from 80 hours in February 2021).

Vacation Leave

- Section 21-33 of the Code of Ordinances
 - All full-time classified civil service employees earn 10 hours of vacation leave per month for the first ten years of service and 14 hours of vacation leave per month after ten years of service.
 - Full-time unclassified civil service employees are afforded the same benefit within separate ordinances in Chapter 22.
- Per this same section, employees are allowed to carryover 168 vacation hours each calendar year. That cutback is performed at the end of the pay period in which December 31 falls.

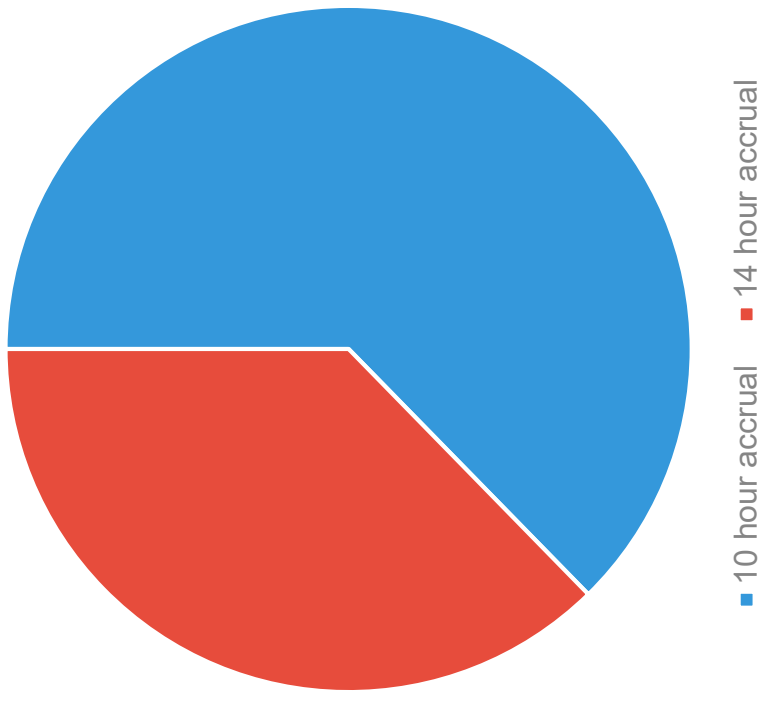
Exceptions During the Pandemic

- During the pandemic, the Council approved ordinances that provided employees the opportunity to carry over all accrued vacation hours.
 - Ordinance 057-2020 – Extended cutback that was scheduled on December 31, 2020 to December 31, 2021
 - Ordinance 006-2021 – Extended cutback that was scheduled on December 31, 2021 to December 31, 2022
 - Ordinance 104-2021 – Extended cutback that was scheduled on December 31, 2022 to December 31, 2023
- The Council also approved an ordinance that provided employees the opportunity to carry over all accrued holiday hours for 2021 and 2022.
 - Ordinance 105-2021 – Extended cutback that was scheduled on December 31, 2021 to December 31, 2023

Where We Are Today

- 1,439 full-time classified and unclassified civil service employees
 - 902 earning 10 hours per month
 - 537 earning 14 hours per month

Monthly Vacation Accrual Rate



Current Vacation Leave Balances

- Keeping in mind that employees will continue to accrue vacation leave each month, and considering employees who have been employed for at least 18 months, we currently have 342 employees, or 28% of employees with the following balances as of January 26, 2023:
 - 15 with over 600 hours
 - 21 with 500-599 hours
 - 32 with 400-499 hours
 - 78 with 300-399 hours
 - 196 with 200-299 hours

Comparative Entities - Vacation

*Entities that utilized days instead of hours were converted to hours based on an 8-hour workday

