

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



A G E N D A

General Government & Planning Committee

May 7, 2024 1:00 P.M.

I.	April 16, 2024 GGP Committee Summary		(1-2)
II.	Short Term Rentals: RLMB Recommendations	(J. Brown/Overman)	(3-53)
III.	Master Plan Update	(Worley/Duncan)	NA
IV.	Urban Growth Management ZOTA	(Worley/Duncan)	(54-115)
V.	Items Referred		(116)

"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

April 16, 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 Monarrez, Gray, F. Brown, and Sevigny were present as non-voting members.

I. February 13, 2024 General Government and Planning Committee Summary

Motion by Ellinger to approve the February 13, 2024, GGP Committee Summary. Seconded by Baxter. Motion passed without dissent.

II. Annual PDR Update

Beth Overman, Director of the Purchase of Development Rights (PDR) Program, presented on behalf of the item. She gave background information on the Rural Service Area (RSA) and the Rural Land Management Plan (RLMP). The RLMP was adopted in 1999 as an element of the 1996 Comprehensive Plan; it was designed to document the natural and historical attributes of the RSA and recommend ways to manage and preserve them. The PDR program was created from the RLMP recommendations and was established in 2000. The Rural Land Management Board (RLMB) was created to govern the program.

Overman explained how PDR easements function and how they are issued. She also shared financial benefits of farmland preservation and explained how the federal funding partnership works. Potential PDR parcels are ranked based on the Land Evaluation and Site Assessment provided in the Code of Ordinances. This includes categories like agricultural support, environmental protection, historic preservation, and others. The PDR program has preserved 286 farms and over 32,000 acres, which is roughly 2/3 of the way to the 50,000-acre goal. The Program recently issued the largest easement in PDR history. PDR staff and the RLMB are currently working with 27 PDR applicants and stewarding easements on nearly 300 farms.

No action was taken on this item.

III. Short Term Rentals: RLMB Recommendations

This item was postponed due to time constraints.

IV. Consent Agenda

Jennifer Sutton, Council Research Analyst, presented on behalf of the item. She gave an overview of what a consent agenda is and a brief history of the item. It was first introduced in 2009 and failed its second reading in 2011. It was reintroduced in 2016 but did not make it out of committee. The Urban County Council started implementing pieces of a consent agenda model in 2021. The actions to date include: change orders and contract modification implemented in 2021, grant budgets implemented in 2022, Price contracts implemented in 2022, and budget amendments implemented in 2022.

The proposed changes include amending the Code of Ordinances to allow for Council Capital Projects to move as a budget adjustment instead of requiring a budget amendment and to allow for fixed price bid

recommendations and sole source vendors to move forward on the Mayor's report. Additionally, the proposed changes include amending the Council Rules to move the Mayor's Report between New Business and Continuing Business, change title to "Communications from the Mayor," and will include Appointments, Donations, and Procurement. Votes would take place at Appointments, Donations, and at each new sub-item under "Procurement." The benefits of the changes include preparation time savings for staff, council meeting time savings from the reduction of readings, and speeds up the approval process. Items can still be questioned and/or removed.

Motion by Plomin to approve the resolution and ordinances pertaining to the consent agenda, seconded by Baxter. The motion passed without dissent.

V. Disparity Study

Sherita Miller, Minority Program Coordinator, gave an update on the Disparity Study. She shared the study's accomplishments thus far and what is currently in progress. They have implemented a prompt payment police to ensure that subcontractors are paid timely. They have also marketed the programs offered to the area business community through the existing partnership with KY APEX Accelerator. The race and gender-neutral measures that are still in-progress include small contract opportunities, unbundling large contracts, supportive services, comprehensive data collection and monitoring, creating a Small Local Business Enterprise (SLBE) Program, and expansion of the Minority Business Enterprise Program (MBEP).

A race conscious measure that was implemented was the establishment of new aspirational goals for the participation of minority and women-owned businesses based on information from the disparity study. It resulted in a revised resolution to implement changes to address disparities found in the study and improve the MBEP. The revised resolution changes the goal to 5% for minority-owned businesses and 12% for women-owned businesses; expands goals to cover all LFUCG purchases; adds language for race conscious measures; and adds a sunset provision of five years that will require a re-evaluation of the program. The next steps for implementation includes Council approval of the revised resolution, stakeholder meetings, Bonding Assistance Program RFI release, and Small Local Business Enterprise/Sheltered Bidding Program Development.

Motion by J. Brown to approve the resolution pertaining to the Disparity Study Update, seconded by Ellinger. The motion passed without dissent.

VI. Items Referred

No action was taken on this item.

VII. Adjournment

Motion by Ellinger to adjourn, seconded by Baxter. The motion passed without dissent.

The Committee adjourned at 2:48 pm.

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

May 7, 2024



LEXINGTON



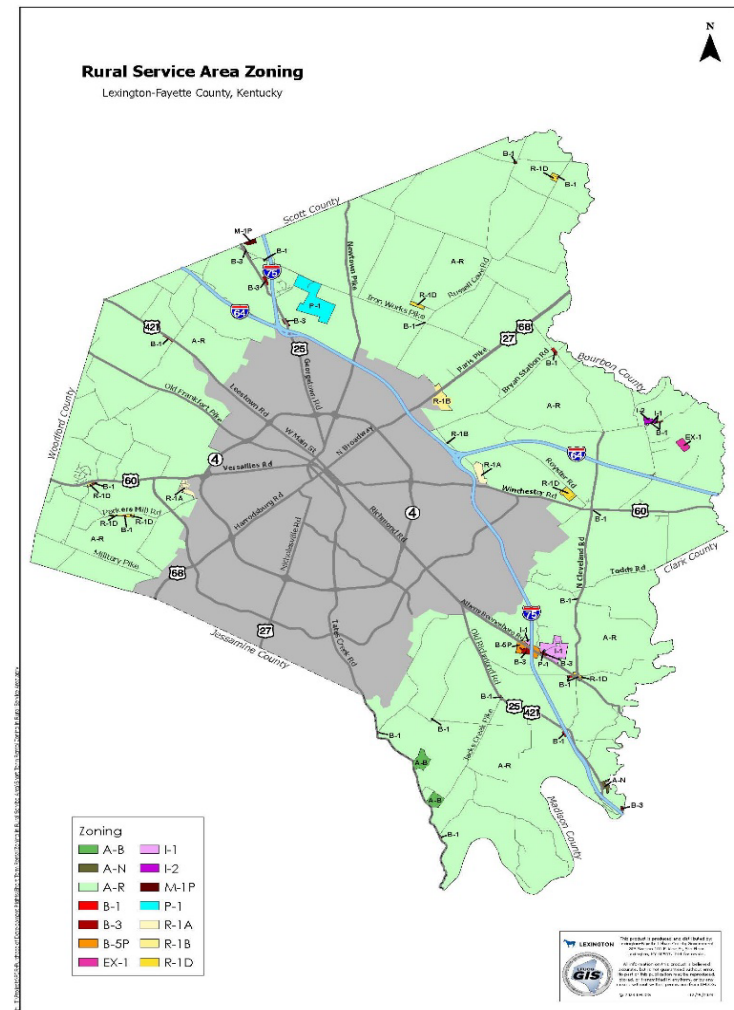
Background

- 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	<u>Hosted</u> : 1 dwelling unit and 1 ADU <u>Un-Hosted</u> : 1 dwelling unit or 1 ADU
R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3	Accessory Use	Conditional Use	Conditional Use	<u>For Single Family Lots:</u> <u>Hosted</u> : 1 dwelling unit and 1 ADU <u>Un-Hosted</u> : 1 dwelling unit or 1 ADU <u>For Multi-Family and Group Residential Lots:</u> 10% max or 1, whichever is greater

Article 3 GENERAL ZONE REGULATIONS

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

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

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

- c) Maximum Occupancy Limit (for accessory and principal uses): A maximum of two (2) individuals per bedroom, plus an additional four (4) individuals; or a total of 12 individuals, whichever is less. Any host or other permanent residents of the dwelling unit present during the short term rental period shall count toward the maximum occupancy.
- d) Maximum Occupancy Limit ~~(for conditional uses)~~:
 - 1) For conditional uses in residential, mixed-use, commercial, or industrial zones, the Board shall establish a maximum occupancy for the short term rental use in accordance with the above provision, except the Board may allow additional occupants when there is sufficient evidence that a greater occupancy will not result in overcrowding or create a nuisance.
 - 2) For conditional uses in agricultural zones, the maximum occupancy shall be a maximum of two (2) individuals per bedroom.
- e) Detached accessory structures may be used as a Short Term Rental only in a permitted Farm Employee Dwelling Unit constructed prior to **INSERT ADOPTION DATE** or a Detached Accessory Dwelling Unit.
- f) Short Term Rentals shall not be utilized for private events, such as weddings or parties, in which the number of participants exceeds the maximum occupancy limit. No private events shall occur between the hours of 11:00 p.m. and 7:00 a.m. Special events for a commercial purpose shall be prohibited at all times.
- g) For Short Term Rentals regulated as conditional uses, the Board of Adjustment shall take into consideration:
 - 1) The number of STRs, if any, in proximity of the property being considered for such use.
 - 2) The demonstrated compliance record of the applicant, if they operate other STRs in Lexington.
 - 3) The occupancy rate of other STRs in the general vicinity, including those operated by the applicant.
 - 4) Whether other STRs in the general vicinity have been cited as a nuisance, including those operated by the applicant
 - 5) For STRs in the Rural Service Area:

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

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

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

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

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

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

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

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

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

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

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

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

8. Home-based businesses.

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

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

11. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.
12. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loudspeakers, retail sales of merchandise, restaurants or food service, and the like), including zoological gardens, sportsmen's farms (including outdoor rifle and other firearm ranges), native animal game preserves, outdoor rodeos, hunting and trapping, and fishing lakes, including private clubs for only these uses.
13. Commercial and non-commercial outdoor recreational facilities (excluding golf courses), with outdoor lighting; but without loudspeakers, retail sales of merchandise, restaurants or food service, and the like; but only when located immediately adjacent to the Blue Sky Rural Activity Center defined in the adopted Comprehensive Plan.
14. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
15. Mining and/or quarrying of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
16. Airports, including accessory restaurants and/or the serving of alcoholic beverages.
17. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:
 - a. Such facilities shall be operated at all times in compliance with applicable federal, state and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.
 - b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.
 - c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.
 - d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
18. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, only when accessory to a residential use. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
19. Type II Childcare Center. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
20. Places of religious assembly, which may be allowed an additional ten thousand (10,000) square feet of building over and above their existing square footage, provided that the structure(s) existed or the

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

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

21. Schools for academic instruction, including accessory dormitories.
22. Kindergartens, nursery schools and childcare centers for four (4) or more children when accessory to a place of religious assembly or school, as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
23. Concrete mixing, but only when associated with mining or quarrying operations which comply with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:
 - a. That no concrete mixing and/or asphalt plant operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.
 - b. Noise, Air and Water Quality. The facility shall be operated at all times in compliance with applicable federal, state and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Section 6-7, Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
 - c. Development Plan. The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, stormwater and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.
 - d. Drainage and Erosion Control. The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
 - e. Roads. All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from state highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.
 - f. Screening. Screening shall be provided as defined in accordance with LFUCG Article 18 of this Zoning Ordinance.
 - g. Transportation Plan. A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
 - 1) Product shipping and deliveries;
 - 2) Mode of transportation;
 - 3) Route(s) to and from site;
 - 4) Schedule and frequency of shipments;
 - 5) Delivery and shipping spillage control methods;

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- 6) Employee parking.
 - h. Storage. Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three (3) sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.
 - i. Excess Product and Waste. Excess product and waste, when disposed of on-site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.
24. Asphalt plant, but only when associated with mining and/or quarrying which comply with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:
- a. That no asphalt plant operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.
 - b. Noise, Air and Water Quality. The facility shall be operated at all times in compliance with applicable federal, state and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Section 6-7, Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
 - c. Development Plan. The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, stormwater and sediment basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.
 - d. Drainage and Erosion Control. The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
 - e. Roads. All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.
 - f. Screening. Screening shall be provided as defined in accordance with LFUCG Article 18 of this Zoning Ordinance.
 - g. Transportation Plan. A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
 - 1) Product shipping and deliveries;
 - 2) Mode of transportation;
 - 3) Route(s) to and from the site;
 - 4) Schedule and frequency of shipments;
 - 5) Delivery and shipping spillage control methods;

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- 6) Employee parking.
 - h. Storage. Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three (3) sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.
 - i. Excess Product and Waste. Excess product and waste, when disposed of on-site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of eighteen (18) inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of this Zoning Ordinance.
25. Commercial woodlots, but only when the following conditions are met:
- a. A 50-foot open space area shall be required from the perimeter of the tract of land.
 - b. No commercial woodlot shall be located within four hundred (400) feet of any residential structure on another lot under different ownership, and driveways shall be a minimum of one hundred (100) feet from property lines.
 - c. A 20-foot-wide landscape buffer area shall be provided around all commercial woodlots or at the perimeter of the tract of land, containing one (1) tree per thirty (30) feet of length or fraction thereof, plus a continuous six-foot-high planting hedge, fence, wall or earth mound. New screening shall not be required to be planted when existing screening is substantially similar to the screening mentioned above.
 - d. There shall be no storage or sale of wood chips, peat moss, humus, mulches or fertilizer, nor sale to the public of firewood at the site.
 - e. No commercial woodlot shall be located within a floodplain or sinkhole.
 - f. Commercial woodlots shall be located where easily accessible by Federal or State highways. All roads to site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
 - g. All driveways and parking areas shall be paved or sealed to prevent dust.
 - h. Wood shall be stored in rows no greater than ten (10) feet in height, no greater than twenty (20) feet in width, and spaced no less than fifteen (15) feet apart.
 - i. Cutting and splitting of timber shall not occur in the 50-foot open space area of the site, and only between the hours of 8:00 a.m. to 5:00 p.m.
 - j. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.
 - k. No signage shall be permitted on the premises.
 - l. Woodlots shall comply with all applicable Federal and State laws.
26. Bed and breakfast facilities, **including farmstays (as defined by KRS 219.011)**, limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and

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

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

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)

DRAFT

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

DRAFT

**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.

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

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



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.



