A G E N D A

General Government & Planning Committee

April 16, 2024
1:00 P.M.

I.	**February 13, 2024 GGP Committee Summary**		**(1-2)**
II.	**2024 Annual PDR Update**	(J. Brown/Overman)	**(3-24)**
III.	**Short Term Rentals: RLMB Recommendations**	(J. Brown/Overman)	**(25-76)**
IV.	**Consent Agenda**	(Plomin/Sutton)	**(77-92)**
V.	**Disparity Study Update**	(Ellinger/Miller)	**(93-116)**
VI.	**Items Referred**		**(117)**

"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

2024 Meeting Schedule

~~January 16~~	June 11
~~February 13~~	September 10
~~April 16~~	October 15
May 7	

General Government and Planning Committee

February 13, 2024

Summary and Motions

Chair Worley called the meeting to order at 1:02 p.m. Vice Mayor Wu and Committee Members J. Brown, Ellinger, Lynch, LeGris, Sheehan, Baxter, Reynolds, and Plomin were in attendance. Council members Fogle, Monarrez, Gray, and F. Brown were present as non-voting members.

I. January 16, 2024 General Government and Planning Committee Summary

Motion by Ellinger to approve the January 16, 2024, GGP Committee Summary. Seconded by Baxter. Motion passed without dissent.

II. Shelter Feasibility RFP

Commissioner Charlie Lanter presented on the Homeless Shelter Needs Request for Proposals (RFP). Council allocated $200,000 from FY23 Fund Balance to finance a study that would look at the types of shelters needed in Lexington, where it should be located, the annual cost of operations, innovative solutions beyond typical congregate shelter, and options for populations that are not currently served. Currently, the Office of Housing Advocacy and Community Development has prepared a draft RFP that will be released the week of February 13, 2024.

The Office of Homelessness Prevention and Intervention will provide the vendor with an overview of the current providers/services and share the data from the annual Point in Time Count. The RFP review team consists of LFUCG staff, current providers, and elected officials. After the RFP is released, they expect to review proposals March/April 2024 and award the contract in May 2024. The project period will be from June 2024 to April 2025 and the findings will be presented in May 2025.

No action was taken on this item.

III. Master Plan Presentation

Chris Taylor with the Division of Planning gave an update on the Urban Growth Master Plan. The team for the Master Plan includes TSW, Gresham Smith, Partners for Economic Solutions, Southface, and CivicLex. Taylor reminded Council of the five areas selected for expansion. The process of developing the plan includes gathering information and input, building concepts and a draft plan, and performing a review. They kicked the project off with a community event at Greyline Station on December 6th, 2023. Taylor shared the timeline of the project and expressed that Planning Staff is happy to join any district meetings to engage with residents. A discussion about the survey and community engagement ensued.

No action was taken on this item.

IV. Urban Growth Ordinance ZOTA

Hal Baillie with the Division of Planning presented on behalf of this item. The purpose of this text amendment is to ensure new development is developed equitably and sustainably and to modernize the Zoning Ordinance while creating opportunities to implement the Goals and Objectives of the

Comprehensive Plan. There are 6 zoning reforms every municipality should adopt according to Strong Towns: Eliminate minimum parking requirements; legalize accessory dwelling units; reduce or eliminate minimum lot and unit size mandates; legalize home-based businesses; expand ministerial approvals; and legalize multifamily housing in commercial zones. Several of these reforms have already been adopted. There has been robust outreach and public work on this ZOTA and Planning has worked with numerous stakeholders.

Baillie shared the proposed text changes which includes changes to three residential zones, a creation of a new residential zone, and modifications to two commercial zones. The proposed changes within the text are specifically focused on the development of a more equitable, sustainable, and safer community as Lexington grows up and out. The residential changes were focused on the least utilized zones and will allow for moderate infill and redevelopment within the urban services boundary. These changes will allow for increased density, increased flexibility, and an increased mixture of housing types. Additionally, there is the creation of a commercial node zone which is specifically intended to pull transit to the zone and is designed to be more walkable. It also allows for a mixture of commercial and residential land uses.

In addition to the modifications to the residential zone, they are seeking to include Council's desire for more affordable housing options in the community. Therefore, they have included density bonuses incentivize the production of affordable housing and workforce housing. They selected the B-1 and B-3 zones because it allows for the realignment of permitted land uses to fit the context of the zone. There were some changes to the ZOTA as a result of community feedback and from discussions with Planning Commission.

No action was taken on this item.

V. Items Referred

No action was taken on this item.

VI. Adjournment

The Committee adjourned at 2:48 pm.

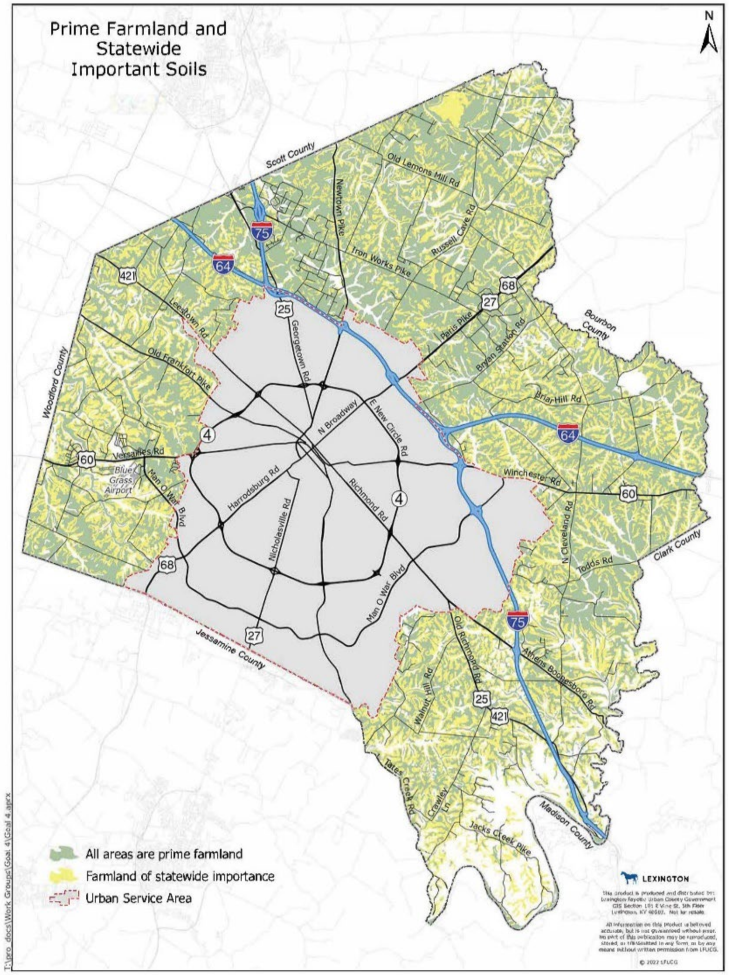
THE RURAL LAND MANAGEMENT BOARD & PURCHASE OF DEVELOPMENT RIGHTS ANNUAL REPORT

April 16, 2024

LEXINGTON

Rural Service Area Background

- While crafting Fayette County's 1996 Comprehensive Plan, our citizens and leaders recognized the importance of protecting the Rural Service Area (RSA) for future economic development and tourism, as well as its vast natural and cultural resources.
- The RSA is comprised of some of the highest quality soils in the nation. The prime farmland soils are illustrated in green on the map to the right, and the statewide important soils are in yellow.
- The Rural Land Management Plan (RLMP) was adopted in 1999 as an element of the 1996 Comprehensive Plan, then updated in 2017 and adopted as part of the 2018 Comprehensive Plan.



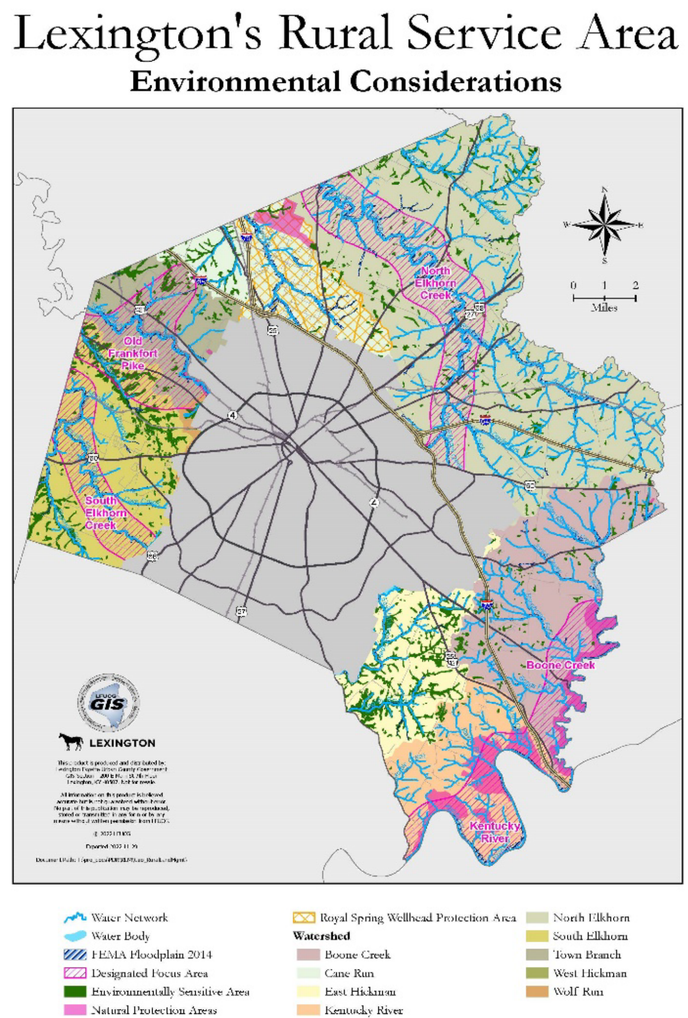
Rural Service Area Background

- The Rural Land Management Plan (RLMP) was designed to document the natural and historical attributes of the RSA and recommend ways to manage and preserve them.
- These attributes include, but are not limited to, the Prime Farmland Soils, Historic Rural Hamlets, Historic Roads and Turnpikes, Stone Fences, and the Kentucky River Palisades.
- The RLMP notes 5 distinct Focus Areas especially important to conserve, all of which are based on watersheds as indicated on this map. They are the South Elkhorn, Old Frankfort Pike, North Elkhorn Creek, Boone Creek and Kentucky River tributaries.
- Protecting the Rural Area as called for in the RLMP has a trifecta of community benefits:

  1) Environmental Sustainability with the protection of our tree canopies, water bodies, soils, and wildlife habitats.

  2) Economic Development from the agriculture, equine, and tourism industries.

  3) Better Health for our citizens by having access to locally grown foods, and to parks such as Raven Run Nature Sanctuary and Hisle Farm, in addition to less air pollution.

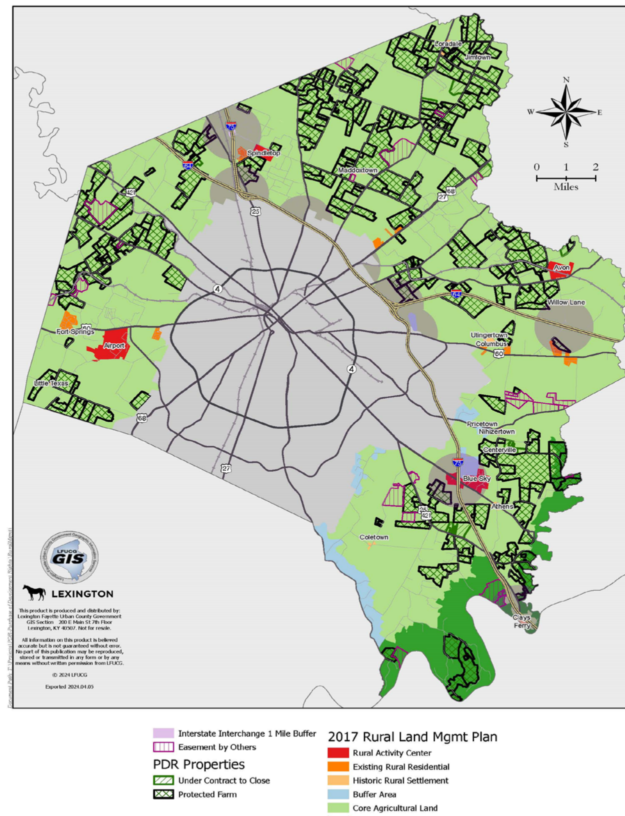


PDR Program Background

- The Rural Land Management Plan (RLMP) also called for the creation of a farmland protection program.
- A group of 26 community members representing multiple facets of business, industry, government, and conservation met regularly for two years and were known as the “Implementation Committee”.
- The Purchase of Development Rights (PDR) Program was established in the year 2000 with an ordinance-stated goal to purchase easements on 50,000 acres in the RSA.
- The 16-member Rural Land Management Board was created to govern the program and per ordinance, is comprised of representatives from the groups who served on the Implementation Committee, as well as three Council-appointed seats added in 2019. Thirteen of the members are voting and three are non-voting.
- The Board meets monthly to steward the easements and oversee the acquisition of new easements.

Lexington's Rural Service Area

Rural Land Management



Stewardship

- PDR easements are perpetual and transfer with the land. They are recorded with the property deed at the County Clerk's office just like a mortgage or utility easement.
- The easements require landowners to obtain the Rural Land Management Board's permission to add housing and paving, and if the easement was recorded after 2007 when an impervious surface limit was added, they must also obtain permission to add farm infrastructure such as barns.
- The RLMB heard requests from landowners at over half their meetings last year. The requests included primary residences, tenant houses, indoor riding arenas, barns and paving.
- Since the PDR farms regularly change hands, a letter is sent to the property owners annually reminding them of these rules and that they need to ensure the PDR staff has their contact information.
- The easements must also be monitored annually, and reports must be submitted to NRCS for each federal easement. Most monitoring is conducted in person, and we also utilize the aerial photography purchased by GIS every two years.
- The RLMB and PDR staff must also field questions and requests regarding utility easements, cell towers, potential road widenings, subdivision, expansion, and other issues. Any potential road widening or other issue that might impact a federal easement requires the approval of the Chief of NRCS.

Rural Land Management Board, Inc.

• Gloria Martin, Chair	Fayette County Neighborhood Council
• Robert James, III, Vice-Chair	Fayette County Farm Bureau
• Philip Meyer, Treasurer	Fayette County Farm Bureau
• Jim Coleman	Council-Appointed Seat
• Hannah Emig	Bluegrass Realtors
• Margaret Graves	Land Conservation Group
• Phil Hager	Kentucky Thoroughbred Association
• JoJuana Leavell-Greene	Council-Appointed Seat
• Will Mayer	Kentucky Thoroughbred Association
• Thomas Owen	Commerce Lexington
• Mary Quinn Ramer	VisitLex
• Christine Stanley	Historic Preservation Group
• Vacant	Building Industry Association of Central KY
• Dave Sevigny	Non-Voting, Urban County Council Member
• Vacant	Non-Voting, Fayette Cooperative Extension
• Ian Young	Non-Voting, USDA-NRCS

Financial Benefits of Farmland Preservation

- Fayette County's Rural Area is a globally recognized landscape that brings investors and tourists from around the world.
- VisitLex reports the **#1 reason** visitors come to Lexington is to see our horse farms and scenic beauty, and that hosting the 2022 Breeder's Cup had an **$82 million** impact on Lexington and the surrounding areas.
- Lexington is the **"Horse Capital of the World"** and home to the Kentucky Horse Park, Red Mile, Keeneland, and Fasig-Tipton, in addition to numerous horse farms and training centers. We also have an increase in diversity in horse breeds with ownership of sport horses and pleasure horses both growing.
- The Legacy Trail now extends through the downtown core to the Horse Park, where over 30 equine businesses and organizations are housed in addition to the multitude of recreation and tourism activities and events.

Financial Benefits of Farmland Preservation

- Fayette County is also home to the **Bluegrass Stockyards,** which is the **largest stockyard** east of the Mississippi River.
- Kentucky is the **largest beef producer** east of the Mississippi River and home to nearly **1 million beef cows** per the USDA.
- In 2022, gross receipts from cattle production totaled **$1.1 billion** per the KY Beef Cattlemen's Association.
- The KY Bourbon Industry generates $285 million in state and local taxes and **15-20 million bushels of corn** go towards making KY Bourbon every year. **75%** of that corn is sourced from KY farmers, and corn and soybeans are the row crops most frequently raised on PDR farms.
- Our thriving Lexington Farmers Market operates 5 days a week during the spring/summer season, and many of our restaurants depend on the produce and meat supplied by local farmers.
- We also have wineries in the Rural Area, including a small one on a PDR farm.