Entity	Vacation Carry Over	Notes
Commonwealth of Kentucky	240-480 hours, depending on months of service	- Excess leave above allowable max will be converted to sick leave at the end of a calendar year or upon retirement - Separation payout for accumulated unused balance up to the allowable carry forward max unless separated for cause
Louisville	560 hours at the end of every pay period	- Separation payout of any accumulated unused balance up to 320 hours. Any time left over shall be deleted - Former employee paid out for accumulated unused balances must wait 8 weeks before they can be rehired
Greensboro, NC	240 hours	- Leave balance over 240 hours as of January 31 each year will be converted to sick leave - Separation payout for accumulated unused balance
Knoxville, TN	Twice the annual leave accrual rate, not to exceed a balance of 384 hours	- Leave in excess of the maximum carryforward limit is subject to forfeiture - Separation payout for accumulated unused balance not to exceed 384 hours⁷⁸ - If employee exhausts all available sick and annual leave, the agent (division) may request a restoration of unused sick and/or annual leave that was forfeited

Proposal

- We are comfortable with where we stand with regard to our policies for sick, holiday and compensatory time.
- We propose to increase vacation leave carryover from 168 hours to 336 hours and cap vacation leave payouts upon separation at 336 hours.
 - This proposal allows any employee who separates prior to December 31, 2023 to receive payment for all accumulated vacation per the Code of Ordinances.
 - All employees would be cut back to 336 hours at the end of the pay period in which December 31, 2023 falls.
 - Employees would then continue to accrue vacation leave at their normal rates and **would receive payment for up to 336 hours of vacation leave upon separation.**

Questions?



General Government and Planning Commttee

Referral Item	Referred By	Date Referred	Last Heard	Status	File ID
1 CivicLex Public Comment Proposal	L. Sheehan	January 19, 2021	April 12, 2022	In progress	0057-23; 0362-22
2 Language Access in LFUCG and How to Improve It	J. Reynolds	August 10, 2021	April 12, 2022		0267-23; 0359-22
3 Study of a Consent Agenda Process for Council Meetings	K. Plomin	September 28, 2021		In progress	
4 Review of Neighborhood Access and Traffic Calming Measures	W. Baxter	August 16, 2022			
5 Review of Short-Term Rentals	J. Brown	June 11, 2019	November 29, 2022	In progress	0269-23
6 Recommendations for Ensuring the Continuous Operations for Shared Use Paths, Sidewalks, and Bike Lanes	C. Ellinger	August 10, 2021	January 18, 2022		0074-22
7 Examine Ways to Evenly Distribute Social Service Facilities in Neighborhoods	J. Reynolds	June 14, 2022			
8 Assessment of Lexington's African American Hamlets and Historic Preservation of Their Heritage	K. Plomin	April 26, 2022	December 6, 2022		1273-22
9 Examine opportunities to relocate programming and initiatives from the Mayor's Office to other relevant Divisions within LFUCG.	L. Sheehan	May 31, 2022			
10 Acquire investor owned or other properties	P. Worley	November 3rd, 2022			
11 Study of conditional use permits and related zone text amendments in the Rural Service Area	K. Plomin	December 6th, 2022		In progress	
12 PLN-ZOTA-22-00015: Intents ZOTA	J. Reynolds	December 6th, 2022	January 17th, 2023	Completed	0192-23
13 Equitable Representation on Boards and Commission	S. Lynch	January 24th, 2023			
14 One-Stop Lexington	P. Worley	February 28th, 2023			
15 Vacation Leave Policy Update	P. Worley	February 28th, 2023			0270-23
Annual/Period Updates					
16 Lexington Global Engagement Center (Global Lex)	J. Reynolds	January 2015	November 15, 2022		1170-22
17 Annual PDR Review (Required by Ordinance)	J. Brown		December 6, 2022		1272-22
18 Follow-Up from Infill and Redevelopment Committee Regarding Council Sponsered Re-Zoning (Resolution)	D. Wu	March 1, 2022	April 19, 2022		0382-22
19 Division and Program Review - 2022 Evaluations Selection	BFED Committee	November 30, 2021	November 15, 2022		1172-22
20 Lexington History Museum	Plomin / Budget COW	FY20 March 21, 2017 / May 28, 2019	April 12, 2022	made an annual item on 8/17/21	0361-22
Subcommittees					
21 Electronic Billboards	K. Plomin	June 1, 2018	August 18, 2020		0778-20
22 Public Input Work Group	H. LeGris	January 17, 2023		In progress	
23 Charter Review	L. Sheehan	November 1st, 2022		In progress	
24 Council Rules	W. Baxter	January 19, 2023		In progress	