Mary Quinn Ramer

President

215 W Main Street, Suite 150, Lexington KY 40507

☎ (859) 244-7704

☎ (800) 848-1224

✉ mrmer@visitlex.com

From: Patricia J. Knight, CPA <pjknight@visitlex.com>

Sent: Tuesday, August 22, 2023 9:38 AM

To: Mary Quinn Ramer <mrmer@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

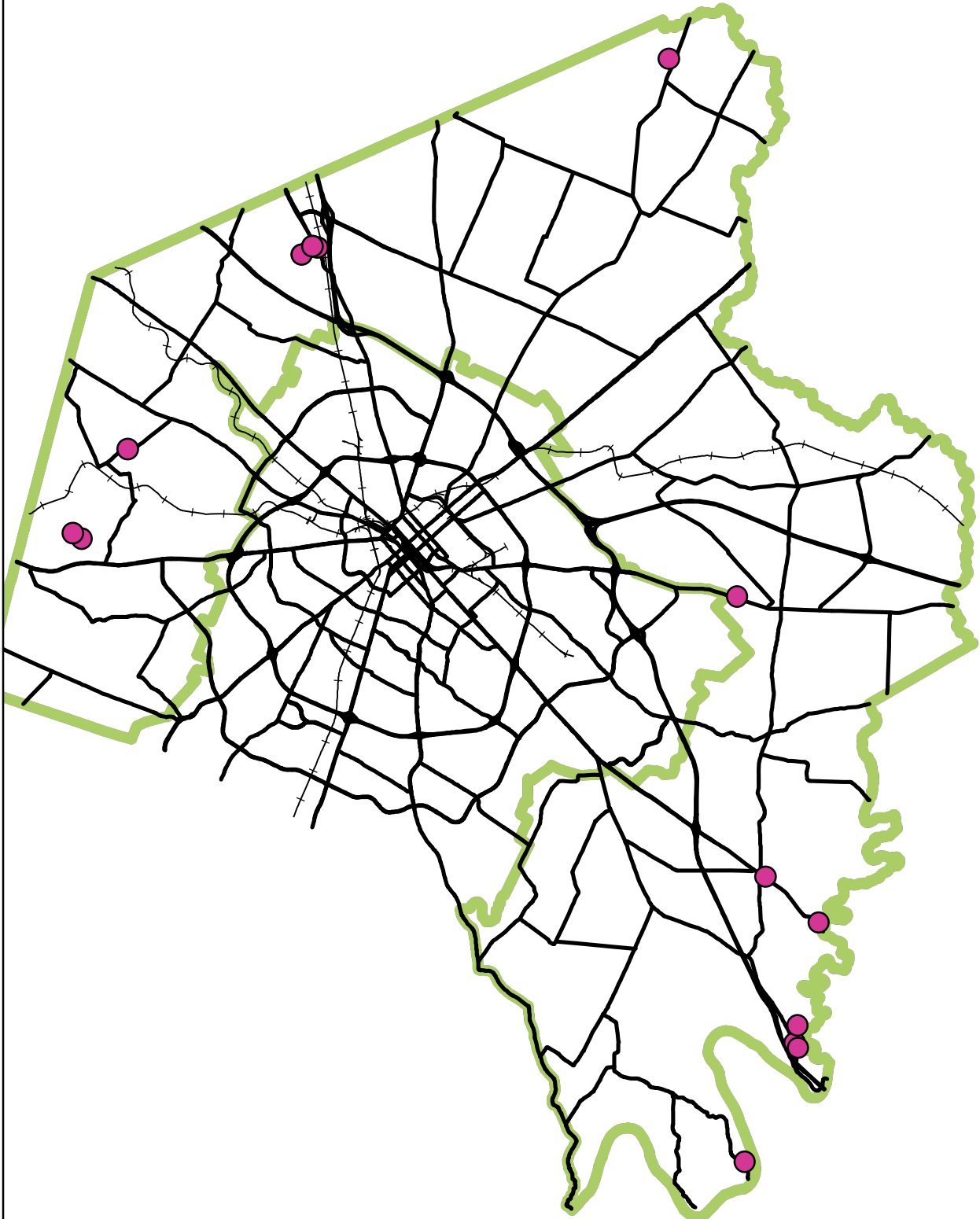
Vice President of Finance and Operations

☎ (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		

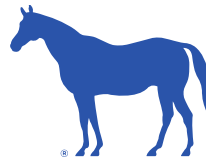
Map of Registered STRs in the RSA



URBAN GROWTH MANAGEMENT ZONING ORDINANCE TEXT AMENDMENT

General Government and Planning Committee

2/13/2024



LEXINGTON

THE PURPOSE OF THIS TEXT AMENDMENT

Urban Expansion

- Ensures new development is developed equitably and sustainably

Infill and Redevelopment

- Modernizes Zoning Ordinance and creates opportunities to implement the Goals and Objectives of the Comprehensive Plan.

Theme A, Goal 5.b: Protect housing affordability for all and expand low- and middle income housing across the city.

Theme A, Goal 5.d: Update zoning regulations to allow for greater density, supply and affordability.

Theme E, Goal 3.c: ... The Planning Commission shall recommend to the Urban County Council mechanisms to create, construct and/or fund affordable housing units and middle income housing in correlation to the development provided for in the Expansion Area Master Plan...

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The 6 Zoning Reforms Every Municipality Should Adopt

Nolan Gray · November 1, 2023

- | | | | |
|---|---|--|---|
| 1. Eliminate minimum parking requirements—citywide, all uses. | ✓ | 4. Legalize home-based businesses. | ✓ |
| 2. Legalize accessory dwelling units (ADUs). | ✓ | 5. Expand ministerial approvals as much as possible. | |
| 3. Reduce or eliminate minimum lot and unit size mandates. | ← | 6. Legalize multifamily housing in commercial zones. | ← |

ZOTA OUTREACH

- Neighborhood Associations – 258 mailed notification
- Access Lexington
- Affordable Housing
- Age Friendly Lex
- Aging and Disability Services
- AU Associates
- Bluegrass Climate Action Team
- Bluegrass Council of the Blind
- Building Industry Association of Central Kentucky
- Climate Advocacy
- Coalition for a Livable Lexington
- Commerce Lexington
- Commercial Property Association of Lexington (CPAL)
- Community Ventures
- Fayette Alliance
- Fayette County Neighborhood Council
- Habitat for Humanity
- Kentucky Petroleum Marketers Association
- Kentucky Tenants Association
- Landscape Architects
- Lexington for Everyone
- Lexington Housing Authority
- Parks Advisory Board
- Retail Federation of Kentucky
- Winterwood Development

PROPOSED TEXT CHANGES

Residential – R-2, R-4, R-5, & CN zones

- Affordable Housing Incentives / Mechanisms
- Mixed Income Housing Incentives / Mechanisms
- Missing Middle
- Greater Density
- New Single family housing types
- Availability / Incentives for mixture of uses
- Create transit demand

Commercial – B-1 & B-3 zones

- Make neighborhood business zone desirable for neighborhoods
- Address inefficient uses along corridors
- Expansion / inclusion of residential uses

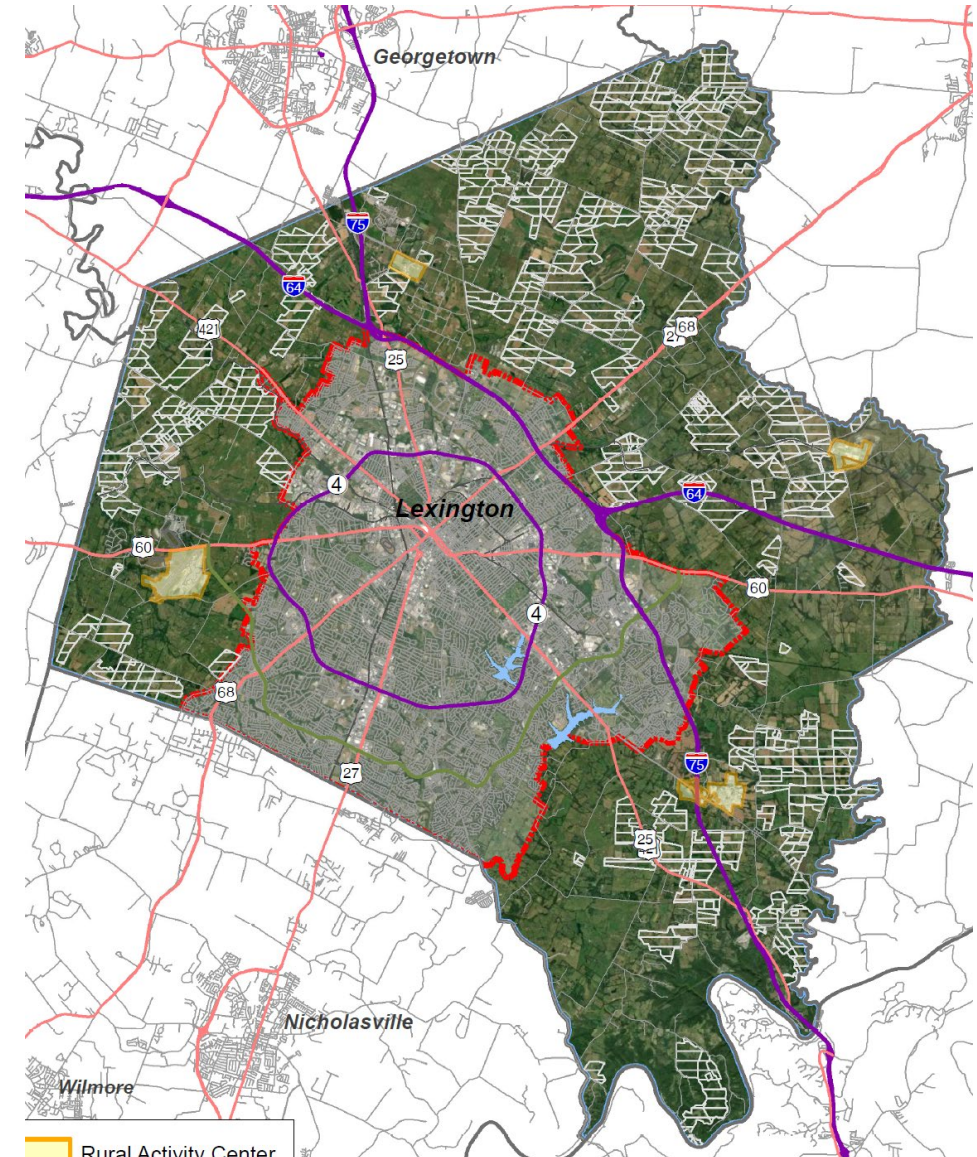


WHY THESE ZONES? - RESIDENTIAL

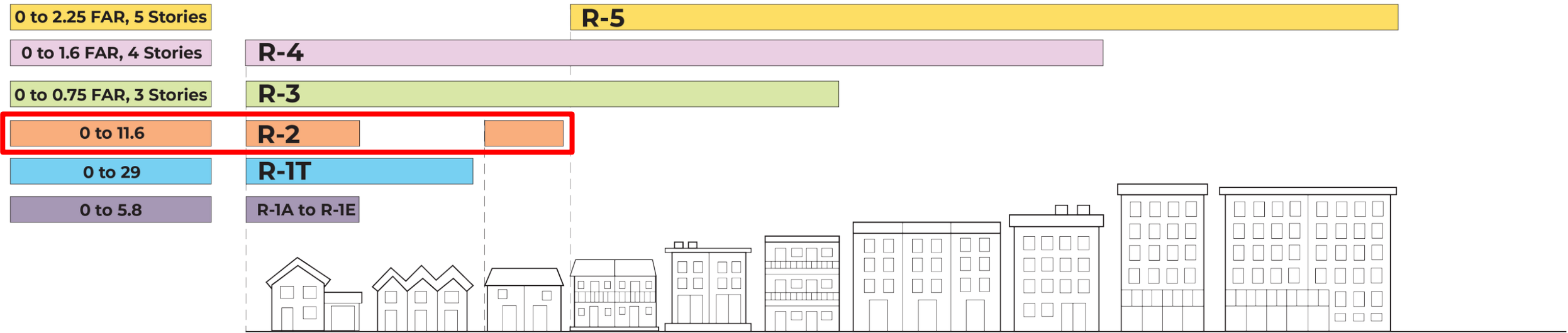
	% of Fayette County	% of Current Urban Service Area	% of Residential Zones
Mixed Low Density Residential (R-2)	0.92%	3.33%	4.58%
Medium Density Residential (R-4)	1.37%	4.99%	6.86%
High Density Residential (R-5)	0.04%	0.15%	0.21%

■ Future Development

- Needed Density
- Needed Flexibility
- Needed Mixture of Housing Types

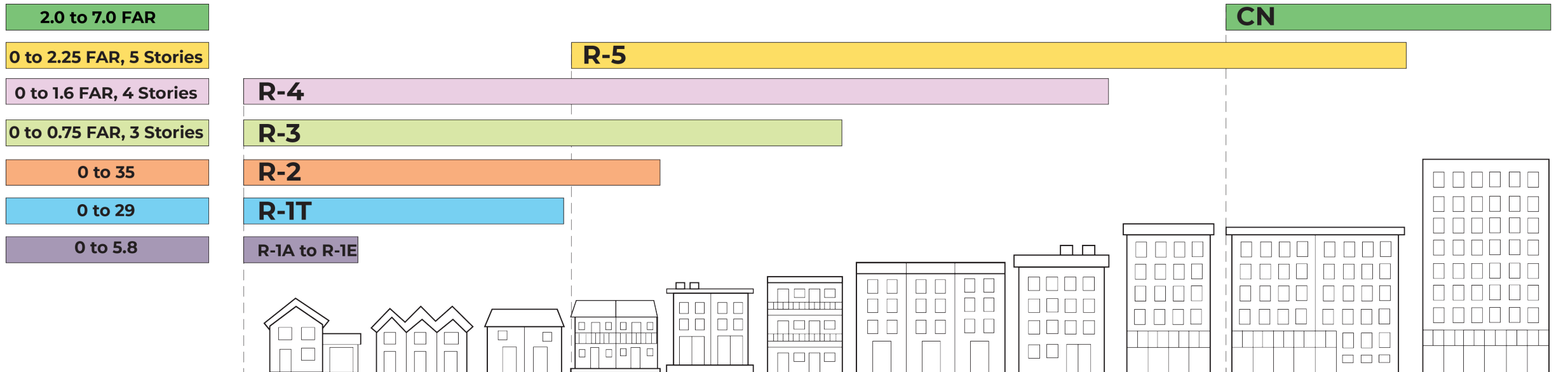


CURRENT RESIDENTIAL ZONING





RECOMMENDED RESIDENTIAL ZONING



Mixed Low Density Residential (R-2) zone

- Missing Middle Housing Options
- Adjusted setbacks
- Modified Height Restrictions