Federal Funding Partnership for Farmland Preservation

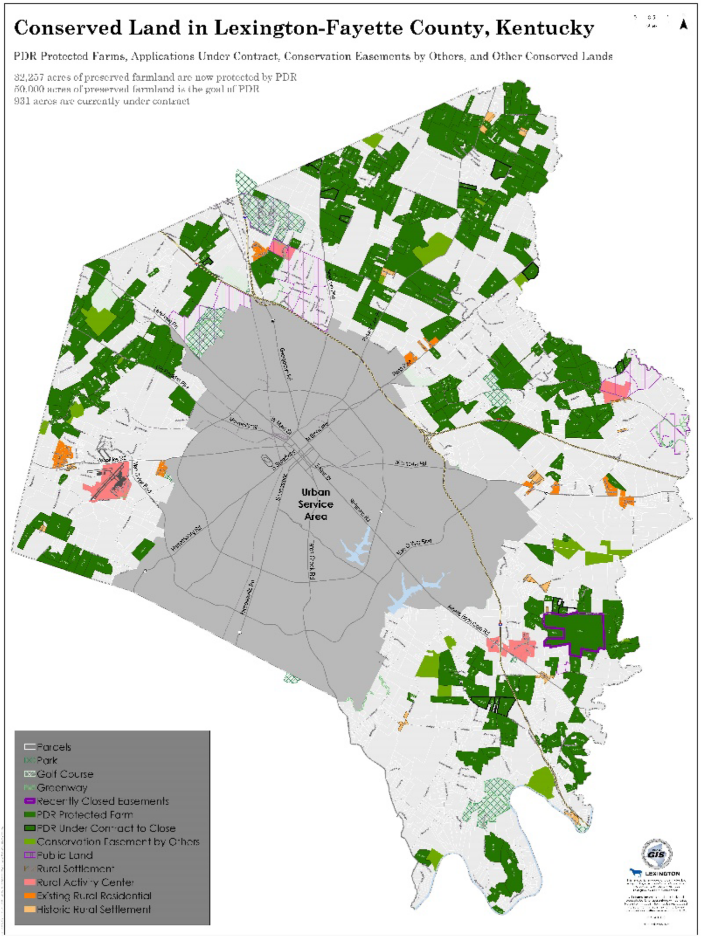
- The USDA Natural Resources Conservation Service (NRCS) with whom we partner states it well by saying "**Agricultural Land Easements protect the long-term viability of the nation's food supply** by preventing conversion of productive working lands to non-agricultural uses. Land protected by agricultural land easements provides additional public benefits, including environmental quality, historic preservation, wildlife habitat and protection of open space."
- NRCS has partnered with the PDR Program for over 20 years and awarded us over **$29 million**.
- Over half of PDR easements are federally funded.
- The funding program we utilize is called the **Agricultural Conservation Easement Program (ACEP)**, and it receives bipartisan support from Congress in every Farm Bill.

PDR Parcel Ranking Process

- Parcels in the Rural Service Area that are at least 20 acres meet the acreage requirements for easement purchase. A property owner can combine two or more adjacent tracts under the same ownership to meet the 20-acre minimum.
- To ensure impartiality, parcels are ranked using a Land Evaluation & Site Assessment (LESA) provided in Section 26-10 of the Code of Ordinances which includes:
- **Ag Supportive Scoring**: Size of Parcel, Soil Quality, Elimination of Undeveloped Non-conforming Tracts, Proximity to other PDR farms which builds Critical Mass, Batch Application, Farming Activities & Production, & Agricultural Infrastructure Improvements.
- **Environmental Protection Scoring**: Environmentally Sensitive Areas, Designated Rural Greenways, Designated Focus Areas, Natural Protection Areas & Wildlife Habitats, Links to Parks, Nature Preserves, Nature Sanctuaries, etc., & Designated Scenic Viewsheds and other Scenic Resources such as Tree Canopies.
- **Historic Protection Scoring**: Historic and Cultural Resources including those designated for the National Historic Register, Designated Federal, State, and Local Scenic Byways and Historic Turnpikes, Stone Fences, & Length of Public Road Frontage for Viewshed Protection.
- **Negative Scoring**: Negative points are awarded to parcels in Sewerability Categories 1-4 and those within 1 mile of the Urban Services Area, *unless* they are in a designated Focus Area or Wellhead Protection Area, or a Community Icon.
- *Note: Parcels of any size can be donated, including those of less than 20 acres.*

Conserved Farms and Acreage

- With the federal investment in PDR and the Commonwealth of Kentucky's **$15 million** investment, the Program is nearly **2/3 of the way to the 50,000-acre goal.**
- There are **286 farms** totaling over **32,000 acres** permanently conserved, and over **930 acres** under contract to close.
- In addition, the Bluegrass Land Conservancy holds **18 easements** in Fayette County totaling **2,300 acres**, and the Mary Wharton Nature Sanctuary at Floracliff has **337 acres** under easement that has been designated as a Kentucky State Nature Preserve.
- It is a goal of both the PDR Program and the federal matching program to create a critical mass of contiguous conserved agricultural land, and you will see that on this map. Applicants receive points for being adjacent to a PDR, Bluegrass Land Conservancy or Floracliff easement, and for applying with a neighboring farm.



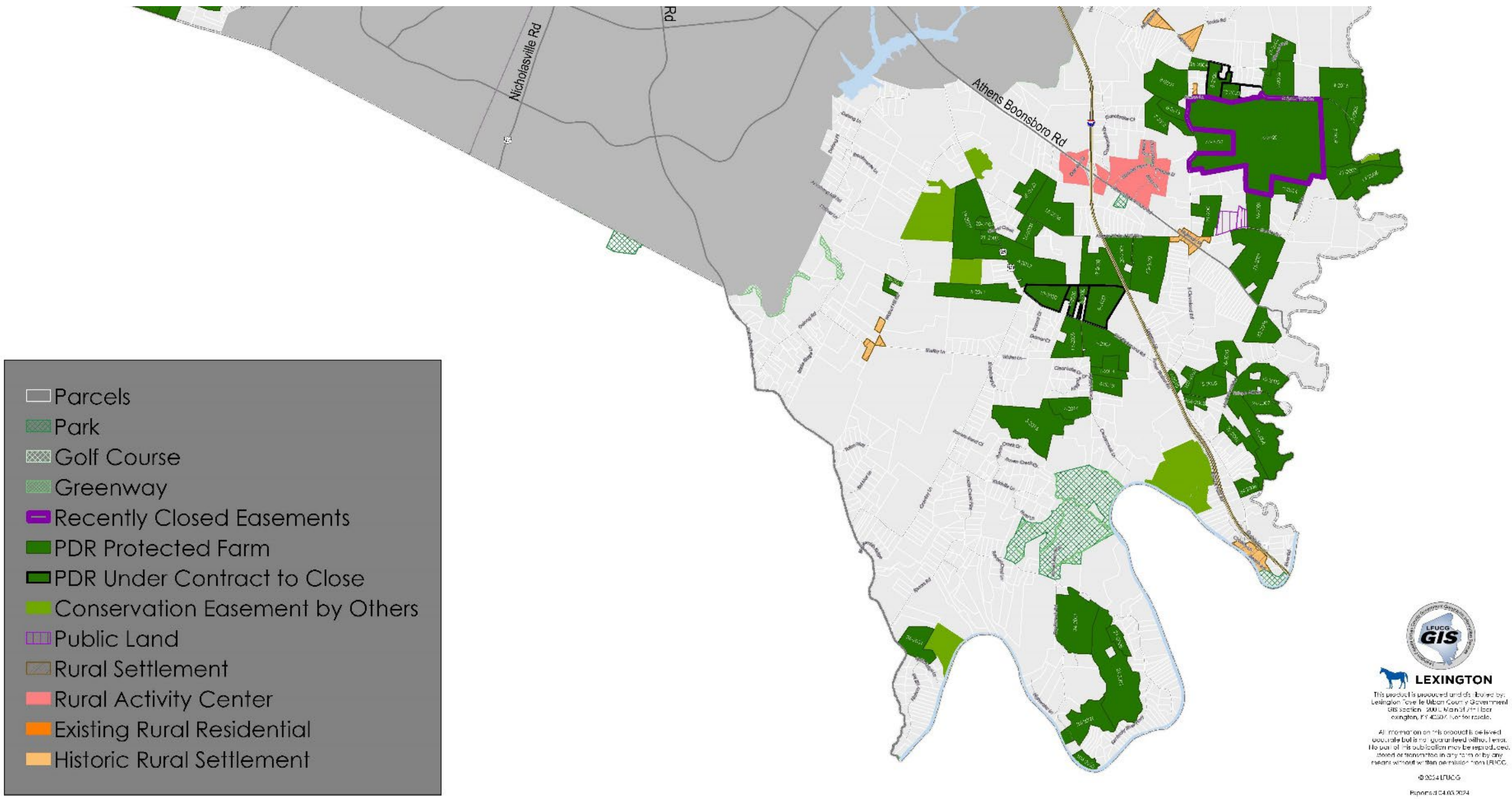
Largest Easement in PDR History

5950-5996 Sulphur Well Rd., 6200 Sulphur Well Rd., 1000 N. Cleveland Rd., & 604 N. Cleveland Rd.

- An easement on Farm 4-2020 owned by the Fox Trot Corporation was purchased in December 2023.
- The farm is comprised of 4 tracts totaling **1,170.64 acres.**
- It's Soil Score = **87.9%** (Prime Farmland =52.6%; Statewide Important Soils = 35.3%)
- It is PDR adjacent on multiple sides.
- It was a Batch Application with 2 neighbors, meaning they applied the same year.
- It is in the Boone Creek Focus Area and the Boone Creek National Register Rural Historic District.
- The farms has Rural Greenways, Environmentally Sensitive Areas, Wildlife Habitats, and large trees throughout.
- It is part of Fayette County's Designated Scenic Viewshed and has over 7,400' of frontage on an Historic Turnpike & a KY Scenic Byway.
- It is used for cattle and crop production.
- It was federally matched 50/50 and NRCS said it is the largest agricultural easement they have purchased in Kentucky.

Farm 4-2020 on Map

The Farm is on the far right and outlined in purple



The PDR Program & RLMB have 14 Federally Matched Farms Under Contract to Close:

Application Number	Acreage	Status
5-2020	**31**	Under Contract
6-2020	**30**	Under Contract
8-2020	**67**	Under Contract
9-2020	**140**	Under Contract
10-2020	**95**	Under Contract
11-2020	**50**	Under Contract
12-2020	**41**	Under Contract
13-2020	**40**	Under Contract
	Continued…	

Federally Matched Farms Under Contract to Close Continued:

Application Number	Acreage	Status
1-2021	**140**	Under Contract
2-2021	**85**	Under Contract
3-2021	**102**	Under Contract
5-2021	**34**	Under Contract
6-2021	**51**	Under Contract
7-2021	**25**	Under Contract
Total Acres =	931	Under Contract

We also have 3 newly Federally-Matched Farms and 3 pending on a Federal Match Application, and 2 Donation applications:

Application Number	Acreage	Status
1-2022	**87**	Federally Matched – In Progress
5-2022	**46**	Federally Matched – In Progress
6-2022	**44**	Federally Matched – In Progress
3-2022	**33**	Pending on Federal Application
7-2022	**50**	Pending on Federal Application
1-2023	**40**	Pending on Federal Application
8-2022	**10**	Donation Application
9-2022	**10**	Donation Application
Total Acres =	**320**	

Additionally, there are 5 applications in the queue and 1 unsuccessful applicant to report:

- The 5 farms in the queue meet the PDR application requirements but are not yet funded due to life estates or the inability to qualify for the federal match due to foreign ownership.
- The 1 unsuccessful applicant was federally matched but declined the Board's offer to purchase an easement on their farm.

Application Number	Acreage	Status	Landowner Name & Address
4-2015	346	Active Applicant	N/A
5-2015	309	Active Applicant	N/A
6-2015	362	Active Applicant	N/A
7-2015	51	Active Applicant	N/A
2-2017	40	Active Applicant	N/A
Total Acres =	***1,108***		
8-2021	40	Federally Matched but Declined Board's Offer	Jennifer Elam 5201 Mt. Horeb Pike

News & Accomplishments

1) The RLMB have been named a **Certified Entity by the USDA Natural Resources Conservation Service (NRCS)**.
   - This designation is based on our longstanding successful partnership with NRCS through which we share over 160 easements.
   - It is our understanding there were only 4 Certified Entities in the United States prior to 2023, and we are the only Certified Entity in Kentucky.
   - This will give the Board more autonomy to close easements and should expedite closings.
2) The non-profit **Seedleaf, Inc. is leasing 32 acres on a PDR farm** and has expanded to the Rural Area for the first time. This is their largest farming space thus far.
   - They plan to allow farmers who have completed their training program to have their own 1 to 1.5 acre lots and will also have land for migrant farmers to use.
   - We are so excited about this new partnership and grateful for the vision and ingenuity of both Seedleaf and the PDR farm owner who is providing the land.
3) The Board was awarded a **$10,000 grant from the American Farmland Trust** to encourage farmers to implement better soil health practices. Uses of the funds thus far include:
   - Purchasing a soil penotrometer that will be used to measure soil compaction when conducting easement monitoring.
   - Providing funds to the Fayette Soil Conservation District to supplement the funds paid to farmers to incentivize the planting of cover crops during the fall and winter. The funds are available to all Fayette County farmers not just those in PDR.
   - Sponsoring PDR farm owners to attend a day-long workshop provided by NRCS experts on better soil practices for cattle farms.

Summary

- Over **32,000 acres** have been permanently conserved including 36 donated easements totaling over 1,400 acres.
- The PDR staff and RLMB are currently working with **27 PDR applicants** and stewarding easements on nearly **300 farms**.
- The federal partnership is strong, and the Inflation Reduction Act (IRA) is raising the investment in the Agricultural Conservation Easement Program from **$450 million to $1.4 billion annually** over a 5-year period. We recently received funding for 3 new easements provided by IRA funds.
- We have just been given the greenlight to begin closing farms as a **Certified Entity** and look forward to a productive year of easement acquisitions.

Questions?

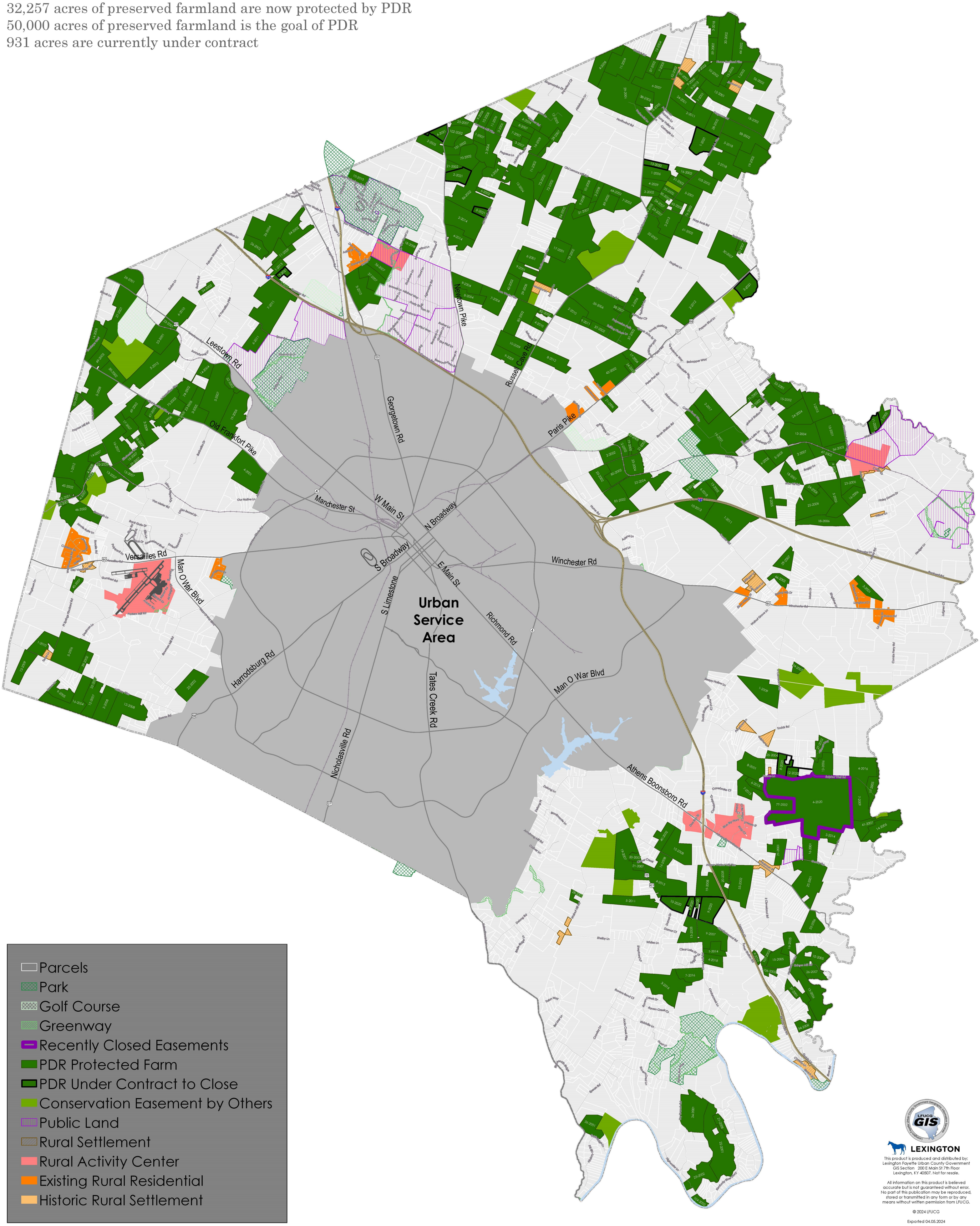
Contact Information

Beth Overman
Purchase of Development Rights Director
eoverman@lexingtonky.gov

Conserved Land in Lexington-Fayette County, Kentucky

PDR Protected Farms, Applications Under Contract, Conservation Easements by Others, and Other Conserved Lands

32,257 acres of preserved farmland are now protected by PDR
50,000 acres of preserved farmland is the goal of PDR
931 acres are currently under contract