Medium Density Residential (R-4) zone

- Adjusted setbacks
- Modified Height Restrictions
- Additional Conditional Uses
- Required Variation in Housing Type

High Density Residential (R-5) zone

- Adjusted setbacks
- Modified Height Restrictions
- Additional Conditional Uses



DENSITY BONUSES FOR HOUSING AFFORDABILITY

AFFORDABLE HOUSING

For Households earning 80% or less of the Lexington Area Median Income (AMI) – **10 year deed restriction**

WORKFORCE HOUSING

For Households earning 120% or less of the Lexington Area Median Income (AMI) – **15 year deed restriction**

- Development able to utilize the provisions of the next zone (lot size, setback, height)
- Provides planning support for the production of affordable housing in Lexington
- Allows for moderate increase in density within limits of similar built context
- Provides more equitable housing options in Lexington and addresses the Goals and Objectives established by the UCC

WHY THESE ZONES? – COMMERCIAL

Neighborhood Business (B-1) zone

- Realignment of permitted land uses to fit context of the zone
 - Eliminating drive-thrus and gas stations within neighborhoods
 - Ensures conformity for existing land uses within the zone
- Creates compact and walkable neighborhoods
- Improves pedestrian safety

Corridor Business (B-3) zone

- Realignment of permitted land uses to fit context of the zone
- Address inefficient uses and lot coverage along corridors
 - Spacing requirements for land uses
 - Established minimum lot coverage standard for zone
- Inclusion of Residential
- Connection to Corridor Node (CN) zone

CHANGES MADE – BASED ON COMMUNITY FEEDBACK

Article 1: Definitions

- Revised definition of Automobile Service Station to separate refueling from minor vehicle service and repair, so as to not be affected by distance requirement in Article 8
- Removed definition for Mixed-income housing unit due to conflict in revised Article 3

Article 3: Mixed income and affordable housing bonuses

- Added clarification on how rent/sale price is calculated

Article 8: Land Uses

- Clarified provisions for B-1 zone Automobile Service Stations existing prior to the DATE OF ADOPTION to remain in operation as fully legal conforming uses.
- Included previously removed Indoor Live Entertainment accessory use for consistency purposes.
- Modified provisions for B-1 zone Drive Through Facilities existing prior to the DATE OF ADOPTION to remain in operation as fully legal conforming uses.
- Separated service and repair uses so as not to be as strictly regulated as the Display, Sale and Rental of Automobiles in B-3 zone.

CHANGES MADE – PLANNING COMMISSION

- **PC Member B. Nicol**
 - Article 3-6: Added flexibility to Mixed-Income Density Bonus to include additional bonuses for workforce housing (subsequently renamed section Workforce Housing Density Bonus)
- **PC Member R. Michler**
 - Article 8-11, 8-13, 8-14: Removal of Maximum Setback within R-2, R-4, and R-5 zones
- **Public Requested Change:**
 - Article 16: Further clarification of the number of vehicular locations for refueling allowable

Unanimous Recommendation of Approval by the Planning Commission

Questions?



LEXINGTON

UGM Zoning Ordinance Text Amendment
Planning Commission Recommendation

Sec. 1. Definitions.

Automobile service station means a building or structure used for ~~minor automobile and truck repair; the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for washing and for chassis and gear lubrication are permitted if enclosed in a building.~~

Professional Service means any business, department, or individual who provides a service or expertise rather than a manufactured product. There shall be no generation of dust, odors, noise, vibration, or electrical interference or fluctuation perceptible beyond the building footprint. Such services include, but are not limited to beauty salons, barber shops, tailoring services, tattoo parlors, financial services, and legal services.

Brewery, Neighborhood means a facility within a completely enclosed building which is intended for the production of up to ten thousand (10,000) barrels per year of malt beverages, with an accessory taproom and without permanently installed bottling or canning equipment.

Drive-up window means a point of pick up for goods sold on site or the provision of services. Such facilities shall:

- a) Be placed so that pedestrians entering and exiting the building are not required to cross the drive aisle associated with the drive-up window; and
- b) Not have any exterior menu boards, exterior amplification, or any area for ordering other than at the point of pick up.

Eating and Drinking Establishment means an establishment where food and/or drinks are prepared and provided to the public for on-premises consumption by seated patrons or for carry-out service. Eating and drinking establishments may have outdoor seating areas. This term includes, but is not limited to, such uses as restaurants, bars, cocktail lounges, bakeries, delicatessen, ice cream parlors, and cafes. This term does not include drive-in restaurants or mobile food vendors.

Mobile Food Vendor Park means a designated area or space where multiple food vendors, often operating from food trucks or mobile carts, gather to sell a variety of prepared foods to customers. Such uses shall:

- a) Provide waste receptacles and recycling bins;
- b) Provide a minimum 20% shared common area for customer use, which includes elements such as seating areas, restroom facilities, and lawn and landscaped areas;
- c) Utilize shore power during operating hours; and
- d) Provide restroom facilities for both customers and employees.

Entertainment, live, means any performance at an eating and drinking establishment or similar permitted use a ~~restaurant, cocktail lounge, or night club~~ by any person, including, but not limited to, a patron of such establishment if such performance is part of a regularly occurring event. The term "live entertainment" includes, but is not limited to, singing, dancing, musical performance, DJ services, comedy acts, magic acts, variety acts, or performance contests engaged in by patrons.

~~Mixed-income housing unit means a dwelling unit provided for sale to an owner-occupant household with an income that does not exceed one hundred percent (100%) of median income (adjusted for family size), or for rent to a household with an income that does not exceed eighty percent (80%) of the median income (adjusted for family size) for Lexington Fayette County. A unit shall be deemed a mixed-income housing unit for an owner-occupant if the total amount of principal, interest, taxes and insurance does not exceed thirty-six percent (36%) of the household's income; and a unit shall be deemed affordable to a rental household if the total rent,~~

UGM Zoning Ordinance Text Amendment
Planning Commission Recommendation

~~including any tenant paid utilities, does not exceed thirty percent (30%) of the household's income. In the alternative, a fixed price may be set for a mixed income housing unit for sale to an owner-occupant if the total principal and interest (for a thirty year (30 year) mortgage) does not exceed thirty percent (30%) of the total household income for a family of four (4) at eighty percent (80%) of the median income for Lexington Fayette County; also, if the unit is for rent, then the maximum monthly rent may not exceed one percent (1%) of a household income that is at eighty percent (80%) of the median income for Lexington Fayette County.~~

UGM Zoning Ordinance Text Amendment
Planning Commission Recommendation

• **Sec. 3-6. – Workforce Mixed-income and affordable housing bonuses.**

- a) Units that are designated as ~~Mixed-Income Workforce~~ Housing Units or Affordable Housing Units, as defined below, ~~in order to receive either additional density, or additional floor area shall be restricted by the developer exclusively to mixed-income housing for a minimum period of five (5) years. Further, such units~~ shall be identified separately in the Certificate of Land Use Restriction filed for the development where the units are located; and such units shall be subject to a deed restriction in favor of the Lexington-Fayette Urban County Government, which shall restrict the use of the property and shall establish monitoring procedures to ensure that the units remain affordable during the period. Affordable housing units within the defined Expansion Area shall be subject to Article 23A-2(w).
- b) Where all dwelling units on a lot are provided at an affordable level, the lot shall be granted an affordable housing bonus in use, setbacks, height, FAR, lot coverage, and all other regulations.
 - 1. Affordable level shall mean eighty (80%) percent or less of the Lexington-Fayette Urban County area median income (AMI) at the time of rental or purchase, for a period of no less than ten (10) years, and where housing expenses, including utilities, shall constitute no more than forty (40%) of monthly household income.
 - 2. The lot shall be regulated under the provisions as noted below:
 - a. R-1A, R-1B, R-1C, R-1D, and R-1E zones shall be regulated as the R-1T zone;
 - b. R-1T zone shall be regulated as the R-2 zone;
 - c. R-2 zone shall be regulated as the R-3 zone;
 - d. R-3 zone shall be regulated as the R-4 zone; and
 - e. R-4 zone shall be regulated as the R-5 zone.
- c) In the Downtown Business Frame (B-2A) zone, where at least fifty (50%) percent of dwelling units of a lot are being provided at an affordable level, developments shall be granted an affordable housing bonus in use, setbacks, height, FAR, lot coverage, and all other regulations per the Downtown Business (B-2) zone. Affordable level shall mean eighty (80%) or less of the Lexington-Fayette Urban County area median income (AMI) at the time of rental or purchase, for a period of no less than ten (10) years, and where housing expenses, including utilities, shall constitute no more than forty (40%) of monthly household income.
- d) Workforce Housing Units that meet the following requirements shall be granted a workforce housing bonus in use, setbacks, height, FAR, lot coverage, and all other regulations:
 - 1. Workforce housing dwelling units shall be provided at one hundred and twenty (120%) percent or less of the Lexington-Fayette Urban County area median income (AMI), at the time of rental or purchase.
 - 2. The project shall be restricted for a period of no less than fifteen (15) years.
 - 3. Projects shall be regulated under the provisions as noted below:
 - a. R-1A, R-1B, R-1C, R-1D, and R-1E zones shall be regulated as the R-1T zone;
 - b. R-1T zone shall be regulated as the R-2 zone;
 - c. R-2 zone shall be regulated as the R-3 zone;
 - d. R-3 zone shall be regulated as the R-4 zone; and
 - e. R-4 zone shall be regulated as the R-5 zone.
- e) ~~Such units shall be identified separately in the Certificate of Land Use Restriction filed for the development where the units are located; and such units shall be subject to a deed restriction in favor of the Lexington-Fayette Urban County Government, which shall restrict the use of the property and shall establish monitoring procedures to ensure that the units remain affordable during the period. Affordable housing units within the defined Expansion Area shall be subject to Article 23A-2(w).~~

(Code 1983, § 3-6; Ord. No. 129-2009, § 6, 7-2-2009; Ord. No. 166-2017, § 2(3-6), 11-16-2017; Ord. No. 113-2022, § 2, 10-27-2022)

UGM Zoning Ordinance Text Amendment
Planning Commission Recommendation

Sec. 8-11 Mixed Low Density Residential (R-2) Zone.

- (a) *Intent.* The intent of this zone is to provide for a mix of low density residential development and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan. This zone may be used for zero-lot-line houses, patio houses, and other compact housing types.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. ~~As for R-1A:~~ Single Family detached dwelling units.
 2. Single family attached dwelling units, except that not more than twelve (12) units shall be attached. Two-Family dwellings.
 3. Two-Family dwellings, having a common vertical wall on the property line of two (2) separate lots. Only one (1) dwelling for one family shall be permitted on each lot, and no more than two (2) dwelling units shall be attached. Multi-Family Residential dwelling units. Residential structure containing eight (8) or fewer dwelling units.
 4. Shared parking court, as regulated by Article 16-5(b)(4), where depicted on a certified development plan.
 5. Temporary Real Estate Offices.
 6. Cottage Housing Projects (as regulated by Article 9-8).
 7. Parks.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. The permitted accessory uses in the R-1A zone.
 2. Cottage house community buildings when associated with either co-housing development or cottage housing project
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
1. The permitted conditional uses in the R-1A 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. The prohibited uses in the R-1A zone, except ~~for two-family dwellings~~ single family attached residential and multi-family residential.
- Lot, Yard, and Height Requirements. (See Article 3, Subsection (o) of this section, below, and Article 15 for additional regulations).
- (f) ~~Minimum Lot Size: Seven thousand, five hundred (7,500) square feet (See Subsection (o) of this section, below).~~
1. Minimum Lot Size:
 - a. Single Family: One-thousand, five hundred (1,500) square feet
 - b. Multi-family: Two thousand, five hundred (2,500) square feet

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2. Maximum Lot Size:

a. Single Family: Five thousand (5,000) square feet

b. Multi-family: Ten thousand (10,000) square feet

- (g) *Minimum Lot Frontage.* ~~Sixty (60)~~ Fifteen (15) feet (See Subsection (o) of this section, below).
- (h) *Minimum Front Yard.* ~~Five Thirty (530)~~ feet.
- (i) *Minimum Each Side Yard.* ~~Six (6)~~ Three (3) feet (See Subsection (o) of this section, below).
- (j) *Minimum Rear Yard.* Ten (10) feet or twenty (20) percent of the lot depth, whichever is greater.
- (k) *Minimum Open Space.* See Article 20 for open space regulations.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* ~~Thirty-five (35)~~ Forty (40) feet.
- (n) *Off-Street Parking.* (See Article 16 for additional parking regulations.)

No minimum requirements.

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

(o) *Special Provisions.*

1. A variation of at least three (3) feet shall be required where a break in setback occurs for single family attached dwelling units.

2. Required side yard shall be increased to five (5) feet for each side yard of single family attached residential units when no units or only one (1) unit fronts on a side yard; and a side yard shall be increased to ten (10) feet when more than one (1) unit fronts on that side yard.

~~1. The minimum lot size and lot frontage may be reduced for a property subdivision along the common vertical wall of a two-family dwelling (duplex) as long as the structure meets the dwelling unit separation requirements for townhouses under the current Kentucky Building Code.~~

3.2. The minimum side yard may be eliminated on one (1) side of a lot, for future or existing adjacent lots, if a common vertical wall dividing an attached single family dwelling unit ~~two-family structure~~ is located, or is to be located, on the common property line. The side yard that is not eliminated shall be a minimum of five (5) ~~six (6)~~ feet.

~~3. Lot, yard and height requirements for single-family detached dwellings in defined Infill and Redevelopment area shall be as required for R-1D.~~

4. Lot, yard and height requirements for two-family single family attached and multi-family dwellings in defined Infill and Redevelopment areas are for existing lots as of December 5, 2002, and shall be as follows:

~~a. Minimum lot size: As per Subsection (f) and (o)(1) of this section above.~~

~~b. Minimum lot frontage: As per Subsection (g) and (o)(2) of this section above.~~

~~a.e.~~ Minimum front yard: As per Subsection (h) of this section, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lots are less; then the minimum shall be no less than this average, ~~or eight (8) feet, whichever is greater.~~

b.d. Maximum front yard: ~~Fifty (50)~~ Twenty (20) feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.

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- ~~c.e.~~ Minimum side yard: As per Subsections (i) Three (3) feet and (o)(3) of this section, above. The minimum side yard may be eliminated on one (1) side of a lot, for future or existing adjacent lots, if a common vertical wall dividing a single-family attached, or multi-family structure is located, or is to be located, on the common property line.
- ~~f.~~ Minimum rear yard: As per Subsection (j) of this section.
- ~~g.~~ Minimum usable open space: No limitation.
- ~~h.~~ Minimum lot coverage: No limitation.
- ~~i.~~ Maximum height of building: As per Subsection (m) of this section, above.
- ~~j.~~ Maximum lot coverage: No limitation, except for a floor area ratio of 0.35, or that which allows two thousand, six hundred (2,600) square feet, whichever is greater.
- ~~5.~~ Habitable additions to two-family dwellings must have a common wall that shall be at least fifteen (15) feet or twenty-five (25) percent of the length of the common wall on the existing structure, whichever is greater.

(Code 1983, § 8-11; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 17-98, § 1, 1-22-1998; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 133-2004, § 1, 6-24-2004; Ord. No. 129-2009, §§ 12, 13, 7-2-2009; Ord. No. 166-2017, § 3(8-11), 11-16-2017)

UGM Zoning Ordinance Text Amendment
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Sec. 8-13. Medium Density Residential (R-4) Zone.

- (a) *Intent.* The intent of this zone is to provide for medium to medium-high density multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. The medium to medium-high density residential uses should be located along collector and arterial streets. Where lower density development occurs in this zone, it should be located along local streets. Adequate multi-modal connections should be available to all residents. Development should be in areas of the community where necessary services and facilities will be adequate to serve the anticipated population. Medium to medium-high density multi-family dwellings should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
 - 1. The principal permitted uses in the R-3 zone.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
 - 1. The permitted accessory uses in the R-3 zone.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
 - 1. The permitted conditional uses in the R-3 zone.
 - 2. The permitted principal uses in the B-1 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. The prohibited uses in the R-3 zone.
 - 2. Equine trails.

Lot, Yard, and Height Requirements. (See Article 3, Subsection (o) of this section below, and Article 15 for additional regulations.)

- (f) *Minimum Lot Size.* ~~Six thousand (6,000)~~ Two thousand-five hundred (2,500) square feet.
- (g) *Minimum Lot Frontage.* ~~Fifty (50)~~ Fifteen (15) feet.
- (h) *Minimum Front Yard.* ~~Five (5)~~ Twenty (5-20) feet.
- (i) *Minimum Each Side Yard.* Five (5) feet.
- (j) *Minimum Rear Yard.* Ten (10) feet.
- (k) *Minimum Open Space.* See Article 20 for open space regulations.
- (l) *Maximum Lot Coverage.* Forty percent (40%) and a floor area ratio of 1.6.
- (m) *Maximum Height of Building.* Four stories or sixty (60) feet, whichever is less (except when Section (o).3 applies). 2:1 height to yard ratio, except that buildings under forty (40) feet may have side and rear yards as required in the R-3 zone. When height of structure is greater than forty-eight (48) feet, the side yard setback shall be ten (10) feet.
- (n) *Off-Street Parking.* (See Articles 16 and 18 for additional parking regulations.)

No minimum requirements.

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Planning Commission Recommendation

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

(o) *Special Provisions.*

1. Lot, yard, and height requirements for detached and attached single family residential dwellings townhouses shall be as required for the R-2 zoneR-1T.
2. No more than five (5) single family detached dwellings shall be contiguous along a single street frontage. Other varying housing types or neighborhood commercial facilities shall be incorporated.
2. ~~Lot, yard, and height requirements for two-family dwellings shall be as required by R-2.~~
3. Lot, yard, and height requirements for Group Residential Projects shall be as provided in Article 9.
4. ~~Lot, yard, and height requirements for single family detached dwellings shall be as provided in Section 8-12(o)-Special Provisions of the R-3 zone.~~

(Code 1983, § 8-13; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 307-2002 , § 1, 12-5-2002; Ord. No. 137-2016 , § 2(8-13), 7-7-2016; Ord. No. 166-2017 , § 3(8-13), 11-16-2017; Ord. No. 94-2020 , § 2, 9-21-2020; Ord. No. 113-2022 , § 3, 10-27-2022; Ord. No. 004-2023 , § 14, 1-31-2023; Ord. No. 020-2023 , § 7, 3-9-2023)

Sec. 8-14. High Density Residential (R-5) Zone.

- (a) *Intent.* The intent of this zone is to provide for high density multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. The high density residential uses should be located along collector and arterial streets. Adequate multi-modal connections should be available to all residents. Development should be in areas of the community where necessary services and facilities will be adequate to serve the anticipated population. High density multi-family dwellings should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
 - 1. Multifamily dwellings.
 - 2. Dormitories.
 - 3. Offices, limited to multifamily structures with six (6) or more stories, provided offices are limited to no more than the first two (2) stories with no mixing of offices and apartments on the same floor.
 - 4. Shared parking court, as regulated by Article 16-5(b)(4), where depicted on a certified development plan.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
 - 1. The permitted accessory uses in the R-1A zone, items 1 through 3 and 6 through 9.
 - 2. Athletic club facilities, when accessory to another permitted or conditional use.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
 - 1. The permitted conditional uses in the R-3 zone.
 - 2. The permitted principal uses in the B-1 zone.
 - ~~Incidental retail uses to any permitted use, but having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of five thousand (5,000) square feet.~~
 - 3. Extended-stay hotels.
 - 4. ~~Restaurants, without a cocktail lounge, live entertainment and/or dancing, provided it meets the following conditions:~~
 - ~~a. It shall be located in a building containing a minimum of one hundred (100) dwelling units.~~
 - ~~b. It shall occupy no more than ten percent (10%) of the gross floor area of the building it occupies.~~
 - ~~c. It shall have no primary access to the exterior; however, one service entrance directly to the outside of the building may be permitted.~~
 - ~~d. It shall have no drive-in or drive-through food service.~~
 - ~~e. There shall be no more than two restaurants within a building, provided that the ten percent (10%) limitation is not exceeded.~~
 - ~~f. None of its public floor area may be devoted exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.~~
 - ~~g. Signs permitted per multi-family residential building may be used to identify the restaurant.~~
 - ~~h. This shall not apply to extended-stay hotels.~~

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

1. The prohibited uses in the R-4 zone, except for offices, as permitted herein, extended-stay hotels, and incidental retail uses.
2. Outdoor commercial and non-commercial recreational facilities, such as zoological gardens, sportsmen's farms, riding stables and equine trails.

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

- (f) *Minimum Lot Size.* Six thousand (6,000) square feet.
- (g) *Minimum Lot Frontage.* ~~Fifty (50)~~ Thirty (30) feet.
- (h) *Minimum Front Yard.* ~~Five Twenty (5 20)~~ feet.
- (i) *Minimum Each Side Yard.* ~~Six (6) Ten (10)~~ feet.
- (j) *Minimum Rear Yard.* Ten (10) feet.
- (k) *Minimum Open Space.* See Article 20 for open space regulations.
- (l) *Maximum Lot Coverage.* Forty-five percent (45%) and a floor area ratio of 2.25.
- (m) *Maximum Height of Building.* Five (5) stories or Seventy (70) feet, whichever is less. When greater than sixty (60) feet, the side yard setback shall be twelve (12) feet. 4:1 height-to-yard ratio.
- (n) *Off-Street Parking.* (See Articles 16 and 18 for additional parking regulations.)

No minimum requirements.

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

(Code 1983, § 8-14; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 207-84 , §§ 1—3, 11-15-1984; Ord. No. 89-86 , § 14, 5-29-1986; Ord. No. 213-94 , § 3, 1-20-1994; Ord. No. 187-98 , § 1, 7-2-1998; Ord. No. 115-2003 , §§ 1, 2, 5-29-2003; Ord. No. 49-2012 , § 7, 4-26-2012; Ord. No. 137-2016 , § 2(8-14), 7-7-2016; Ord. No. 166-2017 , § 3(8-14), 11-16-2017; Ord. No. 94-2020 , § 3, 9-21-2020; Ord. No. 113-2022 , §§ 3, 4, 10-27-2022; Ord. No. 004-2023 , § 15, 1-31-2023; Ord. No. 020-2023 , § 8, 3-9-2023)

Article 9 GROUP RESIDENTIAL PROJECTS

Sec. 9-1. Intent.

The intent of this Article is to provide a means to permit two (2) or more detached buildings for residential purposes to be placed on the same parcel or lot of land in any R-1T, R-2, R-3, R-4 or R-5 zone, if approved as a Group Residential Project as provided herein, and to allow slight variations from the requirements of the zone in which it is located only as specifically provided herein.

(Code 1983, § 9-1; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 49-2012 , § 1, 4-26-2012; Ord. No. 166-2017 , § 4(9-1), 11-16-2017)

Sec. 9-2. Where required.

Any development in an R-1T, R-2, R-3, R-4, or R-5 zone, which proposes two (2) or more detached buildings for residential purposes on the same lot or parcel, shall be considered a Group Residential Project, and shall conform to the provisions of this Article.

(Code 1983, § 9-2; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 49-2012 , § 2, 4-26-2012; Ord. No. 166-2017 , § 4(9-2), 11-16-2017)

Sec. 9-3. Permitted uses.

The permitted uses shall be those principal and accessory uses listed in Article 8 for the zone in which the Group Residential Project is located. All other uses are prohibited, except that:

- (a) Schools for academic instruction;
- (b) Places of religious assembly;
- (c) Canteens of less than five hundred (500) square feet in size for the sale of sundries and other incidental items to residents of the Project;
- (d) A sales or rental office of less than one thousand, two hundred (1,200) square feet in size, where contracts or leases can be obtained or executed;
- (e) Up to two (2) clubhouses for each Project; and
- (f) Recreational facilities, with or without game rooms and/or one (1) indoor theater;

shall be permitted in a project approved by the Commission.

Single-family detached units permitted under the R-2, R-3, and R-4 zones, with the exception of the Cottage House Project as defined in Article 9-8, are also prohibited from construction under the provisions of this Article. Such uses shall follow the requirements for subdividing, as required for single-family residential zones.

(Code 1983, § 9-3; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 159-94 , § 1, 8-25-1994; Ord. No. 49-2012 , § 3, 4-26-2012; Ord. No. 166-2017 , § 4(9-3), 11-16-2017)

Sec. 9-4. Detached buildings defined.

For the purposes of this Article, the term "detached buildings for residential purposes" shall be defined as single-family, two-family, or multifamily residential buildings, including ranch, motel or garden design types; townhouses; apartment buildings butted against each other; or apartment buildings connected by an open

breezeway or similar connection. Buildings connected by breezeways or similar connections shall be considered to be detached buildings rather than one (1) building. Ranch, motel, garden, butted buildings or other design types may be counted as single detached buildings, as long as they do not exceed two hundred (200) feet in length; and buildings exceeding this length shall be considered as two (2) or more detached buildings, and shall be permitted only in Group Residential Projects.

(Code 1983, § 9-4; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 166-2017, § 4(9-4), 11-16-2017)

Sec. 9-5. Review and approval.

The Division of Planning may approve site plans for a zoning compliance permit, after which the Division of Building Inspection may issue permits for the construction of a Group Residential Project on a lot of five (5) acres or less; provided the proposed Project meets the requirements set forth under Section 9-6. The Planning Commission shall review all other Group Residential Projects on lots of more than five (5) acres within ninety (90) days of their filing with the Division of Planning, unless the applicant agrees to a longer period. Projects of five (5) acres or less may also be submitted to the Commission. Regardless of the size, the Commission may only approve those Projects which meet the requirements of Section 9-6. The following procedure shall be followed for approval of Group Residential Projects by the Commission:

- (a) *Development Plan Required.* The Commission shall require a final development plan containing the information as required by Article 21; and, in addition, specifying the number and type of dwelling units for each building and use of other structures. The Commission shall review the plan for provision of safe, convenient, efficient and harmonious groupings of buildings in relation to their intended use; transportation and utilities in relation to the buildings served and general circulation needs; open space in relation to needs of the occupants; and for conformance to any other necessary requirements. The Project shall be planned to properly blend with all surrounding property.
- (b) *Public Hearing Required.* The Commission shall advertise and hold a public hearing before proceeding to postpone, approve, conditionally approve or disapprove the plan for a Group Residential Project. Amendments to the plan shall follow the same procedure as provided in Section 21-7.
- (c) *Certification of Approval.* The certification of approval for a Group Residential Project development plan shall be as provided in Section 21-4(d).
- (d) *Permits Required.* After certification by the Secretary of the Commission, the Divisions of Planning and Building Inspection may issue permits in conformance with the approved plan upon receipt of a certified copy of the plan.

(Code 1983, § 9-5; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 122-2011, § 17, 9-29-2011; Ord. No. 49-2012, § 4, 4-26-2012; Ord. No. 166-2017, § 4(9-5), 11-16-2017)

Sec. 9-6. Group residential projects minimum design standards.

All Group Residential Projects, with the exception of Cottage Housing Projects, shall conform to the following minimum design standards:

- (a) *Size.* The parcel or lot on which the Project is located shall not be less than the minimum lot area for the zone in which it is located.
- (b) *Maximum Floor Area Ratio and Lot Coverage.* For Projects in the R-3, R-4 or R-5 zone, the total floor area of all buildings shall not exceed the maximum floor area permitted in the zone in which the Project is located, unless specific permission is given by the Commission to exceed said permitted floor area by not more than one percent (1%) for each one percent (1%) of additional usable open space that is provided over the minimum required by Subsection (h) of this section. In any case, the

maximum floor area shall not exceed, by more than ten percent (10%), the maximum floor area otherwise permitted in the zone. The maximum lot coverage shall be as provided in the zone in which the Project is located. For Projects located in the R-1T zone, the total lot coverage shall not exceed twenty-five percent (25%) There shall be no maximum floor area ratio for Group Residential Projects in the R-1T or R-2 zone.