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

April 16, 2024

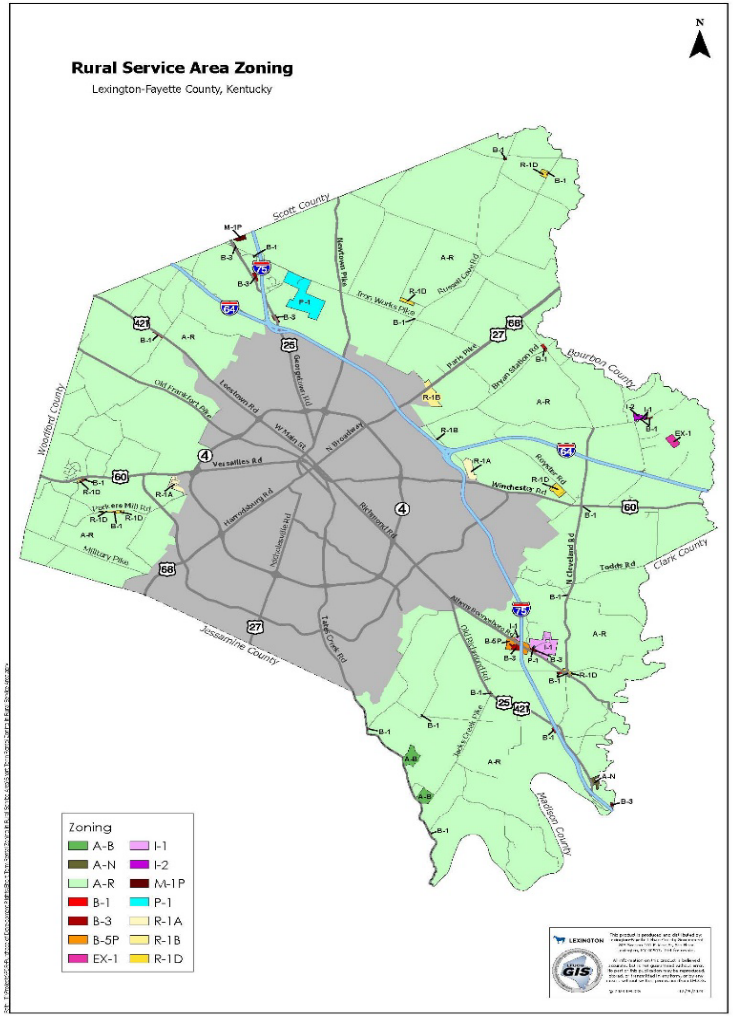
LEXINGTON

Background

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

Rural Service Area Zoning

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



Research

- The Committee met 7 times from August 2023 to February 2024 to thoroughly study the issue, in addition to several preliminary meetings between the Committee Chair and staff.
- Research included:
  - Gathering data from VisitLex on the number of advertised STRs in the RSA.
  - Conducting a survey of members of the Fayette County Farm Bureau and the Kentucky Thoroughbred Association.
  - Attending Fayette County Neighborhood Association meetings where STRs were discussed.
  - Reviewing STR governance in other cities and municipalities with rural areas.
  - Reviewing the National League of Cities' publication on implementing STR laws.
- The Committee concluded that STRs should be permitted in the Agricultural Zones under certain conditions and restrictions and has provided the following 10 recommendations.
- The Rural Land Management Board approved the Committee's recommendations at its March 27th meeting and agreed to forward them to the Council.

Recommendations #1 and #2

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

Recommendations #3 and #4

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

Recommendations #5 and #6

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

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

Recommendations #7 and #8

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

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

Recommendations #9 and #10

9. Special events including, but not limited to, weddings, bachelor and bachelorette parties, wedding or baby showers, parties, and family reunions should be limited to the number of participants staying in the STR.
   - This is consistent with the ordinance language governing STRs in the Urban Service Area and should apply in the Agricultural Zones as well.
   - Section 3- 13(f) of the STR ordinance states that "Short Term Rentals shall not be utilized for private events, such as weddings or parties, in which the number of participants exceeds the maximum occupancy limit. No private events shall occur between the hours of 11:00 pm and 7:00 am. Special events for a commercial purpose shall be prohibited at all times."

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

PDR Farms and Farmstays

- Most properties in the Purchase of Development Rights (PDR) program will not be permitted to have STRs on their farms because conservation easements prohibit non-agricultural related commercial activities.
- Kentucky law permits “farmstays” as agritourism, and per KRS 219.011(8), "Farmstay" means a bed and breakfast establishment at a farm location whose focus includes agritourism as defined in KRS 247.801.
- Though Lexington’s current zoning laws do not address farmstays, they do permit bed and breakfast facilities in the Agricultural Zones.
- Since farmstays involve overnight stays where the guests engage in agricultural activities, it may be possible that a certain subset of PDR properties may be eligible to host farmstays, as language in the PDR federal easement template since 2020 permits commercial agritourism.
- Farmstays may be an avenue to allow greater access to farm properties while protecting existing agricultural activities.
- The Rural Land Management Board will review any requests by landowners to have an STR on their property by reviewing the applicable easement language for the property and current laws.

Conclusion

- STRs in the Agricultural Zones offer a great opportunity for educational and leisure experiences if governed correctly.
- The Conditional Use Permit process through the BOA is paramount for health and safety reasons.
- All STRs must be clearly marked and accessible to our fire and emergency personnel.
- Consistency with the B&B ordinance language allowing 1 per mile helps to ensure housing is primarily used for agriculture and residential use and does not further contribute to a housing shortage.
- The Rural Land Management Board appreciates the opportunity to provide feedback on this issue.

Questions?

Contact Information

Beth Overman

Purchase of Development Rights Director

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Sec. 1-11. Definitions.

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

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

> *Hosted Short Term Rental* means a short term rental in which the dwelling unit utilized as the STR, or another dwelling unit on the subject property is a primary residence and a primary resident (as defined in Section 13-76 of the Code of Ordinances) continues to occupy the property while the short-term rental is being rented to a transient guest.
>
> *Un-Hosted Short Term Rental* means a short term rental in which a primary resident (as defined in Section 13-76 of the Code of Ordinances) does not occupy the property during the short term rental period.

Article 3 GENERAL ZONE REGULATIONS

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

a) All short term rentals shall be licensed by the Division of Revenue and subject to the regulations of Section 13 of the Code of Ordinances.

b) Number of Dwelling Units allowed to be utilized as Short Term Rentals per Property:

Zones Allowed	**Hosted** **(Occupancy up to 12)**	**Hosted** **(Occupancy >12)**	**Un-Hosted**	**# of Short Term Rental Units**
R-1A, R-1B, R-1C, R-1D, R-1E, R-1T	Accessory Use	Conditional Use	Conditional Use	Hosted : 1 dwelling unit **and** 1 ADU Un-Hosted: 1 dwelling unit **or** 1 ADU
R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3	Accessory Use	Conditional Use	Conditional Use	**For Single Family Lots:** Hosted : 1 dwelling unit **and** 1 ADU Un-Hosted: 1 dwelling unit **or** 1 ADU **For Multi-Family and Group Residential Lots:** 10% max or 1, whichever is greater

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

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

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

c) Maximum Occupancy Limit (for accessory and principal uses): A maximum of two (2) individuals per bedroom, plus an additional four (4) individuals; or a total of 12 individuals, whichever is less. Any host or other permanent residents of the dwelling unit present during the short term rental period shall count toward the maximum occupancy.

d) Maximum Occupancy Limit ~~(for conditional uses)~~:

1) For conditional uses in residential, mixed-use, commercial, or industrial zones, ~~T~~the Board shall establish a maximum occupancy for the short term rental use in accordance with the above provision, except the Board may allow additional occupants when there is sufficient evidence that a greater occupancy will not result in overcrowding or create a nuisance.

2) For conditional uses in agricultural zones, the maximum occupancy shall be a maximum of two (2) individuals per bedroom.

e) Detached accessory structures may be used as a Short Term Rental only in a permitted Farm Employee Dwelling Unit constructed prior to **INSERT ADOPTION DATE** or a Detached Accessory Dwelling Unit.

f) Short Term Rentals shall not be utilized for private events, such as weddings or parties, in which the number of participants exceeds the maximum occupancy limit. No private events shall occur between the hours of 11:00 p.m. and 7:00 a.m. Special events for a commercial purpose shall be prohibited at all times.

g) For Short Term Rentals regulated as conditional uses, the Board of Adjustment shall take into consideration:

1) The number of STRs, if any, in proximity of the property being considered for such use.
2) The demonstrated compliance record of the applicant, if they operate other STRs in Lexington.
3) The occupancy rate of other STRs in the general vicinity, including those operated by the applicant.
4) Whether other STRs in the general vicinity have been cited as a nuisance, including those operated by the applicant
5) For STRs in the Rural Service Area:

i. The applicant shall provide documentation from the Health Department stating that the septic tank on the property is sufficient to handle the proposed use of the property as a short term rental as part of their application to the Board.
ii. The Board must find that the proposed STR will not have an adverse impact on agricultural uses occurring on the subject or adjoining properties.
iii. The Board must find that the adequate fire safety measures are in place.
iv. The Board must find that adequate parking is available on site, and that there are or will be lighted entrances that are easily visible from the roadway.

h) For any conditional use permit approved by the Board of Adjustment for a short term rental, the conditional use permit shall become null and void if the applicant's short-term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.

i) Any Short Term Rental operating in a principal dwelling unit prior to July 11, 2023, that would hereafter be regulated as a conditional use shall be allowed to continue its operation per Article 4-7, but shall utilize the new regulations provided in Sections A, C, E, F, and H above. Such uses shall obtain the license required above from the Division of Revenue and be subject to the regulations of Section 13 of the Code of Ordinances. A change in ownership shall require a conditional use permit to be approved by the Board of Adjustment.

j) Any Short Term Rental operating in a principal dwelling unit prior to July 11, 2023 that is located in a zone that would hereafter prohibit Short Term Rentals shall be allowed to continue its operation as a non-conforming use per Article 4-3, and shall continue to operate in accordance with the definition of a dwelling unit occupied by one family or housekeeping unit, having no more than one rental contract per week, for a total of no more than 52 rentals per year and with an occupancy of no more than 4 unrelated individuals. Such uses shall obtain the license required above from the Division of Revenue and be subject to the regulations of Section 13 of the Code of Ordinances.

k) In the A-R, A-B, and A-N zones, any STR operating prior to July 11, 2023 and permitted under subsection j above may continue to operate in accordance with such permit.

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

(a) *Intent.* This zone is established to preserve the rural character of the agricultural service area by promoting agriculture and related uses, and by discouraging all forms of urban development except for a limited amount of conditional uses.

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

1. Land used solely for agricultural purposes, including small farm wineries and equine-related activities, as outlined in KRS 100.

2. Single-family detached dwellings.

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

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

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

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

c. There shall be no outdoor display or sale of fungicides, insecticides, chemicals, peat moss, humus, mulches or fertilizer.

d. No commercial greenhouse shall be located within a floodplain.

e. The commercial greenhouse shall be located where easily accessible by arterial roads. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.

f. All driveways and parking areas shall be paved or sealed to prevent dust.

6. Commercial composting, but only when the following conditions are met:

a. That only the open windrow or static pile method of aerobic processing using plant material, soils and animal manure, be permitted.

b. That a permit-by-rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.

c. That no commercial composting operation be conducted closer than one thousand (1,000) feet to any existing residence.

d. That a development plan indicating access points and circulation routes, proposed signage, screening and landscaping, fencing and other significant geological or physical features of the property be submitted as part of any application.

e. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.

7. Agricultural market, but only when the following conditions are met:

a. The minimum lot size shall be forty (40) acres and shall not be located in A-R zoned land within the Urban Service Area of Lexington-Fayette County.

b. The property shall be within one (1) mile of an interstate interchange with a state or federal highway, excluding the two (2) interchanges of Interstate 64 with Interstate 75. The property must also have frontage on a state or federal highway, and access is also to be within one (1) mile of the point of intersection of the centerlines of the interchange, and subject to approval by the Kentucky Transportation Cabinet.

c. All roads to the property shall be of sufficient width, and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions.

d. The facility shall be at least one thousand (1,000) feet from any property in a residential zone, any property designated as a Rural Settlement (RS) or as an Existing Rural Residential (ERR) land use under the adopted Comprehensive Plan, and any property designated on the National Register of Historic Places. Unless otherwise noted as used herein, the term "facility" shall mean all improvements. Including parking and loading areas, but not including driveways for ingress and egress to the property.

e. Improvements such as buildings; barns; and other structures, including stormwater detention basins, truck parking and loading areas: above-ground and underground storage tanks and septic sewage disposal systems shall be located outside of any environmentally sensitive area, including any wellhead protection area.

f. All sales and marketing of livestock shall take place in a completely enclosed building, and such building may not be located closer than one thousand (1,000) feet from a residence on a lot under different ownership; provided, however, that all pre-sale and post-sale handling of livestock shall take place under roof in an area enclosed by a combination of fences and gates in order to secure the livestock while allowing adequate ventilation and air circulation. Agricultural uses, accessory structures, parking lots and driveways shall not be subject to the setback from a residence, as established herein.

g. There shall be provision for the treatment and/or disposal of waste generated on the site, subject to all applicable local, state and federal requirements. Muck piles or the spreading of animal waste upon any part of the site shall be prohibited.

h. All parking areas and driveways shall be paved.

i. Any outdoor lighting proposed must be directed away from, and shielded from, adjacent agricultural and/or residential areas.

j. The facility shall be operated at all times in compliance with applicable federal, state and local laws and regulations, including those pertaining to noise, air and water quality.

k. Stormwater management shall be provided pursuant to the requirements of the LFUCG Engineering Manuals, and stormwater shall be treated appropriately prior to its discharge.

l. Screening shall be provided if the facility is visible from adjoining properties. Such screening and buffering shall be designed so as to minimize the impact of air, noise, odor and/or light generated by the facility upon adjoining properties to the greatest extent practicable. Article 18 of this Zoning Ordinance shall be used to guide the planting of the screening of loading docks and vehicular use areas, but the Board of Adjustment may impose additional screening requirements and landscape buffers, as necessary.

m. There shall be a minimum of forty-five percent (45%) of the lot, regardless of size, provided as open space, which may not be varied by the Board of Adjustment.

n. The following accessory uses may also be permitted in conjunction with the operation of an agricultural market, provided that they are operated for uses related to agriculture or services. Supplies and/or equipment used in agriculture, provided that the aggregate of all of these accessory uses may not exceed fifty percent (50%) of the total square footage of all buildings on the property and provided that all such uses are clearly identified on the site plan submitted to the Board of Adjustment:

   1) Offices and meeting rooms for the following: banking, insurance and financial institutions; state and federal government entities related to agriculture: livestock and grain commodity trading: or agricultural education; the combined total floor area of which is not to exceed sixty thousand (60,000) square feet:

   2) One (1) coffee shop or restaurant, not to exceed five thousand (5,000) square feet and shall be located within the facility and not in an independent structure;

   3) Loading docks;

   4) Veterinary clinic, including the sale of livestock pharmaceutical supplies;

   5) One (1) dwelling unit for owners, operators or employees; and one (1) dwelling unit for watchmen or caretakers, which dwelling units may be separate structures:

   6) Retail sale of agricultural products, supplies and related items produced on- or off-premises, including bulk agricultural supplies, with no outdoor storage of such supplies, not to exceed twenty-five thousand (25,000) square feet;

   7) Establishments and lots for the display, sale, service, and repair of farm machinery and equipment. Any building for such purpose is not to exceed twenty thousand (20,000)

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

8) Covered arena for agricultural and/or agritourism events, not to exceed seventy-five thousand (75,000) square feet; and

9) Agriculture-related museums, not to exceed twenty thousand (20,000) square feet.

o. A detailed development plan, indicating access points, including construction and circulation routes; parking areas; lighting; screening and landscaping; proposed improvements; accessory uses; detention areas; signage; fencing and other significant physical or geological features of the property shall be submitted as part of any application.

p. One (1) free-standing sign per street frontage may be permitted, with a maximum of two (2) signs, not exceeding fifty (50) square feet in area and twenty (20) feet in height. In addition to any free-standing sign, wall-mounted signs may also be permitted, not to exceed a total of five percent (5%) of the wall area to which they are attached. Signs may only be non-illuminated or indirectly illuminated.

q. An operational plan shall also be submitted that outlines:

1) Provisions for animal and/or product waste disposal, including grease, subject to all applicable local, state and federal requirements.

2) Provisions for sewage disposal, maintaining air and water quality, and odor management.

3) Hours of operation, and anticipated hours for truck deliveries and truck shipments.

4) Routing of trucks on the site, including truck stacking, parking and loading areas.

5) Protection measures proposed for any environmentally sensitive area located on the site, including any wellhead protection area.

6) Existing and proposed utilities.

7) Where appropriate, a Kentucky No Discharge Operational Permit (KNDOP), or other appropriate permit from the Kentucky Division of Water may be required as part of the approval of an Operational Plan.

8) Any other pertinent information to indicate clearly the orderly operation proposed.

r. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.

s. The Board of Adjustment shall review all accessory uses approved as part of an application, on an annual basis, to ensure that such uses are operating in compliance with the restrictions set forth herein, and with any additional restrictions and/or conditions imposed by the Board. The Board may modify or revoke its approval of an accessory use if it finds, based upon the evidence, that such accessory use has been operated in violation of this Ordinance or any conditions or restrictions imposed by the Board.

8. Home-based businesses.

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

9. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.

10. Rehabilitation homes.

11. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.

12. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loudspeakers, retail sales of merchandise, restaurants or food service, and the like), including zoological gardens, sportsmen's farms (including outdoor rifle and other firearm ranges), native animal game preserves, outdoor rodeos, hunting and trapping, and fishing lakes, including private clubs for only these uses.

13. Commercial and non-commercial outdoor recreational facilities (excluding golf courses), with outdoor lighting; but without loudspeakers, retail sales of merchandise, restaurants or food service, and the like; but only when located immediately adjacent to the Blue Sky Rural Activity Center defined in the adopted Comprehensive Plan.

14. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.

15. Mining and/or quarrying of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:

    a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;

    b. That a reasonable degree of reclamation and proper drainage control is feasible; and

    c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.

16. Airports, including accessory restaurants and/or the serving of alcoholic beverages.

17. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:

    a. Such facilities shall be operated at all times in compliance with applicable federal, state and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.

    b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.

    c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.

    d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.

18. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, only when accessory to a residential use. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.

19. Type II Childcare Center. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.

20. Places of religious assembly, which may be allowed an additional ten thousand (10,000) square feet of building over and above their existing square footage, provided that the structure(s) existed or the

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

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

21. Schools for academic instruction, including accessory dormitories.

22. Kindergartens, nursery schools and childcare centers for four (4) or more children when accessory to a place of religious assembly or school, as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.

23. Concrete mixing, but only when associated with mining or quarrying operations which comply with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:

    a. That no concrete mixing and/or asphalt plant operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.

    b. Noise, Air and Water Quality. The facility shall be operated at all times in compliance with applicable federal, state and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Section 6-7, Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.

    c. Development Plan. The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, stormwater and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.

    d. Drainage and Erosion Control. The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.

    e. Roads. All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from state highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.

    f. Screening. Screening shall be provided as defined in accordance with LFUCG Article 18 of this Zoning Ordinance.

    g. Transportation Plan. A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:

        1) Product shipping and deliveries;

        2) Mode of transportation;

        3) Route(s) to and from site;

        4) Schedule and frequency of shipments;

        5) Delivery and shipping spillage control methods;

6) Employee parking.

h. Storage. Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three (3) sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.

i. Excess Product and Waste. Excess product and waste, when disposed of on-site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.

24. Asphalt plant, but only when associated with mining and/or quarrying which comply with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:

a. That no asphalt plant operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.

b. Noise, Air and Water Quality. The facility shall be operated at all times in compliance with applicable federal, state and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Section 6-7, Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.

c. Development Plan. The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, stormwater and sediment basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.

d. Drainage and Erosion Control. The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.

e. Roads. All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.

f. Screening. Screening shall be provided as defined in accordance with LFUCG Article 18 of this Zoning Ordinance.

g. Transportation Plan. A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:

1) Product shipping and deliveries;

2) Mode of transportation;

3) Route(s) to and from the site;

4) Schedule and frequency of shipments;

5) Delivery and shipping spillage control methods;

6) Employee parking.

h. Storage. Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three (3) sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.

i. Excess Product and Waste. Excess product and waste, when disposed of on-site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.

25. Commercial woodlots, but only when the following conditions are met:

a. A 50-foot open space area shall be required from the perimeter of the tract of land.

b. No commercial woodlot shall be located within four hundred (400) feet of any residential structure on another lot under different ownership, and driveways shall be a minimum of one hundred (100) feet from property lines.

c. A 20-foot-wide landscape buffer area shall be provided around all commercial woodlots or at the perimeter of the tract of land, containing one (1) tree per thirty (30) feet of length or fraction thereof, plus a continuous six-foot-high planting hedge, fence, wall or earth mound. New screening shall not be required to be planted when existing screening is substantially similar to the screening mentioned above.

d. There shall be no storage or sale of wood chips, peat moss, humus, mulches or fertilizer, nor sale to the public of firewood at the site.

e. No commercial woodlot shall be located within a floodplain or sinkhole.

f. Commercial woodlots shall be located where easily accessible by Federal or State highways. All roads to site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.

g. All driveways and parking areas shall be paved or sealed to prevent dust.

h. Wood shall be stored in rows no greater than ten (10) feet in height, no greater than twenty (20) feet in width, and spaced no less than fifteen (15) feet apart.

i. Cutting and splitting of timber shall not occur in the 50-foot open space area of the site, and only between the hours of 8:00 a.m. to 5:00 p.m.

j. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.

k. No signage shall be permitted on the premises.

l. Woodlots shall comply with all applicable Federal and State laws.

26. Bed and breakfast facilities, including farmstays (as defined by KRS 219.011), limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and

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

27. Expansion of golf courses in existence or approved as of January 26, 1995 (including private clubs) with or without driving ranges, including the accessory retail sale of golf-related merchandise, and including an accessory restaurant and/or food service with or without the serving of alcoholic beverages. This use shall not be conducted in conjunction with more than one (1) single-family detached dwelling.

28. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Subsection (c)2 of this section, which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per one thousand (1,000) gallons of wine, brandies and cordials produced or compounded on-site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval of fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has been obtained for any food services offered, whether it is provided on-site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).

29. Historic House Museum operated by a governmental entity or by a private, non-profit entity that has Internal Revenue Code Section 501(c)(3) status and that is a member of a recognized museum association such as the Kentucky Museum and Heritage Alliance, the American Association for State and Local History, the American Association of Museums, the Association of Living History, Farm and Agricultural Museums and/or Southeastern Museum Conference; provided, however, that the house shall not be expanded beyond its current or documented historic footprint, and all activities and events shall relate to the educational mission of the governmental or non-profit entity.

30. Agritourism activities to include corn mazes; farm gift shops (limited to five hundred (500) square feet); educational classes related to agricultural products or skills; horse shows involving more than seventy (70) participants; seasonal activities.

31. Ecotourism activities to include equine trails; botanical gardens; and nature preserves.

32. Youth camps.

33. Small farm Micro-Distilleries. Distilleries associated with an existing small farm winery licensed under KRS 243.155 as of, the effective date of the ordinance that produces less than 1,000 gallons of distilled spirit annually. The distillery shall be operated under a Class B License as defined in KRS 243.120. At least one agricultural resource grown on the property (e.g., grapes, corn, rye, wheat) shall be a component of the product produced by the distillery. A small farm micro-distillery shall conform to all applicable local, state and federal laws and regulations related to alcoholic beverages.

34. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.

(e) *Prohibited Uses.* (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Establishments for the processing of crude petroleum, natural gas, or oil shale.

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

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

(f) *Minimum Lot Size.* Forty (40) acres, except as noted in subsection (o)(1) of this section below.

(g) *Minimum Lot Frontage.* Seven hundred fifty (750) feet, except as noted in subsection (o)(1) of this section below.

(h) *Minimum Front Yard.* Three hundred (300) feet from the right-of-way line, except for the following:

(1) Lots which have principal permitted residential structures less than three hundred (300) feet from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or fifty (50) feet, whichever is greater;

(2) Lots which were created by subdivision plats recorded prior to January 26, 1995 shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater;

(3) Existing lots less than three hundred fifty (350) feet in lot depth shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater.

(i) *Minimum Each Side Yard.* Twenty-five (25) feet.

(j) *Minimum Rear Yard.* Twenty-five (25) feet.

(k) *Minimum Open Space.* No limitation.

(l) *Maximum Lot Coverage.* No limitation.

(m) *Maximum Height of Building.* Thirty-five (35) feet, except for buildings devoted solely to agricultural uses, then no limitation.

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

No minimum requirements.

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

(o) *Special Provisions.*

1. Existing single-family residential structures containing, at a minimum, running water; indoor plumbing; and electricity; and which have been legally occupied at any time within six (6) months of the date of the adoption of this section, may be subdivided from its parent tract on a ten-acre minimum lot with a minimum of two hundred fifty (250) feet of lot frontage, provided that the remaining parent tract has a minimum of forty (40) acres, and at least two hundred fifty (250) feet of frontage on an existing road; or approved access as provided for in Section 6-8(1) of the Land Subdivision Regulations. The provisions of this section shall expire three (3) years from the date of its adoption.

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

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

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

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

1. Land used solely for agricultural purposes, including small farm wineries and equine-related activities, as outlined in KRS 100.
2. Single-family detached dwellings.

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

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

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

1. Hospitals for large animals, including equine hospitals.
2. Plant nurseries.
3. Home-based businesses.

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

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

7. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loudspeakers, retail sales of merchandise, restaurants or food service, and the like). Including zoological gardens; sportsmen's farms (including outdoor rifle and other firearm ranges); native animal game preserves; outdoor rodeos; hunting and trapping; primitive campgrounds; and fishing lakes; including private clubs for only these uses.

8. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.

9. Mining and/or quarrying of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:

    a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;

    b. That a reasonable degree of reclamation and proper drainage control is feasible; and

    c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.

10. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:

    a. Such facilities shall be operated at all times in compliance with applicable federal, state and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.

    b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.

    c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.

    d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.

11. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, only when accessory to a residential use. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.

12. Type II Childcare Center. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.

13. Places of religious assembly.

14. Schools for academic instruction, including accessory dormitories.

15. Kindergartens, nursery schools and childcare centers for four (4) or more children when accessory to a place of religious assembly or school, as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.

16. Bed and breakfast facilities, including farmstays (as defined by KRS 219.011), limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and

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

17. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Section 8-1(c)2, which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per one thousand (1,000) gallons of wine, brandies and cordials produced or compounded on-site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval of fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has been obtained for any food services offered, whether it be provided on-site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).

18. Agritourism activities to include corn mazes; children's rides; farm gift shops (limited to five hundred (500) square feet); educational classes related to agricultural products or skills; horse shows involving more than seventy (70) participants; seasonal activities.

19. Ecotourism activities to include commercial hiking, bicycling trails; equine trails; zip line trails; tree canopy tours; canoeing and kayaking launch sites; botanical gardens; and nature preserves.

20. Youth camps.

21. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.

(e) *Prohibited Uses.* (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Establishments for the processing of crude petroleum, natural gas, or oil shale.
2. Disposal of garbage and refuse, transfer stations.
3. Multifamily, two-family or townhouse dwelling units.
4. Retail sales or services, wholesale, or warehouse uses, except as provided herein.
5. Offices, museums, and institutional uses.
6. Commercial recreational facilities, such as amusement parks; bowling alleys; skating rinks; pool or billiard halls; establishments with coin-operated pool or billiard tables, or outdoor theaters.
7. Hotels, motels, boarding or lodging houses, except bed and breakfast facilities permitted herein.
8. Manufacturing, compounding, assembling, processing and packaging and other industrial uses.
9. Automobile, truck, ATV, motorcycle, bicycle moto-cross, or other vehicle or bicycle race tracks.
10. Garden centers, market gardens, commercial greenhouses and plant nurseries.
11. Major or minor automobile and truck repair.
12. Automobile service stations.

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

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

(f) *Minimum Lot Size.* Ten (10) acres.

(g) *Minimum Lot Frontage.* Two hundred fifty (250) feet.

(h) *Minimum Front Yard.* Three hundred (300) feet from the right-of-way line, except for the following:

   (1) Lots which have principal permitted residential structures less than three hundred (300) feet from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or fifty (50) feet, whichever is greater;

   (2) Lots which were created by subdivision plats recorded prior to January 26, 1995 shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater;

   (3) Existing lots less than three hundred fifty (350) feet in lot depth shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater.

(i) *Minimum Each Side Yard.* Fifty (50) feet.

(j) *Minimum Rear Yard.* One hundred (100) feet.

(k) *Minimum Open Space.* No limitation.

(l) *Maximum Lot Coverage.* No limitation.

(m) *Maximum Height of Building.* Thirty-five (35) feet, except for buildings devoted solely to agricultural uses, then no limitation.

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

No minimum requirements.

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

(o) *Special Provisions.* For any development in an Agricultural Buffer Area (A-B) zone, the following provisions shall apply:

1. All Agricultural-Buffer Area (A-B) zone developments shall provide a fenced buffer yard along the boundary of the development with land recommended for Natural Areas and Core Agricultural and Rural Land in the Comprehensive Plan. In order to prevent the growth of plants that may be toxic to animals, the buffer yard shall be kept mowed and free of trees, shrubs and plants other than grasses. Existing vegetation may remain as specified under Section 6-3(b) of the Land Subdivision Regulations. Buffer yards may, however, be used for utility installation and easements. Such buffer yard shall be the responsibility of the property owner in the A-B zone to install and to maintain, and shall consist of the following:

    a. A double row of standard gauge diamond-mesh wire fences, of durable construction, at least eight (8) feet apart, with one (1) fence to be not less than fifty-two (52) inches high, set on seven and one-half (7½)-foot posts, with a required six-inch top board, to be placed closest to the A-B development; and the second fence to be not less than fifty-eight (58) inches high, set on eight-foot posts, with a required six-inch top board, placed nearest the adjoining agricultural property; or

    b. A single, standard gauge, diamond mesh wire fence, of durable construction, not less than seventy-two (72) inches high, set on nine-foot posts, with a required six-inch top board, with the mowed buffer yard to be eight (8) feet adjoining the fence; or

    c. Other buffer yard and fencing which achieves the intent of this section and which is agreed upon by the developer of the Agricultural Buffer Area and the adjoining agricultural property.

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

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

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

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

1. Land used solely for agricultural purposes, including small farm wineries and equine-related activities, as outlined in KRS 100.
2. Single-family detached dwellings.

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

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

(d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.) For any of the following conditional uses established after January 26, 1995, a total of ten thousand (10,000) square feet shall be the maximum allowable for all structures proposed for such uses. Prior to the approval of any conditional use containing environmentally sensitive land, such as flood hazard areas; areas of significant tree stands; sinkhole and karst areas; slopes exceeding fifteen percent (15%); "special natural protection" areas, as designated in the Comprehensive Plan; and stone fences, the applicant must prove, and the Board of Adjustment must find, that adequate safeguards will be in place to ensure the least negative impact on the land. This proof and finding shall extend to uses accessory to permitted conditional uses.

In making its determination, the Board of Adjustment shall:

(1) Require the submission of an environmental assessment prepared by a qualified professional.

(2) Consider mitigation of environmental impacts over time.

(3) Consider the operational plan of any proposed agritourism or ecotourism activities.

(4) Consider requiring certification for any proposed ecotourism activities.

1. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
2. Places of religious assembly.

3. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.

4. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loudspeakers, retail sales of merchandise, restaurants or food service, and the like), including zoological gardens; sportsmen's farms (including outdoor rifle and other firearm ranges); native animal game preserves; outdoor rodeos; hunting and trapping; primitive campgrounds; and fishing lakes, including private clubs for only these uses.

5. Mining and/or quarrying of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:

    a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;

    b. That a reasonable degree of reclamation and proper drainage control is feasible; and

    c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.

6. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:

    a. Such facilities shall be operated at all times in compliance with applicable federal, state and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.

    b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.

    c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.

    d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.

7. Bed and breakfast facilities, including farmstays (as defined by KRS 219.011), limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.

8. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Section 8-1(c)2, which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per one thousand (1,000) gallons of wine, brandies and cordials produced or compounded on-site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval for fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has

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

9. Agritourism activities, to include corn mazes; farm gift shops (limited to five hundred (500) square feet); educational classes related to agricultural products and skills; horse shows involving more than seventy (70) participants; seasonal activities.

10. Ecotourism activities, to include commercial hiking and bicycling trails; equine trails; tree canopy tours; canoeing and kayaking launch sites; botanical gardens; nature preserves and recreational outfitters, limited to equipment rental only.

11. Youth camps.

12. Home-based businesses.

13. Hosted Short Term Rentals, as regulated by Article 3-13 of the Zoning Ordinance and provided that no hosted short term rentals permitted under this section shall be located less than one (1) mile, as measured from the property lines, from another short term rental in an A-R, A-N, or A-B zone.

(e) *Prohibited Uses.* (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Establishments for the processing of crude petroleum, natural gas, or oil shale.
2. Disposal of garbage and refuse, transfer stations.
3. Multifamily, two-family or townhouse dwelling units.
4. Retail sales or services, wholesale, or warehouse uses, except as provided herein.
5. Offices, museums, and institutional uses.
6. Commercial recreational facilities, such as amusement parks; bowling alleys; skating rinks; pool or billiard halls; establishments with coin-operated pool or billiard tables, or outdoor theaters.
7. Hotels, motels, boarding or lodging houses, except bed and breakfast facilities permitted herein.
8. Manufacturing, compounding, assembling, processing and packaging, and other industrial uses.
9. Automobile, truck, ATV, motorcycle, bicycle moto-cross, or other vehicle or bicycle race tracks.
10. Garden centers, market gardens, commercial greenhouses and plant nurseries.
11. Major or minor automobile and truck repair.
12. Automobile service stations.
13. Storage, except as permitted herein.
14. Junk yards.
15. Sale of new or used merchandise, except as provided herein.
16. Stockyards and slaughtering of animals.
17. Penal or correctional institutions.
18. Sawmills.

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

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

(f) *Minimum Lot Size.* Forty (40) acres.

(g) *Minimum Lot Frontage.* Seven hundred fifty (750) feet.