(c) *Yard requirements.* The minimum width of required yards shall be as follows:

- (1) *Front Yard.* Frontage along any public or private street shall constitute a front yard, and more than one (1) may be designated for each Project, as appropriate. The front yard shall be established as follows:

Zone	Minimum Distance
R-1T	10 feet
<u>R-2</u>	<u>10 Feet</u>
R-3	20 feet
R-4	20 feet
R-5	20 feet

- (2) *Project Exterior Yard.* The Project exterior yard shall be established along the outside boundary of the property, except where a front yard has been established as required in Subsection (c)(1) of this section. Where a Project exterior yard is required, the distance between principal buildings and the outside boundary of the property upon which the Project is located shall not be less than the height of the building, nor twenty (20) feet, whichever is less. Where the wall of any principal building is not parallel to the outside boundary of the property or is broken or otherwise irregular, the average distance shall not be less than as specified above. At no point shall such distance be less than fifteen (15) feet.

- (3) *Distances Required Between Buildings.* The distances between principal buildings shall not be less than the required side yard in the zone in which the Project is located. Where the walls of the buildings are not parallel, or are broken or otherwise irregular, the average distance between the principal buildings shall not be less than as specified above, and shall at no point be less than one-half (½) the required side yard for the zone in which the Project is located.

- (d) *Proximity to Drive.* A part of every residential building shall not be farther than one hundred sixty (160) feet from an access roadway or drive providing vehicular access from a public street. Residential buildings shall not be closer than five (5) feet to any access roadway or drive.

- (e) *Maximum Height.* The maximum height of nonresidential buildings within a Project shall be thirty-five (35) feet. The maximum height of residential or mixed use buildings within a Project shall be as follows:

Zone	Maximum Height
R-1T	35 feet
<u>R-2</u>	<u>40 feet</u>
R-3	40 feet
R-4	60 feet
R-5	80 feet

- (f) *Parking Area.* As for the zone in which it is located (See Articles 16 and 18 for additional parking regulations).

- (g) *Service Areas.* Proper open spaces shall be devoted to service needs of the Project, including, among others, refuse collection areas and equipment service areas.
- (h) *Open Space.* See Article 20 for open space regulations.
- (i) *Private Streets.* Private streets may be permitted by the Commission. Plans containing private streets shall conform to the requirements of the Subdivision Regulations concerning private streets.
- (j) *Maintenance of Common Spaces.* Where the design of the Group Residential Project indicates a need or desire to subdivide property and to provide for common spaces, a Home Owners' Association, or other mechanism for the provision of maintenance, improvement, and operations for all common spaces, including streets; parking areas; open space, etc.; shall be required to be established by the applicant. The applicant's responsibility to create such a mechanism shall be noted on the development plan of the Group Residential Project. A requirement that each property owner be individually responsible for maintenance of the common space abutting the lot shall not be considered as acceptable for fulfilling the requirements of this section.
- (k) *Other Requirements.* Except as modified herein, the Project shall conform to the requirements of this Zoning Ordinance for the zone in which it is located.

(Code 1983, § 9-6; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 153-87 , § 1, 7-9-1987; Ord. No. 122-2011 , § 18, 9-29-2011; Ord. No. 49-2012 , § 5, 4-26-2012; Ord. No. 166-2017 , § 4(9-6), 11-16-2017; Ord. No. 113-2022 , § 8, 10-27-2022; Ord. No. 004-2023 , § 26, 1-31-2023)

Sec. 9-7. Group residential projects in the infill and redevelopment area.

Projects in the Infill and Redevelopment Area shall follow the same procedures set out as provided in Sections 9-5 and 9-6 herein for Group Residential Projects, except that such Projects may utilize the following alternative minimum design standards:

- (a) *Provisions of the Underlying Zone.* Projects in the Infill and Redevelopment Area may choose to comply in whole with the height; front, rear and side yard setbacks; and parking requirements as for the underlying zone rather than with Sections 9-6(b) through 9-6(f) above.
- (b) *Bonus Floor Area.* The maximum floor area shall not exceed one hundred twenty-five percent (125%) of the otherwise permitted maximum floor area in the zone in which the Project is located, provided the required usable open space has not been granted a dimensional variance. Any Project that proposes a total floor area of more than one hundred percent (100%) of that permitted in the zone in which the Project is located, shall require that notice be provided to all property owners within four hundred (400) feet of the site, as outlined in Section 6-4(b) herein prior to Planning Commission consideration.
- (c) *Open Space Reductions.* Where proposed dwelling unit entrances or other applicable building entrances are located within ¼ mile (1,320 feet) walking distance along a walkable route of an existing LFUCG park, the minimum required useable open space shall be reduced by fifty percent (50%).
- (d) *Front Yard Averaging.* The front yard may be averaged as permitted in Section 15-2(a)(1) only if the primary wall plane of the building is parallel to the public or private street.

Sec. 9-8. Cottage Housing Project.

- (a) Review and approval. Development Plan Required. The Commission shall require an approved final development plan containing the information as required by Article 21; and, in addition, specifying the number and type of dwelling units for each building and use of other structures. The Commission shall review the plan for provision of safe, convenient, efficient and harmonious groupings of buildings in relation to their intended use; transportation and utilities in relation to the buildings served and general circulation needs; open space in relation to needs of the occupants; and for conformance to any other necessary requirements. The Project shall be planned to properly blend with all surrounding property.
- (b) Project Site Requirements:
 - 1. Minimum Project Size – Twenty thousand (20,000) square feet
 - 2. Minimum Density – four (4) detached single family dwelling units per 20,000 square feet; eight (8) attached single family dwelling units per 20,000 square feet
 - 3. Minimum Project Lot Frontage – Thirty (30) feet
 - 4. Minimum Project setbacks
 - i. Side Yard - Five (5) feet
 - ii. Front Yard Setback – Ten (10) feet
 - iii. Rear Yard Setback – Ten (10) feet
 - 5. Cottage Housing Shared Open Space
 - i. Shall be centrally located to the cottage house project
 - ii. Shall be a minimum of four hundred (400) square feet per cottage
 - iii. Abut at least 50% of cottages in a cottage housing development

iv. Have cottages on at least two sides

(c). Cottage Requirements:

1. Cottages shall be oriented around and have the primary entrance from the shared open space.
2. Cottages shall be sited to avoid the rear of the building facing a street (other than an alley) to the greatest extent practicable.
3. Cottages shall be within sixty (60) feet walking distance of the shared open space.
4. A minimum distance between structures shall be ten (10) feet, including accessory structures
5. Cottages shall have a roofed porch with a minimum dimension of eight (8) feet on any side
6. Minimum Lot Frontage – No Limitation
7. Maximum Cottage Size – 1,500 square feet
8. Minimum Lot Size – No Limitation
9. Minimum yard requirements – No Limitation.

(d). Parking Requirements: Per Article 16 and Article 18

(Code 1983, § 9-7; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 49-2012 , § 6, 4-26-2012; Ord. No. 166-2017 , § 4(9-7), 11-16-2017; Ord. No. 004-2023 , § 27, 1-31-2023)

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

- (a) *Intent.* The intent of this zone is to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be oriented to support and enhance a residential neighborhood. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. Retail sales (except as prohibited herein) and production of goods, provided such goods are only for retail sale on the premises and where there is no generation of dust, odors, noise, vibration, or electrical interference or fluctuation perceptible beyond the property line.
 2. Professional services (except as prohibited herein). Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
 32. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations, including, but not limited to, real estate sales offices.
 3. ~~Research development and testing laboratories or centers.~~
 4. Schools for academic instruction, business colleges, technical or trade schools or institutions, and studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
 5. Libraries, museums, art galleries and reading rooms.
 6. Funeral ~~parlors~~ services (excluding crematorium services).
 7. Medical and dental offices, clinics and laboratories.
 8. ~~Telephone exchanges, radio and television studios.~~
 9. ~~Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.~~
 810. Community centers and private clubs.
 911. Nursing homes, personal care facilities, rehabilitation homes, and assisted living facilities.
 12. ~~Computer and data processing centers.~~
 13. ~~Ticket and travel agencies.~~
 1014. Kindergartens, nursery schools and childcare centers for four (4) or more children. An outdoor fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
 15. ~~Business colleges, technical or trade schools or institutions.~~
 16. ~~Rehabilitation homes; but only when more than five hundred (500) feet from a residential zone, school for academic instruction or a childcare center.~~
 1117. Establishments for the retail sale of food products, such as supermarkets; dairy, bakery, meat, beer, liquor, and wine and other food product stores; and provided that production of food products is permitted only for retail sale on the premises.
 1218. Eating and drinking establishments Restaurants, neighborhood breweries, and brew-pubs, except as prohibited under Subsection (e)(14) and (15) of this section, which offer no live entertainment ~~or dancing.~~

~~1319. Establishments for the retail sale of merchandise, including: clothing, shoes, fabrics, yard goods; fixtures, furnishings, and appliances, such as floor covering, radios, TV, phonograph products and other visual and sound reproduction or transmitting equipment; furniture; kitchen and laundry equipment; glassware and china; and other establishments for the retail sale of hardware and wallpaper, lawn care products, paint and other interior or exterior care products, hobby items, toys, gifts, antiques, newspapers and magazines, stationery and books, flowers, music, cameras, jewelry and luggage, business supplies and machines; sporting goods and recreational equipment; prescription and non-prescription medicines and medical supplies.~~

~~20. Beauty shops and barber shops.~~

~~21. Shoe repair, clothing alterations and tailoring services.~~

~~1422. Self-service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.~~

~~1523. Automobile service stations, provided such use conforms to all requirements of Article 16. Automobile service stations, provided such use conforms to all requirements of Article 16, which:~~

~~(a) Had on file with the Lexington-Fayette Urban County Government an application for a business license or certificate of occupancy prior to MONTH DAY, 2024, and~~

~~(b) Shall not expand the number of vehicular locations for refueling beyond 8, excluding Electric Vehicle (EV) charging facilities.~~

~~1624. Parking structures; provided such use conforms to the conditions of Article 16, and provided that at least twenty-five percent (25%) of the first floor is occupied by another permitted use or uses in the B-1 zone.~~

~~25. Repair of household appliances.~~

~~26. Retail sale of plant nursery or greenhouse products, except as prohibited herein.~~

~~1727. Miniature golf or putting courses.~~

~~28. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.~~

~~1829. Carnivals, special events, festivals, or concerts on a temporary basis; and upon issuance of a permit by the Divisions of Planning and Building Inspection, which may restrict the permit in terms of time, parking, access, or in other ways to protect public health, safety, or welfare; or deny such if public health, safety, or welfare is adversely affected. A carnival, special events, festivals, or concerts may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.~~

~~1930. Television and radio studios, and indoor theaters, limited to three (3) screens or stages.~~

~~2031. Rental of equipment whose retail sale would be permitted in the B-1 zone.~~

~~2132. Dwelling units, provided a portion of the building the units are not located on the first floor of a structure; and provided that at least the first floor is occupied by another permitted use or uses in the B-1 zone, with no mixing of other permitted uses and dwelling units on any floor.~~

~~2233. Arcades, including pinball and electronic games.~~

~~2334. Pawnshops, which:~~

- ~~(1) Were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or~~
- ~~(2) Had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.~~

- ~~2435.~~ Athletic club facilities.
- ~~2536.~~ Banquet facilities.
- ~~2637.~~ Adult day care centers.
- ~~38. Animal grooming facilities.~~
- ~~39. Mail service facilities.~~
- ~~40. Tattoo parlors.~~
- ~~2741.~~ Form-based neighborhood business project, as per Subsection (o)(3) of this section.
- ~~2842.~~ Day shelters.
- ~~2943.~~ Urban agriculture, commercial farm markets and market gardens.
- ~~3044.~~ Establishments primarily engaged in agricultural sales and services, but only when located within five hundred (500) feet of an Agricultural Rural (A-R) zone.
- ~~3145.~~ Ecotourism activities to include hiking, bicycling and equine trails; recreational outfitters, and canoeing and kayaking launch sites.
- ~~3246.~~ Places of religious assembly.
- ~~3347.~~ Offices of veterinarians, animal hospitals or clinics, animal grooming and/or training, provided that:
- All exterior walls are completely soundproofed;
 - Animal pens are located completely within the principal building; and
 - Boarding is limited to only animals receiving medical treatment.
- ~~34. Artisan Manufacturing.~~
- ~~35. Parks.~~
- ~~3648.~~ Un-Hosted Short Term Rentals, as regulated in Section 3-13 of the Zoning Ordinance.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
- Parking areas or structures.
 - ~~One (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted uses.~~
 - Warehousing, wholesaling, and storage, excluding outdoor storage; and provided that no building for such accessory use shall have openings other than stationary windows or solid pedestrian doors within one hundred (100) feet of any residential zone.
 - The sale of malt beverages, wine or alcoholic beverages, when accessory to a restaurant permitted under Subsection (b)3. Such accessory use shall not devote more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of such beverages, nor provide any separate outside entrances or separate identification signs for those areas.
 - Satellite dish antennas, as further regulated by Section 15-8.
 - ~~One or two (2) pool or billiard tables within an establishment.~~
 - Sidewalk cafes, when accessory to any permitted restaurant.
 - Retail sale of liquid propane (limited to twenty pound (20 lb.) containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Subsection (b) of this section.

- ~~79.~~ Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located more than one hundred (100) feet from a residential zone.
- ~~810.~~ ~~Drive-through facilities~~ Drive-up window for the sale of goods or products, or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.
9. Electric Vehicle (EV) charging facilities.
10. Drive through facilities for the sale of goods or products, or provision of services otherwise permitted herein, which:
- (a) Were in operation or had a certified final development or a site plan approved by the Board of Adjustment prior to MONTH DAY, 2024 and shall be subject to the conditions established by the Board of Adjustment or Planning Commission at the time of the most recent approval.
- (b) Modification of existing drive through facilities as described in 8-16 (c)(10)(a) shall be allowed, subject to a final development plan.
- ~~1110.~~ Hosted Short Term Rentals, as regulated in Section 3-13 of the Zoning Ordinance.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
- ~~1.~~ ~~Self-service car washes, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.~~
- ~~2.~~ ~~The rental of trucks (single rear axle: Twenty-eight (28) feet maximum overall length), trailers and related items in conjunction with the operation of an automobile service station, provided that the service station abuts a state or federal highway. No more than five (5) trucks shall be stored for longer than forty-eight (48) hours on any service station. A site plan shall be submitted for the approval of the Board of Adjustment for the continued control of such activity and shall show the entire property, buildings, signs, parking and location of the proposed storage area.~~
- ~~3.~~ ~~A restaurant or brew-pub, without live entertainment or dancing, which devotes more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of malt beverages, wine or alcoholic beverages.~~
14. Outdoor live entertainment ~~and/or dancing, cocktail lounges~~ or nightclubs, unless prohibited under Subsections (e)(14) and (15) of this section. Such uses shall be located at least one hundred (100) feet from any residential zone; and indoor uses shall be sound-proofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood. The Board may also impose time restrictions to minimize nuisance to the surrounding neighborhood.
25. Indoor live entertainment ~~and/or dancing~~, when accessory to an eating and drinking establishment restaurant, brew-pub, neighborhood brewery or banquet facility; but only when located closer than one hundred (100) feet from a residential zone.
- ~~6.~~ ~~Upholstery shop.~~
37. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
- a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
- b. That a reasonable degree of reclamation and proper drainage control is feasible; and

- c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
- ~~8. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:~~
 - ~~a. To check all operating equipment;~~
 - ~~b. To check fire suppression system(s);~~
 - ~~c. To check the condition of the fire alarm(s);~~
 - ~~d. To check for indications of fuel leaks and spillage;~~
 - ~~e. To remove trash from the site;~~
 - ~~f. To monitor the general condition of the site.~~
- ~~9. Rehabilitation homes, but only when located closer than five hundred (500) feet from a residential zone, school for academic instruction or a childcare center.~~
- 410. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
- ~~11. Circuses, provided all structures are located not less than two hundred (200) feet from any residential zone; and further provided that all structures for housing animals shall be two hundred (200) feet from any residential zone, residential use, school, hospital, nursing or rest home. A circus may not displace more than twenty five percent (25%) of the minimum required parking for the site it occupies.~~
- ~~12. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.~~
- ~~13. Extended stay hotels.~~
- ~~14. Parking lots, provided such use conforms to the conditions of Article 16.~~
- ~~15. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, except as accessory uses herein.~~
- 165. Ecotourism activities to include zip line trails; tree canopy tours; fishing clubs; botanical gardens; nature preserves; and seasonal activities.
- ~~17. Recreation vehicle and trailer campgrounds, but only when located within five hundred (500) feet of an interstate interchange.~~
- ~~18. Hunting clubs, but only when located more than five hundred (500) feet from a residential zone.~~
- 619. Country inns, but only when located within five hundred (500) feet of an Agricultural Rural (A-R) zone.
- (e) *Prohibited Uses.* (All uses other than those listed as 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 primarily engaged in agricultural sales and services, except as permitted herein.
 - 2. Warehouses, as well as storage uses, except as accessory uses herein.
 - 3. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; plastering; painting; metal work; printing; electrical; sign painting; tile, mosaic and terrazzo work;

- electroplating; drilling; excavating; wrecking; construction; and paving. This is not intended to prohibit the administrative offices of such.
4. ~~Truck terminals and freight yards; transfer stations Manufacturing, compounding, assembling, bottling, processing and packaging and other industrial uses for sale or distribution other than as retail on the premises.~~
 5. Manufacturing, compounding, assembling, bottling, processing and packaging, and other industrial uses for sale or distribution other than as retail on the premises ~~Truck terminals and freight yards; transfer stations.~~
 6. Amusement enterprises, such as outdoor theaters; automobile racing; horse racing.
 7. Kennels, outdoor runways, or pens for animals.
 8. Establishments engaged in the display, rental, sales, service and major repair of automobiles, repair of motorcycles, boats, trucks, travel trailers, farm implements, contractors' equipment, mobile homes, and establishments primarily engaged in the sale of supplies and parts for any of the above-mentioned vehicles or equipment, except as permitted herein.
 9. Establishments for cleaning, dyeing, laundering and the like, other than self-service and pickup stations, except for clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
 10. Dwellings, except as permitted herein.
 11. Hotel or motel, boardinghouse.
 12. Wholesale establishments.
 13. ~~Greenhouses, n~~urseries, and hatcheries.
 14. Establishments offering live entertainment in which a person simulates any sexual act or in which a person is unclothed, or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola, the male or female genitalia, or the buttocks.
 15. Establishments at which any employee is unclothed or in the attire, costume or clothing described above, or is clothed in such a manner as to simulate the breast, genitalia, buttocks, or any portion thereof.
 16. Establishments having as a substantial or significant portion of their stock in trade for sale, rent or display: pictures, books, periodicals, magazines, appliances and similar material, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to such sexual activities as:
 - (a) Depiction of human genitals in a state of sexual stimulation or arousal;
 - (b) Acts of human masturbation, sexual intercourse or sodomy; or
 - (c) Holding or other erotic touching of human genitals, pubic region, buttocks or breasts.
 17. Indoor motion picture theaters having as a substantial or significant portion of their use the presentation of material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to such sexual activities as:
 - (a) Depiction of human genitals in a state of sexual stimulation or arousal;
 - (b) Acts of human masturbation, sexual intercourse or sodomy; or
 - (c) Holding or other erotic touching of human genitals, pubic region, buttocks or breasts.

18. Above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.

19. Pawnshops, except as permitted herein.

~~20. Pool or billiard halls.~~

~~2021.~~ Hospitals.

~~2122.~~ Ecotourism activities, except as permitted herein.

22. Automobile service station, automobile and vehicle refueling, and gas pumps, except as permitted herein.

23. Outdoor storage.

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

- (f) *Minimum Lot Size.* No limitation.
- (g) *Minimum Lot Frontage.* No limitation.
- (h) *Minimum and Maximum Front Yard.*
 - a. Minimum: ~~Five Ten~~ (510) feet.
 - b. Maximum: Twenty (20) feet.
- (i) *Minimum Each Side Yard.* No limitation.
- (j) *Minimum Rear Yard.* No limitation.
- (k) *Minimum Open Space.* See Article 20 for open space regulations.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* ~~Thirty-five~~ Four stories or sixty (60 35) feet, whichever is less, except as permitted in Subsection (o)(3) of this section.
- (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. Except for the form-based neighborhood business project, n~~No~~ building to be used principally as a single use or establishment shall exceed 40,000 square feet in floor area, excluding parking structures, unless approved by the Planning Commission prior to December 10, 2013 for at least 40,000 square feet in size. No such structure may exceed 60,000 square feet in size, in any event.
- 2. A form-based neighborhood business project may be approved by the Planning Commission on any site over ~~one (1) acre~~ twenty thousand (20,000) square feet in size. For any such project, a final development plan shall be approved by the Planning Commission prior to issuance of any building permit. The lot, yard, height and setback requirements will be those established by the Commission on the approved development plan, rather than those stated above. In addition to the development plan, an applicant seeking approval of a form-based neighborhood business project shall be required to submit an area character and context study prepared by an architect or urban design professional.

The study will document the architectural style and urban design ~~character~~ of the area neighborhood. It shall demonstrate, through the use of renderings, elevations and similar graphic materials, how the proposed project will enhance and complement the architectural style, urban design features, building

~~scale, and massing of the neighborhood area's character.~~ It will also show its integration with the surrounding neighborhood by using positive design features, such as ~~transitional elements;~~ ~~supplemental enhanced~~ landscaping; provision of public space and open space buffers; and improved pedestrian accommodations. These ~~drawings exhibits~~ shall be made a part of the Commission's approval, and building permits shall comply with the approved ~~drawings exhibits~~. A form-based neighborhood business project shall not be subject to the square footage limitation of 8-16(o)(1) above.

(Code 1983, 8-16; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 207-84, §§ 1—3, 11-15-1984; Ord. No. 241-85, §§ 1, 2, 11-21-1985; Ord. No. 89-86, § 16, 5-29-1986; Ord. No. 73-87, § 1, 4-30-1987; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 123-90, § 1, 6-14-1990; Ord. No. 152-91, §§ 2, 4, 7-18-1991; Ord. No. 30-92, § 9, 3-3-1992; Ord. No. 213-94, § 5, 1-20-1994; Ord. No. 30-95, § 1, 2-9-1995; Ord. No. 292-95, § 1, 12-7-1995; Ord. No. 85-96, § 3, 5-30-1996; Ord. No. 222-98, § 1, 8-27-1998; Ord. No. 226-98, § 1, 8-27-1998; Ord. No. 147-2000, § 1, 6-1-2000; Ord. No. 62-2003, § 1, 3-20-2003; Ord. No. 43-2004, § 1, 3-4-2004; Ord. No. 203-2004, § 1, 8-26-2004; Ord. No. 240-2007, §§ 2, 3, 11-1-2007; Ord. No. 129-2009, §§ 18—20, 7-2-2009; Ord. No. 99-2011, § 4, 8-25-2011; Ord. No. 100-2011, §§ 2, 3, 8-25-2011; Ord. No. 122-2011, § 16, 9-29-2011; Ord. No. 138-2012, § 2, 11-15-2012; Ord. No. 3-2013, § 1, 1-17-2013; Ord. No. 5-2013, § 2, 1-31-2013; Ord. No. 129-2013, § 2, 10-24-2013; Ord. No. 155-2013, § 2, 12-10-2013; Ord. No. 68-2015, § 1(8-16), 6-18-2015; Ord. No. 137-2016, § 2(8-16), 7-7-2016; Ord. No. 22-2017, § 3(8-16), 3-2-2017; Ord. No. 166-2017, § 3(8-16), 11-16-2017; Ord. No. 84-2020, § 2, 9-3-2020; Ord. No. 113-2022, §§ 3, 6, 10-27-2022; Ord. No. 004-2023, § 17, 1-31-2023; Ord. No. 020-2023, § 10, 3-9-2023)

Sec. 8-20. **Highway Service Corridor Business (B-3) Zone.**

- (a) *Intent.* The intent of this zone is to provide for retail and commercial uses, which are necessary to the economic vitality of the community but may be inappropriate in the more neighborhood oriented zones. Development in this zone should front on an arterial or major collector roadway and should serve the needs of the broader Lexington community. Consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs. Developments should avoid nuisance impacts of light, air, and sound that may be caused on adjacent neighborhoods. Where necessary, developments should include service roads to reduce the impact on highway movement, while also providing appropriate frontage to meet the needs of businesses. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. Principal permitted uses in the B-1 zone, except for as modified herein.
 2. Establishments and lots for the display, rental, and sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items. Such establishments shall be a minimum distance of two thousand five hundred (2,500) feet from the property line of another existing establishment of the described above.
 - a. Such uses shall be located along an arterial roadway or a service road that accesses an arterial roadway.
 - b. Where multiple such uses are depicted on a final development plan the distance requirement shall be measured from the plan boundary identified.
 32. Automobile service stations, subject to the conditions of Article 16, provided that they meet the following criteria:
 - a. Automobile service stations shall be a minimum distance of one thousand (1,000) feet from another station along the same street frontage. There shall be no more than two automobile service stations at the intersection of two or more roadways.
 - b. There shall be no outdoor amplified audio.
 - c. There shall be no greater than sixteen (16) vehicular locations ~~pumps or eight (8) total islands~~ for refueling, excluding Electric Vehicle (EV) charging facilities.
 - d. Fueling pump canopy shall not be utilized to meet the maximum front yard.
 43. Restaurants, cocktail lounges Eating and drinking establishments and nightclubs, with entertainment, ~~dancing,~~ and/or sale of alcoholic beverages.
 54. Car washing establishments, provided that surface water from such use shall not drain onto adjacent property or over a public sidewalk, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
 65. Motel or hotel.
 76. Indoor amusements, such as billiard or pool halls; ~~dancing halls;~~ skating rinks; miniature golf or putting courses; theaters or bowling alleys.
 87. Self-service laundry, laundry pick-up station, or clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
 98. Garden centers.

- ~~109.~~ Kennels, animal hospitals or clinics, including offices of veterinarians, provided that such structures or uses, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.
- ~~1110.~~ Drive-in restaurants, ~~provided that all outside food service areas shall be at least one hundred (100) feet from any residential zone.~~
- ~~11.~~ Establishments for the retail sale of merchandise as permitted in the B-1 zone, unless prohibited by Subsection (e) of this section.
12. Minor automobile and truck repair and service.
- ~~13.~~ Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
- ~~14.~~ Beauty shops and barber shops.
- ~~15.~~ Shoe repair, clothing alteration, tailoring services and tattoo parlors.
- ~~1316.~~ Carnivals, special events, festivals and concerts on a temporary basis, and upon issuance of a permit by the Divisions of Planning and of Building Inspection, which may restrict the permit in terms of time, parking, access or in other ways to protect public health, safety, or welfare; or deny such if public health, safety or welfare are adversely affected. ~~A carnival, special event, festival, or concert may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.~~
- ~~17.~~ Offices and medical clinics.
- ~~18.~~ Taxidermy establishments.
- ~~19.~~ Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
- ~~20.~~ Business colleges, technical or trade schools or institutions.
- ~~21.~~ Schools for academic instruction.
- ~~1422.~~ Kindergartens, nursery schools and childcare centers, ~~where enrollment of children is sponsored and licensed by established places of religious assembly and non-profit community-based groups, and/or where enrollment may be limited to children of employees and staff of an office, business or commercial establishment which is located on or abutting the same lot as the proposed childcare facility.~~ An outdoor fenced and screened play area shall be provided in an area, located a minimum of ten (10) feet from a collector or arterial street, and shall contain not less than twenty-five (25) square feet per child.
- ~~23.~~ Pawnshops which:
- ~~(1) Were in operation prior to August 31, 1990, and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or~~
 - ~~(2) Had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.~~
- ~~1524.~~ Indoor athletic clubs and ~~r~~ Recreational facilities.
- ~~1625.~~ Parking lots and structures.
- ~~1726.~~ Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under eighteen (18) years of age, or within a 1,000-foot radius of any other similarly regulated adult business.

~~1827~~. Commissaries for preparation of food for restaurant use.