(h) *Minimum Front Yard.* Three hundred (300) feet from the right-of-way line, except for the following:

(1) Lots which have principal permitted residential structures less than three hundred (300) feet from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or fifty (50) feet, whichever is greater;

(2) Lots which were created by subdivision plats recorded prior to January 26, 1995 shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater;

(3) Existing lots less than three hundred fifty (350) feet in lot depth shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater.

(i) *Minimum Each Side Yard.* Fifty (50) feet.

(j) *Minimum Rear Yard.* One hundred (100) feet.

(k) *Minimum Open Space.* No limitation.

(l) *Maximum Lot Coverage.* No limitation.

(m) *Maximum Height of Building.* Thirty-five (35) feet, except for buildings devoted solely to agricultural uses, then no limitation.

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

No minimum requirements.

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

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

ORDINANCE NO. ______ - 2024

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

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

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

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

(a) No person shall own a short-term rental in Lexington-Fayette County unless the person possesses a valid special fee license for the short-term rental issued by the Lexington-Fayette Urban County Government, Division of Revenue, as provided in Section 13-13 of the Code and this Article.

(b) The Director may promulgate such forms and procedures as reasonably necessary for the orderly and efficient processing of short-term rental special fee license applications and renewals. Provided, however, that an applicant shall be required to provide the following information as part of its application for a special license and renewal:

(1) Address of the proposed short-term rental;

(2) Name, address, phone number, and email address of the applicant;

(3) Name, address, phone number, and email address of the operator of the short-term rental, if different from the applicant;

(4) Name, address, phone number, and email address of an emergency contact that resides or is otherwise located in Lexington-Fayette County, Kentucky, or within twenty-five (25) miles of the proposed short-term rental;

(5) Approval by the Division of Planning that the short-term rental ~~is a hosted short-term rental or is otherwise a legal nonconforming hosted or un-hosted short-term rental under Section 3-13(i) and (j) of the Zoning Ordinance; that the un-hosted short-term rental has a conditional use permit issued by the Board of Adjustment if applicable; that the hosted short-term rental with an occupancy greater than twelve (12) individuals has a conditional use permit issued by the Board of Adjustment, if applicable; or that the short-term rental otherwise~~ complies with the Zoning Ordinance;

(6) The maximum number of occupants requested for the short-term rental, which shall be consistent with the number permitted by Section 13-79(a)(7);

(7) A site plan and floor plan depicting the short-term rental, including the number of vehicles that can be legally parked on the property,

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

(8) A certificate of insurance or other valid proof of general liability insurance in the amount not less than one million dollars ($1,000,000.00) per occurrence, which shall remain in effect at all times while engaged in the licensed activity;

(9) An affidavit confirming that the health and safety requirements of Section 13-79(a)(1)-(6) of the Code of Ordinances have been satisfied for each short-term rental;

(10) An affidavit confirming that the applicant complies and shall continue to comply with all aspects the applicable building codes, fire codes, and all other applicable state, federal, and local laws or regulations; and

(11) For short-term rentals utilizing septic tanks, ~~evidence indicating that the septic tank is of sufficient size to accommodate the occupancy requested in subsection (6).~~ documentation from the Health Department stating that the septic tank on the property is sufficient to handle the proposed use of the property as a short-term rental.

(c) All applications for a special fee license and renewal shall be accompanied by the fee referenced in Section 13-13 of the Code for short-term rental special fee licenses.

(d) The operator of the short-term rental may apply on behalf of the owner of the short-term rental, with the express written permission of the owner. However, the owner of the short-term rental shall remain the Licensee.

(e) A short-term rental special fee license shall cover all short-term rentals owned by the Licensee holding the license.

(f) All short-term rental special fee licenses and renewals shall expire upon the earlier of (1) December 31st following the most recent application or renewal; (2) a change in Licensee or ownership of a dwelling unit used as a short-term rental; or 3) the revocation of a conditional use permit.

(g) Upon receipt of the short-term rental special fee license, each Licensee shall be issued a unique Local Registration Number, by which the short-term rental may be identified.

(h) The Director may refuse to issue a license or renew the license of a Licensee in the following circumstances:

(1) When the applicant intentionally or knowingly makes a false statement as to a material matter in an application;

(2) When the applicant fails to complete any part of the application;

(3) When the Licensee has failed to pay any fee, tax, fine, or penalty related to a violation of Sections 13-76 through 13-82;

(4) When the property submitted for registration or renewal as a short-term rental is subject to unsatisfied penalties, fines, or liens assessed or levied by the Government for any reason;

(5) When the Licensee fails to maintain a conditional use permit, if applicable; or

(6) When the Licensee or short-term rental is not in compliance with any applicable federal, state, or local law or regulation, including, without

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

(i) The Director may revoke the registration of any short-term rental for any of the following reasons:

(1) When any one of the circumstances provided in section (h), above, occurs;

(2) When the Licensee or the short-term rental has been found to be in violation of Sections 13-76 through 13-82 two (2) or more times during the relevant license term.

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

(j) The Director may revoke, suspend, or refuse to renew or issue a license on a dwelling unit basis.

(k) Relevant divisions and departments with necessary information for the Director to perform his or her responsibilities under this article should provide such information to the Director at his or her request. Members of the public may also provide complaints and relevant evidence indicating violation of this article to the Director.

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

Sec. 13-79. – Duties of a Licensee.

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

(a) Every short-term rental owned by the Licensee meets and complies with the following at all times:

(1) Contains sufficient smoke detectors installed and in working order as required in Section 12-1 of the Code of Ordinances;

(2) Contains at least one (1) functional carbon monoxide detector installed in an appropriate location as set forth in the Kentucky Residential Code;

(3) Contains at least one (1) maintained and charged fire extinguisher located in an open and easily accessible location on each habitable floor of the short-term rental;

(4) Contains at least one (1) operable emergency and rescue opening in every sleeping room, as set forth in the Kentucky Residential Code;

(5) Has posted, in a conspicuous location in the short-term rental, the following:

a. the name, email address, and telephone number of the Licensee or operator of the short-term rental, if different from the Licensee;

b. the name, email address, and telephone number of the registered emergency contact for the short-term rental referenced in the Licensee's application for a special fees license;

c. the emergency and non-emergency telephone numbers for police, fire, and emergency medical service providers;

d. trash and recycling pickup information;

e. a clearly marked emergency evacuation plan for the premises showing exit routes, exits, and fire extinguisher locations;

f. the maximum number of occupants permitted in the short-term rental;

g. a copy of the conditional use permit, if applicable; and

h. the website address of the Lexington-Fayette Urban County Government where the guest may review the locally-required duties of a Licensee and file a complaint;

(6) Contains no outdoor signage identifying the dwelling unit as a short-term rental;

(7) May be occupied by the maximum number of individuals provided in the Licensee's conditional use permit, if applicable, or otherwise the Zoning Ordinance, as applicable in the relevant zone. ~~May be occupied by a maximum of two (2) individuals per bedroom, plus an additional four (4) individuals, up to a maximum of twelve (12) individuals; or as otherwise allowed in the Licensee's conditional use permit or the Zoning Ordinance.~~ Any permanent resident of the dwelling unit present during the short-term rental period shall count toward the maximum occupancy; and

(8) May not become the location where a violation of the laws governing assault, sexual offenses, prostitution, controlled substances, weapons, gambling on the premises, or any felony has occurred. Instances in which the Licensee or primary resident is the victim of the crime and had no control over the criminal act, including domestic violence, shall not be considered.

(b) Short-term rentals shall not be utilized for private events, such as weddings or parties, in which the number of participants exceeds the maximum occupancy limit described in this section. No private events, such as weddings or parties, shall occur between the hours of 11:00 p.m. and 7:00 a.m. Special events for a commercial purpose shall be prohibited at all times;

(c) The Licensee shall abide by all requirements contained within the conditional use permit, if applicable;

(d) The Licensee shall submit a true and accurate report annually to the Division of Revenue, in the manner and form specified by the Director, identifying:

(1) The address of each short-term rental owned or operated by the Licensee;

(2) The Local Registration Number of each short-term rental owned or operated by the Licensee; and,

(3) The number of contracts to which each short-term rental owned or operated by the Licensee was subject in the preceding year, and the duration of each contract;

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

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

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

(a) Short-term rentals registered in accordance with Sec. 13-77 may be advertised for stays of less than thirty (30) days on a Hosting Platform.

(b) All advertisements for a short-term rental, including, without limitation, those on Hosting Platforms, shall include the following:

(1) The short-term rental's Local Registration Number;

(2) language specifying the allowed maximum number of occupants allowed under this Article; and

(3) language specifying that guests of the short-term rental are prohibited from allowing more people onto the premises than the maximum occupancy allowed.

~~(c) Pursuant to KRS 65.8821, the Administrative Hearing Board established in Sec. 12-6 of the Lexington-Fayette County Code of Ordinances and assigned hearing officer(s) shall have the authority to subpoena information from any person to determine whether there has been a violation of any ordinance that the Board or hearing officer has jurisdiction to enforce. Any such subpoena shall:~~

~~(1) Be served upon the person, or its registered agent, if applicable, via certified mail;~~

~~(2) Identify the provision(s) of any ordinance that the Government has reason to believe may have been violated; and~~

~~(3) Describe with reasonable specificity the evidence supporting the Government's reasonable belief that a violation of said ordinance has occurred.~~

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

Sec. 13-81. – Enforcement.

(a) Pursuant to Section 14-10 of the Code, this Article shall be enforced by citation officers within the Division of Revenue and the Administrative Hearing Board established in Sec. 12-6 of the Lexington-Fayette County Code of Ordinances in accordance with the rules and procedures established therein.

(b) Except as otherwise provided herein, any person that violates any provision of this Article shall be subject to civil penalties, as imposed by a citation officer within the Division of Revenue in accordance with Section 2B-6 of the Lexington-Fayette County Code of Ordinances, in the following amounts:

1st Offense	$125.00
2nd Offense	$250.00

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

(c) In addition to the penalties provided in Section 13-15 of the Code for failure to obtain a special fees license, any person that violates Section 13-77(a) of the Lexington-Fayette Urban County Code of Ordinances shall be subject to civil penalties, as imposed by a citation officer within the Division of Revenue in accordance with Section 2B-6 of the Lexington-Fayette County Code of Ordinances, in the amount of $500 per offense.

(d) Any person that violates Sec. 13-78 of the Lexington-Fayette Urban County Code of Ordinances shall be subject to the penalty provided in Article I of this Chapter for failure to pay the applicable tax or occupational license fee.

(e) Each day that a violation continues after notice of the offense has been served shall constitute a separate offense.

(f) The Government shall possess a lien on the property owned by the Licensee in accordance with section 2B-9 of the Code of Ordinances for all civil fines issued or incurred under this Section.

(g) In addition to the penalties provided herein, the Director is authorized, with the assistance of the Department of Law, to bring and prosecute civil actions for violations of this Article as appropriate, including, without limitation, actions for injunctive relief and declarations of rights, in any court of competent jurisdiction.

(h) Nothing provided herein shall limit the power of the Director, as provided in Sec. 13-77, to deny, revoke, or fail to renew the registration of a short-term rental.

(i) Pursuant to KRS 65.8821, the Administrative Hearing Board established in Sec. 12-6 of the Lexington-Fayette County Code of Ordinances and assigned hearing officer(s) shall have the authority to subpoena information from any person to determine whether there has been a violation of any ordinance that the Board or hearing officer has jurisdiction to enforce. Any such subpoena shall:

(4) Be served upon the person, or its registered agent, if applicable, via certified mail;

(5) Identify the provision(s) of any ordinance that the Government has reason to believe may have been violated; and

(6) Describe with reasonable specificity the evidence supporting the Government's reasonable belief that a violation of said ordinance has occurred.

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

Section 6 – That if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF THE URBAN COUNTY COUNCIL
PUBLISHED:

4870-1697-5277, v. 1

Short Term Rental Recommendations Report
from the Rural Land Management Board's
Ordinance Review and Long-Range Planning Committee

I. Introduction

In April 2023, Council Members Liz Sheehan and James Brown asked the Rural Land Management Board to consider the issues related to allowing Short Term Rentals (STRs) in the Rural Service Area (RSA) and to make recommendations about regulating STRs in the RSA. The Rural Land Management Board referred this matter to its Ordinance Review Committee.[1] The Committee met 7 times since August 2023, in addition to holding several meetings between the Chair of the Committee and LFUCG Planning, Law and PDR staff, and has developed a series of recommendations for the Council and Planning Commission's consideration.

II. Discussion

The Committee first sought to gather information about the existing STRs in the RSA. Although there was no registry of STRs in the RSA prior to January 11, 2024, information provided by VisitLex prior to that date suggests there are approximately 325 existing STRs operating in the rural areas of Fayette County. The majority of the existing STRs are unhosted. They are clustered near certain rural tourist attractions like the Kentucky Horse Park. Their occupancy rates and average daily rates are higher than local hotels. See Attachment 1.

According to information provided to the Committee by the Division of Planning, only 14 existing STRs in the Rural Service Area filed for and received zoning compliance certificates prior to the January 11th deadline. Their locations are noted on the attached map. Most of these units are located in the Agricultural Rural (A-R) zone on smaller lots and are unhosted. See Attachment 2.

The Committee sought input from farm owners through a survey sent to members of the Farm Bureau, the Kentucky Thoroughbred Association, and rural neighborhoods. Survey results indicate that although some respondents oppose STRs in the RSA, some farm owners are interested in having a STR on their property as an additional source of nonfarm income. There was a strong consensus that any STRs should be required to register and pay an annual fee. Feedback suggested that any regulations should limit the number of STRs and ensure that concerns related to the interaction between non-farm visitors and active agricultural operations should be addressed. Farm owners were concerned about group size, excessive noise, trespassing onto adjacent properties, traffic impacts and party houses. Respondents favored requiring conditional use permits and only allowing hosted STRs where the owner/operator lives on the property. The RSA is uniquely qualified to require all STRs be hosted because there are often Farm Employee Dwelling Units (FEDUs) on the property, which allow the owner to live in one residence while utilizing the other as an STR.

The Committee reviewed Article 3, Section 3-13 of the Zoning Ordinance, and followed Board of Adjustment decisions related to STRs and gathered input from neighborhood groups. The Committee also researched regulations from other rural communities. The League of Cities has published a helpful guide to regulating STRs. See attachment 3. Franklin County, Virginia's regulations were also reviewed as an example from a rural community.

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[1] Members of the Committee were Hannah Emig, Margaret Graves, Gloria Martin, Phil Meyer, Mary Quinn Ramer, David Sevigny, Christine Stanley, and Don Todd, The Committee was assisted by Shaun Denney, Autumn Goderis, Tracy

Jones, Beth Overman, and Evan Thompson.

One key difference between STRs in the RSA and STRs in the Urban Service Area (USA) that must be acknowledged is that residential properties in the RSA rely on septic tanks and do not have access to sewers. Another consideration is the limited number of fire hydrants in the RSA. Health and safety concerns suggest that STRs in the RSA should be regulated more closely than in the USB.

The Committee recognizes that the Rural Service Area provides a unique opportunity for guests to enjoy and appreciate our scenic rural landscape. The Committee has sought to achieve a delicate balance between accommodating STRs and regulating them to ensure that the primary use in the RSA remains active agricultural operations. The following recommendations are for the Agricultural Rural (A-R), Agricultural-Natural (A-N) and Agricultural-Buffer (A-B) zones.

The Committee recommends the following:

1. All STRs in the RSA should be required to obtain a conditional use permit from the Board of Adjustment. The BOA should require that all STRs in the RSA provide a certificate from the Health Department stating that the septic tank on the property is sufficient to handle the proposed use of the property as an STR before applying for a conditional use permit. The BOA should also require that adequate fire safety measures are in place prior to granting a conditional use. Fire Chief Wells recommends that the location of the nearest fire hydrant be included in the staff report to the BOA.
2. The BOA should consider the number of STRs within a 1-mile radius of the property and no more than 1 STR should be permitted within a 1-mile radius. This is consistent with the 1-mile radius restriction for Bed and Breakfast operations in the RSA.
3. Adjacent property owners should be notified of the conditional use permit application as required by existing public notice requirements.
4. Only hosted STRs should be permitted in the RSA to ensure that visitors understand the unique challenges of farming, do not disrupt active agricultural operations, and are not injured by livestock. Hosted STRs will give visitors an opportunity to learn about farming and experience the unique attributes of the rural area.
5. Only one STR should be allowed on each property and no newly constructed STRs should be permitted. The primary land use in the RSA is, and should remain, agriculture. Because STRs are a commercial non-agricultural use, the number of them in the RSA should be limited.
6. A property owner with an existing Farm Employee Dwelling Unit (FEDU) may apply to the Board of Adjustment for a conditional use permit to convert no more than 1 FEDU per property to an STR.
7. Given the dependence on septic tanks and there being no city-provided residential water in the RSA, maximum occupancy should be limited to 2 individuals per bedroom.
8. All STRs in the RSA should be required to have onsite parking and lighted entrances that are easily visible from the roadway. This is due to safety concerns on narrow rural roads, the lack of streetlights, and for fire and emergency personnel. Fire Chief Wells said it is very important the address of the property be clearly marked and that the Division of E-911 has the address of each house on the property and knows how to reach it.
9. Special events including, but not limited to, weddings, bachelor and bachelorette parties, wedding or baby showers, parties, and family reunions should be prohibited. Section 3-13(f) of the existing ordinance states that “Short Term Rentals shall not be utilized for private events, such as weddings or parties, in which the number of participants exceeds the maximum

occupancy limit. No private events shall occur between the hours of 11:00 pm and 7:00 am. Special events for a commercial purpose shall be prohibited at all times." These same prohibitions should apply in the RSA.