~~1928~~. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership, when such use is at least two hundred (200) feet from a residential zone.

~~2029~~. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.

~~2130~~. Commercial farm markets and market gardens.

~~31. Banquet Facilities.~~

22. Hospitals.

23. Mobile Food Vendor Parks.

24. Multi-family dwelling, provided such uses conform to the provisions of Subsection (o)(3) of this section.

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

1. Wholesale, warehouse, and storage facilities.

2. Parking areas and structures.

3. Swimming pools.

4. Newsstands and retail shops when accessory to a motel or hotel, provided there are no exterior entrances or signs visible from outside the structure in which they are located.

~~5. Not more than one (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of and located above or to the rear of such permitted use.~~

~~56~~. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.

~~67~~. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.

~~78~~. Satellite dish antennas, as further regulated by Section 15-8.

~~89~~. Pawnshops which are accessory to an establishment primarily engaged in the retail sale of jewelry. Not less than fifty percent (50%) of the gross revenue of such establishments shall come from the retail sale of jewelry.

~~949~~. Micro-brewery, when accessory to a restaurant permitted herein; and shall be located at least one hundred (100) feet from a residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.

~~1044~~. Retail sale of liquid propane (limited to twenty-pound (20 lb.) containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Subsection (b) of this section.

11. Outdoor Storage and Sales.

(d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.) Required conditions for any conditional use permitted herein shall be as follows:

(1) Any conditional use shall be located, in relationship to the arterial roadway system, so that the conditional use has a minimal effect on the adjoining streets and the surrounding uses.

(2) Any outdoor theater screen or illuminated scoreboard or other similar surface shall not be visible from any street for a distance of one thousand (1,000) feet from said structure.

- (3) Entrances of ingress or egress, acceleration lanes, and deceleration lanes shall be provided in conformance with requirements as established by the Urban County Traffic Engineer.
1. Outdoor athletic facilities that would be compatible in a ~~Highway Service Corridor~~ Business (B-3) zone, such as a ~~football~~ stadium; ~~natoriums~~ swimming pools; ~~tennis~~ courts; ~~a soccer or polo field~~, and ~~a baseball fields~~.
 2. Amusement parks, fairgrounds, or horse racing tracks, if all buildings are located not less than two hundred (200) feet from any residential zone; and further provided that all buildings for housing animals shall be two hundred (200) feet from any residential zone, residence, school, place of religious assembly, hospital, nursing home, or personal care facility.
 3. Outdoor theaters, provided that all facilities, other than highway access drives, are not less than one thousand (1,000) feet from any residential zone, residence, school, place of religious assembly hospital, nursing home, or personal care facility; and further provided that a vehicle storage area equal to thirty percent (30%) of the capacity of the theater be provided between the highway and theater ticket gate.
 4. Outdoor recreational facilities, including go-cart tracks; archery courts; skate-board and roller skating tracks; trampoline centers; rifle and other fire-arm ranges; swimming pools; water slides and other water-related recreational facilities, and other similar uses.
 5. Passenger transportation terminals.
 6. Pawnshops, except as permitted herein. Such establishments shall be a minimum distance of 2,500 feet from another existing establishment of the described.
 7. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
 8. Adult arcades, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, except as permitted herein, provided none shall be located within a 500-foot radius of any elementary or secondary school, any park attended by persons under eighteen (18) years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
 - ~~9. — Places of religious assembly and Sunday schools.~~
 - ~~910.~~ The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas; except as permitted herein, or except in conformance with the Kentucky Building Code and all applicable fire safety codes. Except in association with an automobile and vehicle refueling station, total above-ground storage of gas is limited to six hundred (600) square feet. There may be no filling or re-filling of gas containers in this zone.
 - ~~1011.~~ Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
 - ~~1112.~~ Circuses, provided all structures are located not less than two hundred (200) feet from any residential zone; and further provided that all structures for housing animals shall be two hundred (200) feet from

any residential zone, residential use, school, hospital, nursing home or rest home. ~~A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.~~

~~1243.~~ Ecotourism activities to include campgrounds; commercial hiking, bicycling, equine and zip line trails; tree canopy trails; canoeing and kayaking launch sites; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities.

13. Micro-Brewery, Micro-Distillery, or Winery.

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

1. The prohibited uses in the B-1 zone, items 1 through 54 (Sections 8-16(e)1 through 54).
2. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
3. Establishments for cleaning, dyeing, and the like, except as permitted herein.
4. Dwellings, except as ~~accessory uses permitted~~ herein.
5. Major automobile and truck repair, except as permitted herein.
6. Boardinghouses.
7. Outdoor retail sale of merchandise, unless accessory to a permanent retail sales establishment that conducts most of its activities within a completely enclosed building or group of buildings.
8. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas, except as permitted herein.
9. Hospitals.
10. Museums, including historic house museums.
11. Farm tours, hayrides, corn mazes, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or trapping, sportsmen's farms, and zoological gardens.

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

- (f) *Minimum Lot Size.* No limitation.
- (g) *Minimum Lot Frontage.* Forty (40) feet.
- (h) *Minimum Front Yard.* ~~Ten Twenty (1020)~~ feet. Maximum Front Yard for Corner Lots. Twenty (20) feet.
- (i) *Minimum Each Side Yard.* No limitation, except as provided in Subsection (o) of this section.
- (j) *Minimum Rear Yard.* ~~No limitation, except as provided in Subsection (o) of this section~~ Ten (10) feet.
- (k) *Minimum Open Space.* See Article 20 for open space regulations (except as modified in Subsection (o) of this section).
- (l) ~~Maximum Lot Coverage. No limitation.~~
1. Building lot coverage: Minimum 30% of total lot area, except where multiple lots are depicted on an approved Final Development Plan. The minimum building lot coverage in such cases shall be thirty (30%) percent of the approved area of all lots depicted.
 2. Outdoor storage and sales lot coverage: Maximum 50% of all paved areas.
- (m) *Maximum Height of Building.* Seventy-five (75) feet, except where a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height to yard ratio.

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

No minimum requirements.

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

(o) *Special Provisions.*

1. Landscape buffer areas shall be required as set forth in Article 18.
2. No building to be used principally as a single store selling food, produce, grocery items or general merchandise shall exceed eighty thousand (80,000) square feet in floor area unless:
 - a) Approved by the Planning Commission prior to April 27, 2000 for a larger area; or
 - b) The building is designed to meet the design guidelines for "big-box" retail establishments (Section 12-8), unless specific guidelines are waived by the Planning Commission through its approval of a final development plan.

3. Properties within areas identified by the Comprehensive Plan or an adopted Corridor Plan for transit oriented development (TOD) can utilize a density bonus by applying the provisions of Article 8-25. For any such project, a preliminary and final development plan shall be approved by the Planning Commission prior to issuance of any building permit.

(Code 1983, § 8-19; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 234-85 , §§ 1, 2, 11-12-1985; Ord. No. 89-86 , § 18, 5-29-1986; Ord. No. 152-91 , §§ 2, 4, 7-18-1991; Ord. No. 30-92 , § 11, 3-3-1992; Ord. No. 30-95 , § 1, 2-9-1995; Ord. No. 85-96 , § 3, 5-30-1996; Ord. No. 222-98 , § 1, 8-27-1998; Ord. No. 261-98 , § 1, 10-1-1998; Ord. No. 325-2000 , § 1, 11-9-2000; Ord. No. 217-2006 , § 1, 7-11-2006; Ord. No. 129-2009 , § 23, 7-2-2009; Ord. No. 99-2011 , § 6, 8-25-2011; Ord. No. 155-2013 , § 2, 12-10-2013; Ord. No. 137-2016 , § 2(8-19), 7-7-2016; Ord. No. 22-2017 , § 3(8-19), 3-2-2017; Ord. No. 166-2017 , § 3(8-19), 11-16-2017; Ord. No. 079-2022 , § 1, 8-30-22; Ord. No. 113-2022 , § 3, 10-27-2022; Ord. No. 004-2023 , § 21, 1-31-2023; Ord. No. 020-2023 , § 14, 3-9-2023)

Article 12 COMMERCIAL CENTER (B-6P) ZONE

Sec. 12-3. Principal permitted uses.

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

- (a) The principal permitted uses in the B-1 and P-1 zones.
- (b) Indoor theaters.
- (c) Parking lots and structures.
- (d) Offices of veterinarians, animal hospital or clinic, provided all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.
- (e) Self-service car wash, provided that such uses shall be located at least one hundred (100) feet from any residential zone; and that surface water from such establishment shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
- (f) Multifamily dwellings.
- (g) ~~Restaurants~~ Eating and drinking establishments, cocktail lounges, brew-pubs, nightclubs, and discotheques offering live entertainment and/or dancing, unless otherwise prohibited. Such uses shall be located at least one hundred (100) feet from any residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood.
- (h) Hotels, extended-stay hotels, and motels. Such uses shall only be permitted within a commercial center zone with a minimum of ten (10) acres.
- (i) Automobile service stations, subject to the conditions of Article 16, provided that they meet the following criteria:
 - a. There shall be no outdoor amplified audio.
 - b. There shall be no greater than sixteen (16) vehicle locations for refueling or eight (8) total islands for refueling, excluding Electric Vehicle (EV) charging facilities.
 - c. Fueling pump canopy shall not be utilized to meet the maximum front yard.

(Code 1983, § 12-3; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 30-95, § 1, 2-9-1995; Ord. No. 147-2000, § 1, 6-1-2000; Ord. No. 203-2004, § 1, 8-26-2004; Ord. No. 129-2009, § 24, 7-2-2009; Ord. No. 155-2013, § 3, 12-10-2013; Ord. No. 166-2017, § 6(12-3), 11-16-2017; Ord. No. 5-2018, § 1(12-3), 2-8-2018; Ord. No. 85-2018, § 1, 11-1-2018)

Sec. 8-25. – Corridor Node (CN) Zone.

- (a) Intent. The intent of this zone is to encourage the development of high density residential and mixed-use centers that are designed to complement existing and future public transit. The provisions of this zone should produce compact, walkable, and sustainable developments. Such development should be located adjacent to areas where enhanced transit facilities are identified or feasible to promote the use of efficient transit. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.
- (b) Required Uses.
1. Multi-family dwelling units
 - a. Minimum density. Project shall include a minimum of thirty (30) dwelling units per acre of gross site area.
- (c) Principal Uses. (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. Multi-family dwelling units.
 2. The principal uses per the Neighborhood Business (B-1) zone (except as prohibited herein).
 3. Eating and drinking establishments, and nightclubs, with entertainment, and/or sale of alcoholic beverages.
 4. Hotels.
 5. Indoor amusements, such as billiard or pool halls; skating rinks; miniature golf or putting courses; theaters or bowling alleys.
 6. Kindergartens, nursery schools and childcare centers.
 7. Indoor recreational facilities.
 8. Passenger transportation terminals, or transfer stations.
 9. Stadium, convention center, and exposition facilities.
 10. Parking Structures.
 11. Hospitals.
- (d) Accessory Uses. (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Wholesale, warehouse, and storage facilities.
 2. Parking structures.
 3. Swimming pools.
 4. Satellite dish antennas, as further regulated by Section 15-8.
 5. Electric Vehicle (EV) charging facilities located within a structured parking facility.
 6. Home based businesses.
- (e) Conditional Uses. (Permitted only with Board of Adjustment approval.) Required conditions for any conditional use permitted herein shall be as follows:
1. Micro-Brewery, Micro-Distillery, or Winery.
- (f) 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. Surface parking lots (except as permitted herein).

2. Outdoor storage and sales.
3. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
4. Automobile service stations.
5. Car washing establishments.
6. Garden centers.
7. Kennels.
8. Drive-through facilities or drive-up windows.
9. Drive-in restaurants.
10. Automobile and vehicle refueling stations.

(g) Provisions for multi-phase developments and timing.

1. Phased developments. When constructed in phases, final development plans may be approved for a structure or structures that would increase the total nonresidential floor area on the project to over 50% of the total nonresidential floor area on the project approved in the preliminary development plan, when either:
 - a. Construction has commenced on at least 50% of the total number of residential dwelling units on the site approved in the preliminary development plan; or
 - b. The structure or structures include both nonresidential and residential uses and its construction would bring the number of residential dwelling units on the site to at least 50% of the total number of residential dwelling units on the site approved in the preliminary development plan.

(h) Minimum Project size: one and a half (1.5) acres.

(i) Minimum Lot Size: No minimum.

(j) Floor area ratio (FAR).

1. Minimum FAR: 2.0
2. Maximum FAR: 3.5
3. Floor area ratio calculations exclude structured or underground parking.
4. Phased projects shall be constructed so that the overall project maintains the minimum FAR requirement.
5. Provisions for the addition of FAR. In cases where the following is provided additional FAR may be granted to the project:
 - a. Sustainable Design – Max additional FAR 1.0
 - i. LEED Silver Certification: 0.5 additional FAR per designated building.
 - ii. LEED Gold or Platinum Certification: 1.0 additional FAR per designated building.
 - b. Retail and Service – Max additional FAR 0.5
 - i. Two (2) square feet of additional floor area is allowed per square foot of retail and service use floor area.
 - c. Below Grade Parking Structure – Max additional FAR 1.0
 - i. Two (2) square feet of additional floor area is allowed per gross square foot of below grade parking floor area.
 - d. Affordable Housing – Max additional FAR 1.0
 - i. Three square feet of additional floor area is allowed per one square foot of affordable housing unit floor area.

- ii. Units receiving the bonus will remain affordable for 15 years.
- iii. Documentation of affordability shall be in conformance with Article 3-6.

(j) Minimum Lot Frontage. No limitation.

(k) Minimum Front Yard. No limitation.

(l) Minimum Each Side Yard. No limitation.

(m) Minimum Rear Yard. No limitation.

(o) Minimum Open Space. As per the Commercial Center (B-6P) zone.

(p) Maximum Lot Coverage. No limitation.

(q) Maximum Height of Building. No limitation.

(r) 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.

(s) Site Design Standards:

1. Building Entrances – a minimum of one public entrance to buildings with ground level retail and service uses must be located within 20 feet of a public street, internal private street or major pedestrian facility.
2. Parking location – shall be within structures, or in individual on-street spaces parallel with and adjacent to low volume streets, private streets, and access easements. Surface parking lots are prohibited with the exception of short term surface parking lots that may include no more than one parking space per 20,000 square feet of floor area in the associated building.