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

It should be noted that most properties that are part of the Purchase of Development Rights program will not be permitted to have STRs on their farms because conservation easements prohibit non-agricultural related commercial activities. Kentucky law permits "farmstays" as agritourism and per KRS 219.011(8) "Farmstay" means a bed and breakfast establishment at a farm location whose focus includes agritourism as defined in KRS 247.801. Though Lexington's current zoning laws do not address farmstays, they do permit bed and breakfast facilities in the RSA. Since farmstays involve overnight stays where the guests engage in agricultural activities, it may be possible that a certain subset of PDR properties may be eligible to host farmstays, as language in the PDR federal easement template since 2020 permits commercial agritourism. This may be an avenue to allow greater access to farm properties while protecting existing agricultural activities. The Rural Land Management Board will review any requests by landowners to have an STR on their property by reviewing the applicable easement language for the property.

It should also be noted that while most of the RSA is comprised of agricultural zones, there are small pockets of residential and business zones throughout as shown on the attached map provided by GIS titled Rural Service Area Zoning. See Attachment 4. It is the Committee's understanding from the Law Department that STRs in those residential and business zones will be governed by the same regulations as those located within the Urban Service Area.

III. Conclusion

The Committee appreciates the opportunity to study the issue of Short Term Rentals in the Rural Service Area and hopes that its work and recommendations will be of assistance to the Council and Planning Commission. The Rural Service Area is a unique and important asset of Lexington Fayette County that we seek to share with others, while also protecting it for future generations.

Hi Beth,

I think Gloria requested information about bed and breakfast facilities approved in the RSA. Since 2009, there have been 4 applications made to the BOA for conditional uses for Bed and Breakfasts:

C-2009-50 – 4417 Dry Branch Rd. (Disapproved 10/09)
C-2011-1 – 4343 Mt. Horeb (Approved January 2011, No longer in operation)
C-2014-13 – 3463 Rosalie Rd. (Approved March 2014, Still in operation)
CV-2015-40 – 4950 Jennie Kate Ln. (Approved July 2015, No longer in operation)

For anything prior to 2009, I would need an address to see if there had been a conditional use approved. Bed and Breakfasts were first defined as a use in the Zoning Ordinance in 1994.

Thanks,

Autumn Goderwis
Principal Planner, Planning Services
Planning

859.258.3187 office
lexingtonky.gov

LEXINGTON

Hi ladies!

I asked Patricia (on my team) to pull data from AirDNA, the short-term rental intelligence platform we utilize. Please see below.

We can continue to drill down on this information if it is useful.

Many thanks!

Mary Quinn

PS—I'm also looking into how similar communities have handled STRs in their rural areas, but I don't have that data ready to share just yet.

VISITLEX

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From: Patricia J. Knight, CPA <pjknight@visitlex.com>
Sent: Tuesday, August 22, 2023 9:38 AM
To: Mary Quinn Ramer <mramer@visitlex.com>
Subject: RE: AirDNA

So here is what I can see.

40516 has 14 active rentals. 6 of them are in neighborhoods that aren't rural. They are all entire homes. OCC is 69%, ADR is $213.

40511 has 140 listing but includes Meaadowthorpe, GG and Masterson Station. Past the interstate there are about 37 (I had to manually count them.) Most of them are concentrated around the KHP. OCC for the total area is 55% and ADR is $226. Again, mostly all entire homes.

40510 has 14 active rentals. They are all entire homes. OCC is 45%. ADR is $290.

40513 has 17 active rentals. They are all but 1 entire homes. The other one is a private room. OCC is 54%. ADR is $412.

40514 has 22 active rentals. There are 17 private homes and 5 private rooms. OCC is 57%. ADR is $198.

40515 has 50 active rentals. There are 47 private homes, 2 private rooms and 1 shared room. OCC is 61%. ADR is 182.

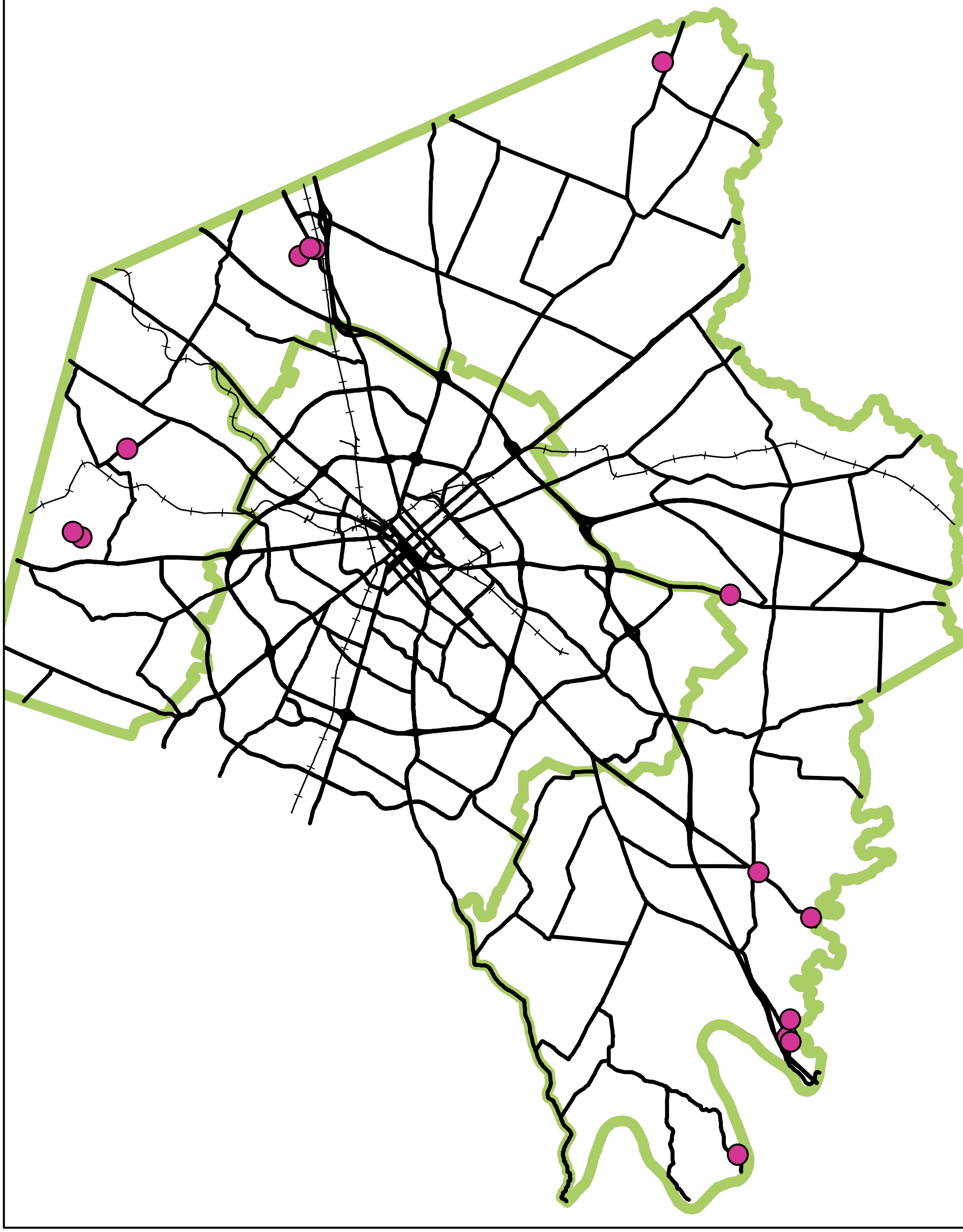
40509 has 68 active rentals but includes Hamburg, Andover Hills and Glenealges. There's only one that I would consider in the rural area and that would be out Todds Road before Cleveland. It's a private home on 10 acres. OCC for the area is 57% and ADR is $177.

Let me know if you want me to drill down more or need other info. 😊

Patricia J. Knight, CPA
Vice President of Finance and Operations
(859) 244-7711
(859) 229-8116

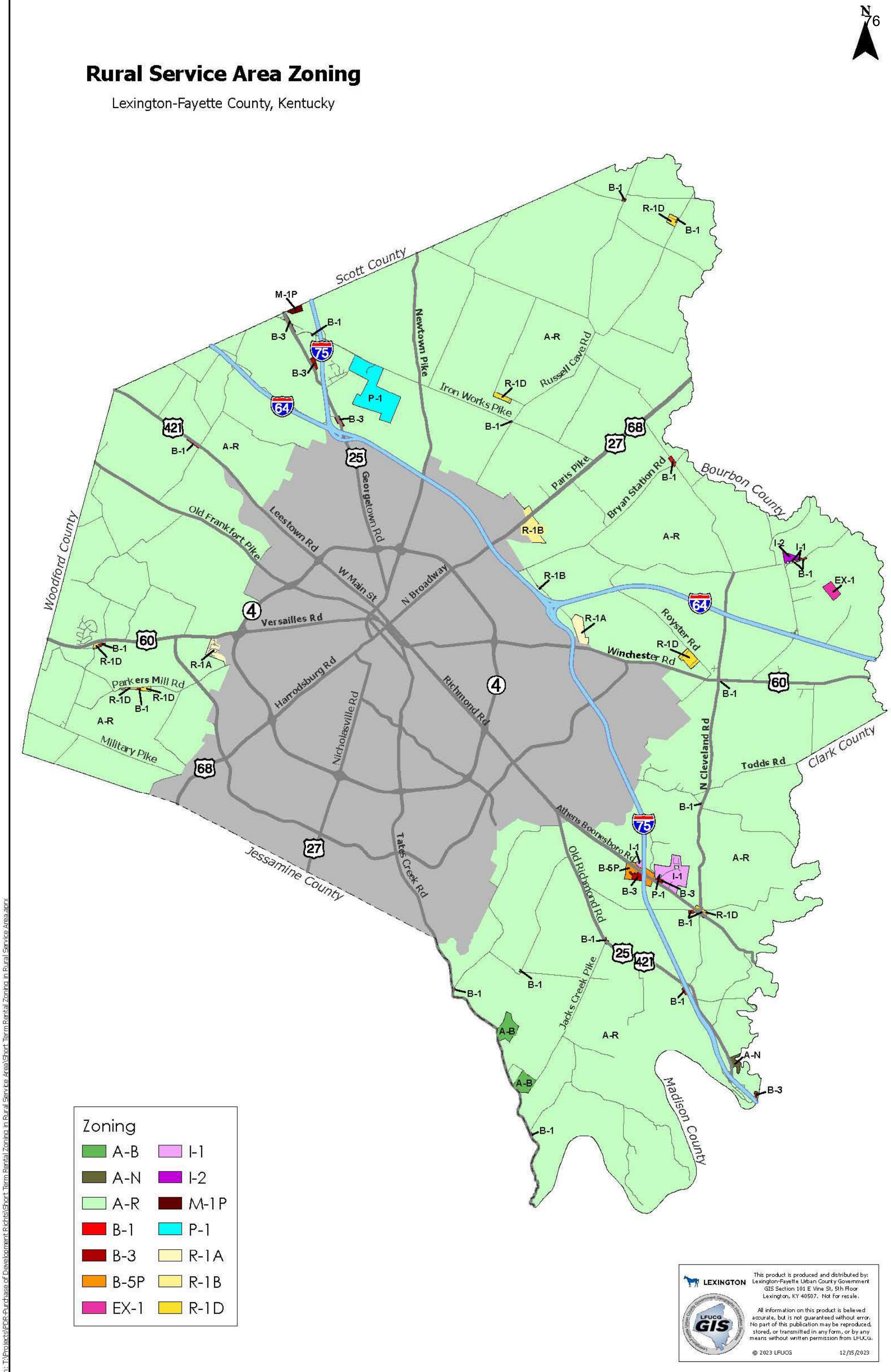
RSA Properties that Registered an STR by the January 11, 2024 Deadline:									
Address	**Zone**	**Acres**	**Number of Houses & Sq. Ft.**	**Hosted/Unhosted**	**# Guests**	**Zoning Compliance Permit Date**			
6483 ATHENS BOONESBORO RD	R-1D	0.43	1 = 1820 sq. ft.	Unhosted	8	9/15/2023			
7380 ATHENS BOONESBORO RD	A-R	0.25	1 = 1176 sq. ft.	Unhosted	4	12/6/2023			
8291 OLD RICHMOND RD	A-R	23	2 = 3193 sq. ft. and 1450 sq. ft.	Unhosted	4	12/13/2023			
8385 OLD RICHMOND RD	A-R	14.85	1 = 984 sq. ft.	Unhosted	4	12/13/2023			
8039 OLD RICHMOND RD	A-R	10.78	1 = 2928 sq. ft.	Hosted	4	12/21/2023			
4096 GEORGETOWN RD	B-3	1	1 = 1323 sq. ft.	Unhosted	4	1/3/2024			
4149 GEORGETOWN RD	A-R	10	1 = 2112 sq. ft.	Unhosted	4	1/3/2024			
4123 GEORGETOWN RD	A-R	11.59	1 = 3890 sq. ft.	Unhosted	4	1/3/2024			
3633 CARRICK RD	A-R	5	1 = 1849 sq. ft.	Hosted	4	1/5/2023			
6950 JACKS CREEK PIKE	A-R	12	1 = 2664 sq. ft.	Unhosted	4	1/9/2024			
1651 ELKCHESTER RD	A-R	2.81	1 = 1268 sq. ft.	Unhosted	4	1/10/2024			
3767 WINCHESTER RD	A-R	3.5	1 = 4920 sq. ft.	Unhosted	4	1/11/2024			
3638 ROSALIE RD	A-R	7.35	1 = 3916 sq. ft.	Unhosted	4	1/11/2024			
4950 JENNIE KATE LN	A-R	12.32	1 = 10,444 sq. ft.	Unhosted	4	1/17/2024			

Map of Registered STRs in the RSA



Rural Service Area Zoning

Lexington-Fayette County, Kentucky



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CONSENT AGENDA REPORT-OUT

Tuesday, April 16, 2024

LEXINGTON

LEXINGTON

Consent Agenda Team

- Council Member Kathy Plomin, 12th District
- Eve Miller, previous 12th District aide
- Ashleigh Dunsmoor, current 12th District aide
- David Barberie, Department of Law
- Hilary Angelucci, CAO’s Office
- Abigail Allan, Council Clerk’s Office
- Todd Slatin, Director of Procurement
- Stacey Maynard, previous Council Administrator
- Jennifer Sutton, Council Research Analyst

Consent Agenda Overview

- A strategy used to streamline meeting procedures
- Condenses routine items

Background

- Discussion began in 2009. Proposed in 2013
  - Proposed as a "Legislative Review"
  - Failed to pass second reading at the April 11, 2013 council meeting
- Proposed again in 2016
  - Did not make it out of committee
- Placed into committee in 2021
  - Began working on components of a consent agenda model
  - Some parts were delayed due to COVID and other factors

Series of Actions to Date

- Change Orders and Contract Modifications – implemented in 2021
  - Council approval is not required if the contract change order is 10% or less of the original award and if the cumulative total does not exceed 10% of the original award.
  - If the change order is more than 10% of the original contract award, or more than $1,000,000.00, the Council must approve the change order.
- Grants Budgets – implemented in 2021
  - Ordinance 97-2021 – allowing the Mayor to transfer the unencumbered balance of Grants of any account within the same Grant Budget so long as the scope and intent of the grant is not significantly changed.
    - No longer requiring a budget amendment
- Price Contracts – implemented in 2022
  - Ordinance No. 110-2022 – amended the process for the acceptance, approval, and establishment of price contracts for which funds have been budgeted to include them on the Mayor's Report for Council approval
    - No longer requiring a resolution
- Budget Amendments – implemented in 2022
  - Ordinance 124-2022 – created Article V of Chapter 7, Sec. 7-44 and 7-48 related to budget amendments, expanding qualifications for budget adjustments and budget amendments during the fiscal year transition.
  - Resolution 621-2022 – amended Council Rules and Procedures, adding Budget Adjustments to the agenda and repealed sections in the rules related to budget amendments.

Proposed Changes

- Amend Section 7-45 of the Code of Ordinances
  - Allow for Council Capital Project funding to move as a budget adjustment instead of requiring a budget amendment
- Amend Section 7-6 of the Code of Ordinances
  - Allows for fixed price bid recommendations and sole source vendors to move forward on the Mayor’s Report for Council approval in lieu of a resolution for each procurement
- Amend Section 3.104(1), Appendix A - Council Rules and Procedures:
  - Adding donations, fixed price bid recommendations (unilateral contract or purchase order) and sole source procurement recommendations (unilateral contract or purchase order) to the Mayor’s Report
  - Eliminating the need for resolutions and two readings for approval

Proposed Changes

Amend Section 3.104(1), Appendix A - Council Rules and Procedures:

- Move the Mayor's Report between New Business and Continuing Business (making it VII)
  - Change the title of Mayor's Report to "Communications from the Mayor" to match the Council Meeting language
- Work Session order of business:

VII. Communications from the Mayor

a) Appointments

b) Donations

c) Procurement

1. Price contract bid recommendations
2. Fixed price bid recommendations (unilateral contract or purchase order)
3. Sole source procurement recommendations (unilateral contract or purchase order)

- Votes would happen at "Appointments", "Donations", and sub-item under "Procurement"

Proposed Changes

- Donations
  - Donations from outside entities
- Fixed price bid recommendations (unilateral contract or purchase order)
  - Competitive bids $40,000 and up that do not require any additional agreement other than a purchase order (examples: vehicles, machinery, equipment).
- Sole source procurement recommendations (unilateral contract or purchase order)
  - Establishment of a sole source provider where the total amount spent is unknown and no additional agreement is required (example: patented products that are unique to one vendor like repair parts for custom equipment).

Proposed Changes

Examples

- Donations
  - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation in the amount of $33,139.70 from Friends of Raven Run, for the Grant match for the Land and Water Conservation Fund Grant. [Div. of Parks and Recreation, Conrad]
  - Legistar File 1188-23
- Fixed price bid recommendations (unilateral contract or purchase order)
  - A Resolution accepting the bid of Federal Resources Supply Co., in the amount of $123,100 for Bomb Disposal X-Ray Systems, for the Div. of Police. (1 Bid) [Weathers]
  - Legistar File 0329-20
- Sole source procurement recommendations (unilateral contract or purchase order)
  - Authorization to establish Lighthouse Services, LLC as a sole source vendor for the purchase, configuration and future maintenance of solar powered video cameras in isolated locations within LFUCG properties. (L0012-24) (Armstrong)
  - Legistar File 0012-24

Benefits of the changes

- Preparation time savings for staff
- Council meeting time savings
  - Reduces readings
  - Items can still be questioned and/or removed
- Speeds up approval process

Next Steps

- Council Rules and Procedures Change (by resolution for approval)
- Ordinance Change (2 separate resolutions for approval)
- Approval by Council
- Effective upon passage

Questions?

LEXINGTON

DRAFT 01-03-24

ORDINANCE NO. _____- 2024

AN ORDINANCE AMENDING SECTION 7-6 OF THE CODE OF ORDINANCES, PERTAINING TO PROVIDING FOR AN ALTERNATIVE PROCESS FOR THE ACCEPTANCE, APPROVAL, AND ESTABLISHMENT OF PRICE CONTRACTS FOR PURCHASES FOR WHICH FUNDS HAVE BEEN BUDGETED, TO ALLOW THE SAME PROCESS TO BE USED FOR FIXED PRICE BIDS AND SOLE SOURCE PROCUREMENTS THAT ONLY REQUIRE THE URBAN COUNTY GOVERNMENT TO ENTER INTO A UNILATERAL CONTRACT OR ISSUE A PURCHASE ORDER, EFFECTIVE UPON PASSAGE OF COUNCIL.

WHEREAS, the Urban County Government previously created and codified a more efficient and timely alternative process for the acceptance, approval and establishment of price contracts for which funds have been budgeted in Section 7-6 of the Code of Ordinances; and

WHEREAS, it is also more efficient and timely to have the option of using a similar process for procurements that only require the Urban County Government to enter into a unilateral contract or a purchase order; and

WHEREAS, including sufficient information on the Mayor's report for approval by Council ensures transparency with such procurement.

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

Section 1 - That Section 7-6 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

Sec. 7-6. Alternative Approval Process for Price Contracts.

(a) For purchases utilizing either: price contracts, or (ii) fixed price bids or sole source procurements that only require the Urban County Government to enter into a unilateral contract or issue a purchase order, and for which the funds have been budgeted, the administration may place a summary of the acceptance, approval, and establishment of each such procurement [~~price contract~~] on the Mayor's Report for Council approval in lieu of a resolution for each procurement.

(b) At a minimum, the following information must be provided for each procurement: the name of the department or division for which the procurement is being made, a description of the goods or services being procured, and the name(s) of the successful bidder(s).

(c) The Urban County Council may take any appropriate action with respect to any [~~price contract~~] procurement item that is included in the Mayor's Report.

Section 2 - To the extent any ordinance or resolution is in conflict with the provision of this ordinance, the provisions of this ordinance shall take precedence.

Section 3 - 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 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

____
MAYOR

ATTEST:

____
CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:

DRAFT 01-03-24

ORDINANCE NO. _____- 2024

AN ORDINANCE AMENDING SECTION 7-45 OF THE CODE OF ORDINANCES, WHICH PROVIDES FOR BUDGET ADJUSTMENTS FOR CERTAIN BUDGET AMENDMENT ITEMS TO ADD SUBSECTION (i) PERTAINING TO COUNCIL CAPITAL PROJECT FUNDING, EFFECTIVE UPON PASSAGE OF COUNCIL.

WHEREAS, it is more efficient and timely to have the option of using an approval process for certain budgeting actions that does not require an ordinance for each such action; and

WHEREAS, the Lexington-Fayette Urban County Government has previously adopted legislation in this area that should be unified in the Code of Ordinances of the Lexington-Fayette Urban County Government.

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

Section 1 – That Section 7-45 of the Lexington-Fayette Urban County Government, Code of Ordinances, be and hereby is amended to add subsection (i), to read as follows:

Sec. 7-45. Exceptions. The following types of amendments may be processed using a budget adjustment process administered by the Division of Budgeting:

* * * * *

(i) Council Capital Project for Council approved allocations to any department or division.

Section 3 – That to the extent any ordinance or resolution is in conflict with the provision of this Ordinance, the provisions of this ordinance shall take precedence.

Section 4 – 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 5 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

____
MAYOR

ATTEST:

____
CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:

4878-3306-3577, v. 1

DRAFT 02-14-24

RESOLUTION NO. ______ - 2024

A RESOLUTION AMENDING SECTION 3.104(1) OF APPENDIX A, RULES AND PROCEDURES OF THE LEXINGTON-FAYETTE URBAN COUNTY COUNCIL, PERTAINING TO THE ORDER OF BUSINESS FOR URBAN COUNTY COUNCIL WORK SESSIONS, TO CHANGE THE LABEL “MAYOR’S REPORT” TO “COMMUNICATIONS FROM THE MAYOR”, TO MOVE THE COMMUNICATIONS FROM THE MAYOR TO FOLLOW NEW BUSINESS ITEMS ON THE ORDER OF BUSINESS, AND TO ADD DONATIONS, AND FIXED PRICE BIDS AND SOLE SOURCE PROCUREMENTS THAT ONLY REQUIRE THE URBAN COUNTY GOVERNMENT TO ENTER INTO A UNILATERAL CONTRACT OR ISSUE A PURCHASE ORDER, AS SEPARATE ITEMS FOR CONSIDERATION UNDER COMMUNICATIONS FROM THE MAYOR, AND RELABELING OR RENUMBERING OTHER AFFECTED ITEMS, ALL EFFECTIVE UPON PASSAGE OF COUNCIL.

WHEREAS, the Urban County Council, by Resolution No. 55-79, as amended, adopted “Rules and Procedures of the Lexington-Fayette Urban County Council”, which were repealed, reorganized, revised and readopted by Resolution No. 599-2023 (hereinafter, “Rules”);

WHEREAS, Section 5.104 of the Rules provides that “[n]o permanent change shall be made to these rules without notice specifying the purpose and wording of the change given prior to the consideration of the change and the adoption of the permanent change by a majority of all councilmembers through an amending resolution”; and

WHEREAS, notice of proposed changes to the Rules was given to all Councilmembers at the Council Work Session on February__, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE COUNTY GOVERNMENT:

Section 1 – That Section 3.104(1) of Appendix A – Rules and Procedures of the Lexington-Fayette Urban County Council, be and hereby is amended to read as follows:

1) The urban county council shall meet at the dates and times specified in a schedule of meetings adopted annually by the council by ordinance, in the council chamber on the second floor of the Lexington-Fayette Government Center, for purposes of conducting a "work session." Action taken by the urban county council at a work session is procedural in nature (See 2.201). A quorum for work sessions shall consist of not fewer than eight (8) of the fifteen (15) members of the council. The following order of business shall apply for work sessions of the urban county council;

I. Public comment—agenda items only.

II. *Requested rezonings/docket approval. (No item shall be placed on the docket which has not been approved at work session, either as part of the work docket or as a separate item at work session, except in case of emergency and except as limited by section 4.07 of the Charter).

III. Approval of summary.

IV. *Budget amendments.

V. Budget adjustments (for information only).

VI. New business.

VII. Communications from the Mayor.

a. Appointments.

b. Donations.

c. Procurement Reports.

1. Price Contracts.

2. Fixed price bid recommendations (unilateral contract or purchase order).

3. Sole source procurement recommendations (unilateral contract or purchase order).

VIII. Continuing business/presentations/employee recognition. Up to two presentations are permitted per work session and each presentation shall not exceed 15 minutes; up to one presentation can be LFUCG employee recognition.

IX. Council reports.

X. Public comment—issues not on agenda.

XI. Adjournment.

Section 2 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

____
MAYOR

ATTEST:

____
CLERK OF URBAN COUNTY COUNCIL
4870-7769-5641, v. 4

DISPARITY STUDY UPDATE

General Government & Planning Committee Meeting

April 16, 2024

LEXINGTON

Potential Remedies

Race/Gender-neutral measures

- Prompt payment
- Advertising and outreach
- Small contracting opportunities *(in-progress)*
- Unbundling large contracts *(in-progress)*
- Supportive services *(in- progress)*
- Data collection/monitoring *(in-progress)*
- Small local business set-asides

Race/Gender-conscious measures

- Aspirational M/WBE goals
- Price/evaluation preferences

Disparity Study Recommendations

Race and Gender-Neutral Measures

Prompt Payment Policy *(Accomplished)*

- **Goal:** LFUCG should establish prompt payment processes to ensure subcontractors are paid timely.

- **Actions Taken** –
  - Procurement has modified the payment terms on construction and professional services contracts from net 30 to net 15 days.
  - Changed the prompt payment feature in the Diverse Business Management System ("B2GNow") from 30 to 15 days for contract compliance audit reporting.
  - Prompt payment notification was sent to 150 contacts in the B2GNow system and viewers could see notice on bulletin upon log in.
  - Email reminder notification sent automatically in the system (concluded March 1st).

- **Result**: Improves cash flow for minority and women-owned businesses which helps to minimize one of the barriers to doing business with the LFUCG.

Race and Gender-Neutral Measures

Advertising and Outreach Expansion (*Accomplished*)

- **Goal:** Market the programs offered to the area business community through the existing partnership with the KY APEX Accelerator (*formerly KY Procurement Technical Assistance Center*).

- **Actions Taken**:

  - Expanded the 6 outreach events hosted in the past year (i.e., 120 business participants for FY22-23) to 7 events for FY24-25.

  - Scheduled FY23-24 webinars (3) & events (3), i.e., co-presentation webinar with Amy Glasscock, Director of Business Engagement, LFUCG's Economic Development Workforce Grant.

  - Created a stakeholder committee group consisting of area business leaders to provide feedback on the expansion of the MBEP program.

  - Receives quarterly updates from the Minority Business Accelerator II/ReflectLex Program (ARPA Funded) to provide outreach to new MWBE's.

  - Community partner for 2024 Turner Construction –UK Construction Diversity Accelerator (CDA) Program.

- **Result**: Marketing these programs and engaging the community help to achieve our spend goals and foster relationships with new diverse businesses.

LEXINGTON

Race and Gender-Neutral Measures

Small Contract Opportunities (*In-progress*)

- **Goal**: Advertise small contract opportunities by increasing the visibility of procurements worth less than $10,000 as procurements of this size are easily accessible to small businesses, including many minority and woman-owned businesses.

- **Actions Taken**:

  - Pilot Equity Solutions Group (ESG) online portal to diversify Pro-card spend.

  - Developed inclusivity language for 3 quote process for procurements $40,000 or less to include at least 1 quote from small businesses including MWBEs.

  - Certified list of diverse businesses now accessible to LFUCG staff on MBEP LEX Link page, Minority Business Enterprise | Lexington Fayette Urban County, KY (lexingtonky.gov) .

- **Result:** Creates more accessible opportunities for small, minority and woman-owned businesses.

Race and Gender-Neutral Measures

Unbundling Large Contracts (*In-progress*)

- **Goal**: Make LFUCG contracts more accessible to minority and women-owned business and small businesses in general.
- **Actions Taken**:
  - Established a group of procurement influencers (15 staff) from 8 departments and/or divisions to assist in the implementation of these programs as well as other measures to help achieve our spend goals.
  - The focus group meetings began January 18th and ended February 1st.
    - A total of 6 focus group meetings were held.
  - Obtained a list of construction projects (Parks & Rec) for outreach expansion FY24-2025.
  - On-going effort to review and unbundle the city's contracts and procurements annually, i.e., Audit of Financial Statements Request for Proposal (RFP).
- **Next Step**: Host Parks & Rec Construction UPC Outreach event on April 24th at the Picadome Golf Course Outing Room.

- **Result** (unbundling): Creates an opportunity for smaller contractors who may not have the resources to compete for larger projects directly due to bonding capacity.

Race and Gender-Neutral Measures

Supportive Services (*In-Progress*)

- **Goal:** Provide supportive services for the MBEP.
- **Actions Taken**:
  - FY25 Funds requested for new staff to be hired.
  - Continued existing partnership with the KY APEX Accelerator.
  - Procurement to issue Request for Information (RFI) to explore expansion of LFUCG's existing Bid Bond Assistance Program for development of bonding capacity for small, minority and woman-owned businesses (funding required).
- **Result:** Supportive services enhances the effectiveness of the enterprise program and addresses barriers related to financing, bonding, and technical skills.

Race and Gender-Neutral Measures

Data Collection & Monitoring (*In- Progress*)

- **Goal**: Comprehensive data collection in the Ionwave and B2GNow systems.
- **Actions Taken**:
  - Procurement has revised current participation forms in bids, proposals and solicitation documents.
  - Capture all subcontractor data, i.e., MWBE/non-MWBE status, certified and non-certified business types.
- **Result**:
  - Identify non-certified businesses to help get socio-economic certifications, (i.e., DBE, MBE, WBE, etc.) accepted by the enterprise program.
  - Accurate data of MWBE spend and non-MWBE spend.

Race and Gender-Neutral Measures

Small Local Business Enterprise (SLBE) Program

- **Goal**: Consideration to reserve certain small contracts exclusively for small local businesses bidding to encourage their participation as prime contractors.

- **Action Taken**: Procurement has discussed a SLBE program or sheltered bidding program with the consultant project team.

- **Next Step**: Establish program criteria, draft policies and procedures, develop SLBE list and hire staff, to implement this program. This is a separate program from existing MBEP.

- **Result** (targeted contracts): Creates a competitive edge for local small businesses as opposed to competition with larger businesses.

Race and Gender-Neutral Measures

Minority Business Enterprise Program (MBEP) Expansion (*In-Progress*)

Expansion of the MBEP Team:

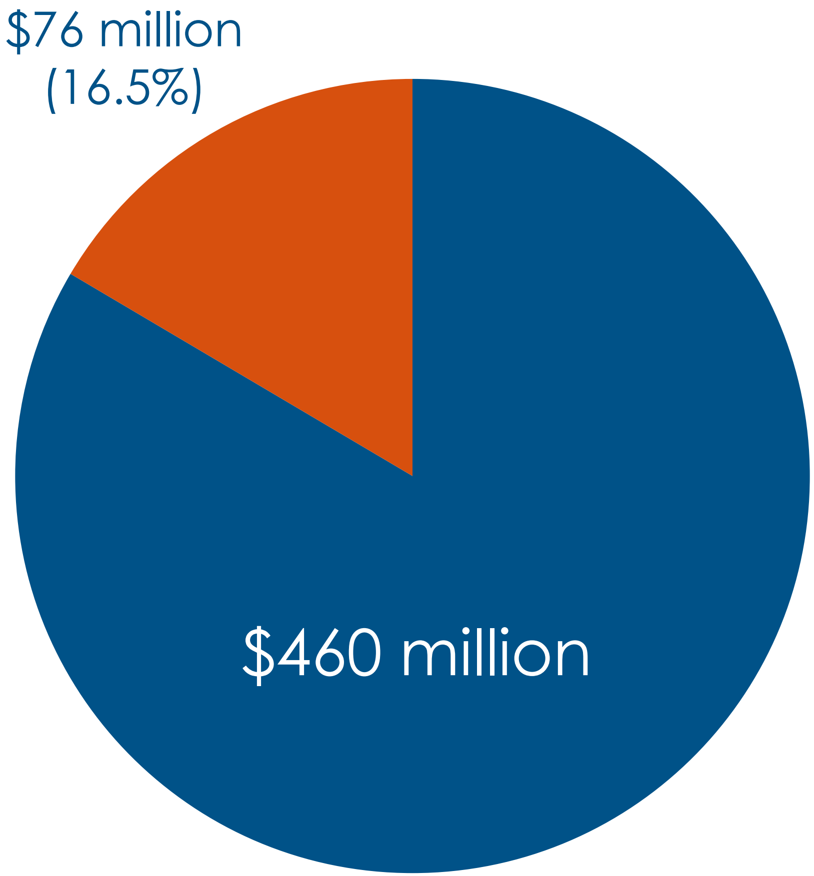
- **Goal**: Improves the effectiveness and reach of the MBEP.
- **Action Taken**: Procurement requested additional staffing in the FY25 budget and is actively seeking efficiencies to provide additional support to the program.
- **Responsibilities**:
  - The staff will work in the Diverse Business Management Compliance System ("B2GNow").
  - Primary duties will include data collection, monitoring and spend tracking at both the prime and subcontractor levels.
  - Additional duties will include system administrative tasks, assisting contractors with contract compliance audit completion and contract close outs.
- **Result**: More accurate and timely reporting will improve the program efficiency, our goals and focus.

Race Conscious Measures

Aspirational M/WBE Goals (*Accomplished – **For Approval***)

- **Goal**: Establish new aspirational goals for the participation of minority and women-owned businesses based on information from the disparity study.
- **Actions Taken**:
  - Developed overall aspirational goal of 17% for minority-owned and women-owned businesses.
  - Developed a separate aspirational goal of 5% for minority-owned businesses and a separate aspirational goal of 12% for women-owned businesses.
  - Goals developed based on the availability of minority-owned and women-owned businesses from the Relevant Geographical Market Area (RGMA) per the disparity study report.
- **Result**: Revised Resolution 484-2017 to implement changes to address disparities found in the study and improve the MBEP.

OVERALL AVAILABILITY



	% Total Dollars
White woman	**11.9%**
Asian American	**0.6%**
Black American	**2.3%**
Hispanic American	**1.2%**
Native American	**0.5%**
TOTAL	**16.5%**

Revised Resolution Draft Highlights

Changes for Council Approval

- Changed the current combined aspirational goal of 10% for minority and women-owned businesses to separate minimum subgoals of 5% for minority-owned businesses and 12% for women-owned businesses, an annual aspirational goal of 17%.
- Expanded goals to cover all LFUCG purchases as opposed to just construction and professional services.
- Language for race conscious measures, (i.e., contract specific goals and price/evaluation preferences).
- A sunset provision of five (5) years that will require re-evaluation of the program, adjustment of aspirational goals based on market conditions and availability of minority and women-owned businesses, and goal setting factors.
- Request that this resolution be moved to the docket for full Council approval.

Race Conscious Measures

Price/Evaluation Preferences

- **Recommendation**: Award evaluation points or price preferences based on the commitments to minority and woman-owned businesses (as prime contractor, subcontractors, or joint venture partner).

- **Actions Taken**:
  - Included language for price/evaluation preferences in the Resolution draft.

  - Reviewed and developed language for price/evaluation preferences on bids and proposals.

- **Next Step**: Pilot program measure for implementation on relevant contracts and procurements.

- **Result**: Creates more opportunities for minority and women-owned businesses.

Implementation Next Steps

- Upon Council Approval of Revised Resolution
  - Release new procurement bid and proposal templates, MBEP documents and webpage updates.
  - Procurement documents will be translated in other languages.

- April – May 2024
  - Stakeholder Committee and Community Engagement Meetings
  - March 27th & April 8th stakeholder meetings were held.

- April – May 2024
  - Bonding Assistance Program RFI Release

- May –June 2024
  - Small Local Business Enterprise/Sheltered Bidding Program Development
  - Pilot measures developed on relevant contracts and procurements.

Project Consultant Team

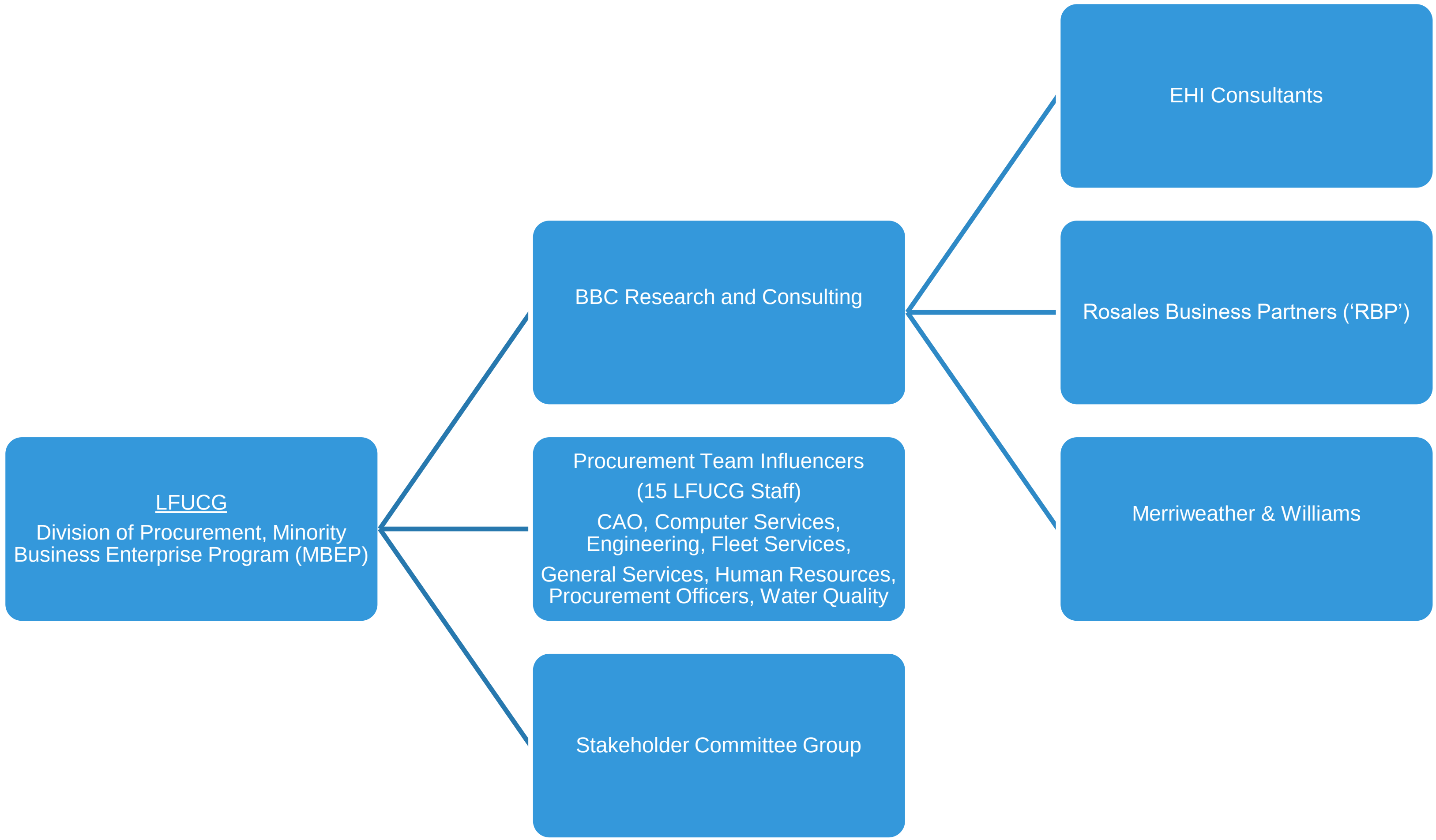
BBC Research & Consulting
Denver, Co
Prime Consultant

EHI Consultants
Lexington, KY
Community/ Stakeholder Engagement

Rosales Business Partners
San Francisco, CA
Program Policy Development

Merriweather & Williams
San Francisco, CA
Bonding Assistance Program

Implementation Team



Questions?

LEXINGTON

RESOLUTION NO. _______ - 2024

A RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 167-91 AND RESOLUTION NO. 319-2015, TO ADOPT A REVISED MINORITY AND WOMEN BUSINESS ENTERPRISE AN INITIAL 17% MINIMUM GOAL—INCLUDING MINIMUM SUBGOALS OF 5% FOR MINORITY BUSINESS ENTERPRISES AND 12% FOR WOMEN BUSINESS ENTERPRISES—AND TO RESTATE A CERTIFIED VETERAN-OWNED SMALL BUSINESS AND CERTIFIED SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS MINIMUM 3% GOAL FOR GOVERNMENT CONTRACTS; AND ESTABLISHING EVIDENTIARY CRITERIA FOR THE DIVISION OF PROCUREMENT TO MODIFY THESE GOALS ON AN ANNUAL BASIS .

WHEREAS, the Urban County Council by Resolution No. 167-91 adopted an administrative plan implementing a ten percent (10%) minimum goal for minority and women business enterprises;

WHEREAS, the Urban County Council by Resolution No. 319-2015 adopted a three percent (3%) minimum goal for certified veteran-owned small businesses and certified service disabled veteran-owned small business;

WHEREAS, the Urban County Council completed a disparity study (“hereafter referred to as “2022 Disparity and Availability Study”) to assess whether substantial disparities exist between the availability and utilization of minority and women business enterprises for government contracts;

WHEREAS the 2022 Disparity and Availability Study found that there are substantial disparities between the availability and utilization of minority and women business enterprises for government contracts and that minority business enterprises are available for five percent (5%) of government contracts and women business enterprises are available for twelve percent (12%) of government contracts, for a combined total of seventeen percent (17%); and

WHEREAS, it is now the desire of the Urban County Council to amend and restate

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Resolution No. 167-91 and Resolution No. 319-2015 to better align with the findings of the 2022 Disparity and Availability Study.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Resolution No. 167-91 and Resolution No. 319-2015, be and hereby are amended, restated, and replaced in their entirety with the contents of this Resolution.

Section 2 - That the following definitions shall be used throughout this Resolution:

(a) Certified. The business is appropriately certified, licensed, verified, or validated by an organization or entity recognized by the Division of Procurement as having the appropriate credentials to make a determination as to the status of the business.

(b) Certified Disadvantaged Business Enterprise (DBE). A business in which at least fifty-one percent (51%) is owned, managed and controlled by a person(s) who is socially and economically disadvantaged as defined by 49 CFR subpart 26.

(c) Certified Minority Business Enterprise (MBE). A business in which at least fifty-one percent (51%) is owned, managed and controlled by an ethnic minority (i.e. Black American, Asian American, Hispanic American, or Native American).

(d) Certified Women Business Enterprise (WBE). A business in which at least fifty-one percent (51%) is owned, managed and controlled by a woman.

(e) Certified Veteran-Owned Small Business. The term Certified Veteran-Owned Small Business shall be defined and interpreted consistent with federal law or regulation as it may be amended from time-to-time.

(f) Certified Service-Disabled Veteran Owned Small Business. The term Certified Service-Disabled Veteran Owned Small Business shall be defined and interpreted consistent with federal law or regulation as it may be amended from time-to-time.

(g) Black American, Asian American, Hispanic American, and Native American shall have the same definitions as provided in the Minority Business Enterprise Program Manual, a copy of which shall be kept by the Division of Procurement, as it may be amended from time-to-time.

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Section 3 – That the Urban County Council be and hereby adopts an initial annual aspirational goal of utilizing at least seventeen percent (17%) of public funds spent from certain discretionary government construction, professional services, and goods and services agreements, with the following businesses, as provided in the following subgoals: (a) a separate annual aspirational goal of five percent (5%) with Certified Minority Business Enterprises (MBEs); and (b) a separate annual aspirational goal of twelve percent (12%) with Certified Women Business Enterprises (WBEs).

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Section 4 – That the Urban County Council be and hereby re-adopts and restates an aspirational goal of utilizing, at least three percent (3%) of public funds spent from certain discretionary government construction, professional services, and goods and services agreements with Certified Veteran-Owned Small Businesses and Certified Service Disabled Veteran-Owned Small Businesses, collectively.

Section 5 – That the Urban County Council be and hereby adopts an annual aspirational goal of otherwise utilizing Certified Disadvantaged Business Enterprises on government contracts, where applicable.

Section 6 – That the Division of Procurement and its appropriate personnel shall take the following actions with respect to meeting these goals:

(a) Ensure that all appropriate bid, proposal and solicitation documents, including contracts, include appropriate language and provisions related to these goals and compliance and reporting related thereto.

(b) Adopt policies, procedures or guidelines consistent with the intent and purpose of this resolution.

(c) Track, monitor, and report information related to compliance with these goals.

(d) Establish good faith efforts and request supported documentation; and~~.~~

(e) Evaluate and, as deemed appropriate, adopt program or policies based on information and recommendations from the 2022 Disparity and Availability Study, organizational resources, and other considerations. Such measures may include:

(i) Race- and gender-neutral measures such as prompt payment mechanisms, advertising and outreach (expansion) activities, establishing subcontracting minimums, unbundling large contracts, establishing small business set-asides, expanding supportive services, and data collection and monitoring activities.

(ii) Race- and gender-conscious measures such as contract-specific goals and price and/or evaluation preferences.

Section 7 – That (a) The Division of Procurement shall review the goals and actions taken to meet these goals annually. The Division of Procurement shall determine whether the goals are being met, whether the conditions giving rise to these goals continue to

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exist, and whether the goals and/or actions taken to meet the goals should be modified or rescinded.

(b) The Director of the Division of Procurement and designated Minority Business Enterprise Program Staff may increase these goals, in whole or in part, annually, if the availability of Certified Minority Business Enterprises (MBEs) or Certified Women Business Enterprises (WBEs) in the market increases, as determined by the Division of Procurement from the following evidence related to the Urban County Government's contracts and procurements:

(i) Evidence that participation of minority- and woman-owned businesses has increased;

(ii) Evidence that policies and programs throughout the market area have been created that may positively impact the ability of minority- and woman-owned businesses to compete and participate;

(iii) Evidence regarding increased upcoming contract and procurement opportunities that may positively impact the ability of minority- and woman-owned businesses to compete and participate;

(iv) Evidence indicating increased employment, business ownership, education, training, and unions, that may positively impact the ability of minority- and woman-owned businesses to compete, and participate; –or

(v) Evidence indicating positive changes in financing, bonding, and insurance requirements that may positively impact the ability of

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minority- and woman-owned businesses to compete and participate, ~~in the past twelve (12) months~~ within a twelve (12) month period.

(c) The Division of Procurement shall publish any changes to the aspirational goals provided herein online, as well as within the Minority Business Enterprise Program Manual, at least sixty (60) days prior to implementation.

Section 8 – If any section, subsection, sentence, clause, phrase, or portion of this Resolution 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 9 – Unless earlier revoked or amended, this Resolution shall be in effect for five (5) years from the date on which it became effective. ~~The Division of Procurement shall review the goals and actions taken to meet those goals annually. The Division of Procurement shall determine whether the goals are being met, whether the conditions giving rise to the Resolution continue to exist, and whether the goals and/or actions taken to meet the goals should be modified or sunsetted.~~

Section 10 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

____
CLERK OF URBAN COUNTY COUNCIL

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ITEMS REFERRED TO COMMITTEE

General Government and Planning Commtitee

	Referral Item	Referred By	Date Referred	Last Heard	Status	File ID
1	Study of a Consent Agenda Process for Council Meetings	K. Plomin	September 28, 2021	April 16, 2024		0404-24
2	Review of Short-Term Rentals	J. Brown	June 11, 2019	March 7, 2023		0403-24
3	Recommendations for Ensuring the Continuous Operations for Shared Use Paths, Sidewalks, and Bike Lanes	C. Ellinger	August 10, 2021	January 18, 2022		0074-22
4	Examine Ways to Evenly Distribute Social Service Facilities in Neighborhoods	J. Reynolds	June 14, 2022			
5	Assessment of Lexington's African American Hamlets and Historic Preservation of Their Heritage	K. Plomin	April 26, 2022	December 6, 2022		1273-22
6	Examine opportunities to relocate programming and initiatives from the Mayor's Office to other relevant Divisions within LFUCG.	L. Sheehan	May 31, 2022			
7	Charter Review	L. Sheehan	November 1st, 2022		In progress	
8	Acquire investor owned or other properties	P. Worley	November 3rd, 2022			
9	Disparity Study	C. Ellinger	November 15, 2022	April 16, 2024		0405-24
10	Study of conditional use permits and related zone text amendments in the Rural Service Area	K. Plomin	December 6th, 2022	May 9, 2023	In progress	499-23
11	Equitable Representation on Boards and Commission - Tenants' Bill of Rights	S. Lynch	January 24th, 2023	August 15th , 2023	In progress	0804-23
12	A Review of the RLMB Recommendation Process to Planning Commission	K. Plomin	May 9th, 2023			
13	Planning and Development Approval Process Study: Recommendation #8 Tighten Certification to Lock in Requirements	J. Reynolds	June 27th, 2023			
14	Planning and Development Approval Process Study: Recommendation #10 Establish a Development Liaison Position	J. Reynolds	June 27th, 2023			
15	Parental Leave Update	W. Baxter	July 11th, 2023			
16	Electronic Billboards	Worley	June 1, 2018	August 18, 2020		0778-20
17	Homelessness Need Assessment RFP	P. Worley/Fogle	October 31st, 2023	February 13, 2023		0168-24
18	Urban Growth Ordinance ZOTA	P. Worley	January 16, 2023	February 13, 2023		0167-24
19	Comprehensive Plan Theme A: Equity Policies 1 & 2 Continuing Education	D Wu	January 16, 2023			
20	Office/Residential Conversions	D. Wu	January 16, 2023			
21	Two-way Street Conversions	D. Wu	January 16, 2023			
22	Bring Back the Bluegrass	D. Gray	January 16, 2023			
	Annual/Period Updates					
23	Lexington Global Engagement Center (Global Lex)	J. Reynolds	January 2015	October 1, 2022	January 16th, 2024	1170-22
24	Annual PDR Review (Required by Ordinance)	J. Brown		April 16, 2024		0402-24
25	Division and Program Review - 2022 Evaluations Selection	BFED Committee	November 30, 2021	November 15, 2022		1172-22
26	Lexington History Museum	Plomin / FY20 Budget COW	March 21, 2017 / May 28, 2019	September 19, 2023	made an annual item on 8/17/21	0969-23
	Subcommittees					
27	Public Input Work Group	H. LeGris	January 17, 2023	August 15, 2023	In progress	0801-23

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