Sec. 17-11. Signs permitted by specific zone.

Any sign not specifically permitted shall be prohibited.

- (a) *Agricultural Zones (A-R, A-U, A-B, and A-N).* Permitted signs within these zones may be either free-standing or wall mounted unless otherwise specified; no free-standing sign may exceed ten (10) feet in height; signs shall be either non-illuminated or indirectly illuminated unless otherwise specified.
 - (1) *Residence.* One wall sign not exceeding one (1) square foot in area.
 - (a) Subdivision entrance signs of permanent construction, free-standing or wall mounted; not exceeding thirty-two (32) square feet in area; no more than two per entrance; not more than two entrances to be identified. Such signs may be located in the right-of-way (in the median or at each side of the street) subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance sign located in the right-of-way.
 - (2) *Farm or Estate.*
 - (a) One sign for a farm or estate, not exceeding ten (10) square feet.
 - (b) For farms utilizing more than one point of access, one non-illuminated or indirectly illuminated sign per entrance, not to exceed ten (10) square feet in area; maximum height often (10) feet.
 - (3) *Buildings Used for Religious or Educational Activities.*
 - (a) One free-standing sign not exceeding thirty-two (32) square feet in area and eight (8) feet in height, or one wall sign per building not exceeding thirty-two (32) square feet in area.
 - (b) One bulletin board, not exceeding twelve (12) square feet in area and eight (8) feet in height.
 - (4) *Bed and Breakfast Facility.*
 - (a) One sign for a permitted bed and breakfast facility permitted as a conditional use, not exceeding two (2) square feet in area.
 - (5) *All Other Permitted Uses.*
 - (a) One sign for any other permitted or conditional use not noted herein, not exceeding thirty-two (32) square feet in area.
- (b) *Mobile Home Park Zone (M-1P).* Permitted signs shall be either non-illuminated or indirectly illuminated.
 - (1) One free-standing sign per park entrance. Sign shall not exceed thirty-two (32) square feet in area, eight (8) feet in height, and shall have a minimum setback often (10) feet from any street.
 - (2) One wall sign per mobile home that shall not exceed one (1) square foot in area.
- (c) *Low Density Residential Zones (R-1 [A—E], R-1T, R-2).* Permitted signs within these zones shall be wall signs unless otherwise specified; signs shall either be non-illuminated or indirectly illuminated. Minimum setback for any freestanding sign permitted under this section shall be ten (10) feet.
 - (1) *Residence.* One wall sign not exceeding one (1) square foot in area.
 - (a) Subdivision entrance signs of permanent construction, free-standing or wall mounted; not exceeding thirty-two (32) square feet in area; no more than two per entrance; not more than two entrances to be identified. Such signs may be located in the right-of-way (in the median or at

each side of the street) subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance sign located in the right-of-way.

- (2) *Buildings Used for Religious or Educational Activities.*
 - (a) One sign that shall not exceed thirty-two (32) square feet in area and eight (8) feet in height if free-standing. If the property is five or more acres in size and has frontage on two or more streets, then a second sign of the same dimensional requirements is permitted, provided the signs are located a minimum of two hundred fifty (250) feet from each other;
 - (b) One bulletin board that shall not exceed twelve (12) square feet in area and eight (8) feet in height if free-standing. If the property is five or more acres in size and has frontage on two or more streets, then a second sign of the same dimensional requirements is permitted, provided the signs are located a minimum of two hundred fifty (250) feet from each other.
- (3) One sign for a farm or estate exceeding five (5) acres in size, not exceeding ten (10) square feet in area.
- (4) One sign for a permitted kindergarten, nursery school, day nursery, or child care center, wall mounted not more than seven (7) feet above ground level; not exceeding two (2) square feet in area.
- (5) For a Group Residential Project within the R-1T zone only, one non-illuminated traffic directional sign per entrance, not exceeding three (3) square feet in area; and not exceeding three (3) feet in height if free standing; not to exceed four (4) signs per Group Residential Project.
- (6) *Bed and Breakfast Facility.*
 - (a) One sign for a permitted bed and breakfast facility permitted as a conditional use, not exceeding two (2) square feet in area and six (6) feet in height if freestanding.
- (7) *All other Permitted Uses.*
 - (a) One sign for any other permitted or conditional use not noted herein, not exceeding thirty-two (32) square feet in area and eight (8) feet in height.
- (d) *Planned Neighborhood Residential, ~~High Medium~~ Density Residential ~~Zones~~, & High ~~Rise~~ Density Apartment Residential Zones (R-3, R-4, & R-5).* Permitted signs within these zones shall be free-standing or wall signs unless otherwise specified; signs shall be either non-illuminated or indirectly illuminated; signs may be internally illuminated only when across a public street from any office, business or industrial zone. Minimum setback for any free-standing sign permitted under this section shall no less than ten (10) feet.
 - (1) Signs as permitted and regulated under Section 17-11(c).
 - (2) Multi-family residential buildings, including dormitories, but excluding Group Residential Projects, may have one sign not exceeding thirty-two (32) square feet in area and eight (8) feet in height if free-standing.
 - (3) Group Residential Projects, one sign per street frontage, with a maximum of two (2) signs, not exceeding thirty-two (32) square feet in area per sign and eight (8) feet in height if free-standing.

- (4) One wall-mounted sign per building in R-4 and R-5 zones with incidental retail uses allowed as a conditional use, not exceeding sixteen (16) square feet in area. Where utilized, the otherwise permitted wall signs shall not be permitted.
- (5) One wall-mounted sign per extended-stay hotel conditional use in R-5 zones; not exceeding thirty-two (32) square feet in area. When located within $\frac{3}{4}$ mile of an interchange for a designated interstate highway, one additional one hundred fifty (150) square foot wall-mounted sign visible from the interstate highway is permitted at a minimum height of seventy-five (75) feet.
- (6) One wall-mounted sign per principal permitted office use, not exceeding two (2) square feet in area.
- (e) *Professional Office Zone (P-1) And Mixed Use 1: Neighborhood Node Zone (MU-1).* Permitted signs may be either free-standing or wall mounted, as specifically noted; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless otherwise specified. No free-standing sign shall exceed ten (10) feet in height, with the exception of hospitals, as regulated below.
 - (1) One free-standing sign per building; not to exceed forty (40) square feet in area, with a minimum setback often (10) feet.
 - (2) One wall-mounted sign for buildings with one street frontage, not to exceed five percent (5%) of the wall area to which it is attached. When a free-standing sign is not utilized on a lot with only one street frontage, a second wall-mounted sign on a different building face shall be permitted as regulated above in place of the permitted free-standing sign.
 - (3) Two wall-mounted signs for buildings with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached.
 - (4) Three wall-mounted signs for buildings three (3) stories or taller with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached. Signs not located on a street frontage shall not be placed on a building face directly adjacent to any residential zone.
 - (5) One wall sign per tenant or lessee, not exceeding two (2) square feet in area; nonilluminated or indirectly illuminated only.
 - (6) Traffic directional signs not exceeding three (3) feet in height if free-standing; not to exceed two (2) signs per entrance.
 - (7) One attraction board, wall mounted or attached to the permitted free-standing sign, the area of the attraction board to be included in the maximum permitted sign area.
 - (8) Canopy or awning signs, limited to fifteen percent (15%) of the area of the surface to which they are attached. Such signs shall be included in the computation of the maximum permitted sign area specified under 17-11(e)(1) above.
 - (9) Pole-mounted banner signs shall be permitted, subject to the following:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
 - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
 - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking lot or pedestrian plaza.

- (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (10) In addition, and within a designated Professional Office Project only:
 - (a) One project sign, free-standing or wall mounted; not exceeding one hundred (100) square feet in area.
 - (b) One sign, wall mounted; not exceeding fifteen (15) square feet in area for a restaurant, cocktail lounge or night club.
 - (c) Subdivision signs of permanent construction, free-standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height; and no more than two per entrance. Such signs may be located in the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision sign located in the right-of-way.
- (11) In addition, and within a hospital campus or Regional Medical Campus [as generally defined in 23A-10(b)(9)], only:
 - (a) A maximum of three signs per campus, free-standing or wall mounted. A sign located along a street classified as a collector or an arterial shall not exceed one hundred fifty (150) square feet in area and twenty (20) feet in height. A sign located at the intersection of a street classified as a collector or an arterial and a local street shall not exceed seventy-five (75) square feet and fifteen (15) feet in height. No signs shall be located along a street classified as a local street or at the intersection of two local streets.
 - (b) Subdivision signs of permanent construction, free-standing or wall mounted; not exceeding one hundred (100) square feet in area; not exceeding ten (10) feet in height; no more than two per entrance along a street classified as a collector or arterial; not more than two entrances to be identified per campus. Such signs shall only be located at entrances shown on an approved development plan.
 - (c) Three wall-mounted signs for buildings with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached. Signs not located on a street frontage shall not be placed on a building face directly adjacent to any residential zone.
- (12) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
 - (a) Shall be limited to window or wall signs only.
 - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
 - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
 - (d) Shall comply with the applicable regulations for the zone in which they are located.
 - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (f) *Neighborhood Business Zone (B-1)*. Permitted signs may be freestanding or wall mounted, as specified; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless specified otherwise. No free-standing sign shall exceed twenty (20) feet in height.
 - (1) Signs shall be permitted as follows:

- (a) The total surface area of signs shall not exceed one and one-half (1½) square feet per linear foot of street or building frontage, whichever is greater; or thirty-two (32) square feet, whichever is greater.
 - (b) One free-standing sign shall be permitted per street frontage, with a maximum of two (2) free-standing signs; not exceeding fifty (50) square feet per sign; minimum setback shall be ten (10) feet.
 - (c) One projecting sign not exceeding fifty (50) square feet in area, not exceeding twelve (12) feet in height, and only directly or indirectly illuminated, shall be permitted in lieu of all free-standing signage, as permitted herein, under the following circumstances:
 - (1) the parcel on which the sign is placed is located within the defined Infill and Redevelopment Area; and
 - (2) the existing principal structure on the parcel is located ten (10) feet or less from the front property line.
 - (d) The surface area of a wall-mounted sign shall not exceed fifteen percent (15%) of the wall area to which it is attached or thirty-two (32) square feet, whichever is greater, each wall to be considered separately. Only one sign shall be permitted per wall. In the case of a building containing two or more separate uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual tenant.
 - (e) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area, and direct illumination shall be permitted.
 - (f) Canopy or awning signs (including above-canopy signs) shall be permitted and included in the computation of the maximum permitted sign area and limited to the percentage allowable for wall signs.
- (2) In conjunction with an indoor theater, one marquee, not to exceed twenty-four (24) square feet per theater; such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board attached to one free-standing sign, not to exceed twenty-four (24) square feet per theater. The area of the marquee and attraction board shall be included in the computation of the maximum permitted sign area. (Note: Where an attraction board attached to a free-standing sign is not utilized, a second marquee, mounted on a different building face, shall be permitted as regulated above.)
 - (3) One attraction board, wall mounted or attached to a permitted free-standing sign; the area of the attraction board to be included in the maximum permitted sign area.
 - (4) Traffic directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free-standing, not to exceed two (2) signs per entrance.
 - (5) One sign per tenant or lessee, not exceeding two (2) square feet in area; nonilluminated or indirectly illuminated.
 - (6) One menu board per restaurant use or one menu board per drive-through lane. All copy (including any logos, restaurant name, etc., shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding forty-five (45) square feet in area; maximum height of eight (8) feet if free-standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.
 - (7) One menu box per restaurant use, not exceeding four (4) square feet.
 - (8) Pole-mounted banner signs shall be permitted, subject to the following:

- (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
 - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
 - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
 - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (9) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
- (a) Shall be limited to window or wall signs only.
 - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
 - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
 - (d) Shall comply with the applicable regulations for the zone in which they are located.
 - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (g) Highway-service Corridor Business, Corridor Node, Warehouse/Wholesale, and Industrial Zones (B-3, CN, B-4, I-1, I-2). Permitted signs may be free-standing or wall mounted, as specified; signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated unless specified otherwise; no free-standing sign shall exceed twenty-five (25) feet in height; no free-standing billboard shall exceed forty (40) feet in height.
- (1) Signs shall be permitted as follows:
 - (a) The total surface area of signs shall not exceed two (2) square feet per linear foot of street or building frontage, whichever is greater; or thirty-two (32) square feet, whichever is greater.
 - (b) One free-standing sign per lot shall be permitted per street frontage, with a maximum of two (2) free-standing signs; not exceeding seventy-five (75) square feet per sign; minimum setback shall be ten (10) feet.
 - (c) The surface area of wall-mounted sign(s) shall not exceed fifteen percent (15%) of the wall area to which it is attached or thirty-two (32) square feet, whichever is greater, each wall to be considered separately. Only one sign shall be permitted per wall. In the case of a building containing two or more separate uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual tenant.
 - (d) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area.
 - (2) Traffic directional signs and signs on or under a canopy or awning shall be permitted as regulated in the B-1 zone.
 - (3) In conjunction with an indoor theater: one marquee, not to exceed twenty-four (24) square feet per theater; such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board attached to one free-standing sign, not to exceed twenty-four (24) square feet per theater. The area of the marquee and attraction board shall be included in the computation of the maximum permitted sign area. (Note: Where an attraction board attached to a free-

standing sign is not utilized, a second marquee, mounted on a different building face, shall be permitted as regulated above.)

- (4) One attraction board, wall mounted or attached to a permitted free-standing sign, the area of the attraction board to be included in the maximum permitted sign area.
- (5) Menu boards as permitted and regulated in the B-1 zone.
- (6) In addition, billboards shall be permitted as follows:
 - (a) The lot must abut a federal or state highway.
 - (b) No billboard shall exceed four hundred (400) square feet in area.
 - (c) No billboard shall be permitted within one hundred fifty (150) feet of any residential zone.
 - (d) No billboard shall be located within five hundred (500) feet of another billboard.
 - (e) Billboards shall be required to be set back from any street right-of-way twenty (20) feet, or at the same setback as any principal building on the lot, whichever is less.
- (7) As part of a permitted free-standing or wall-mounted billboard or sign for an indoor or outdoor stadium or arena located in a B-3 zone having a permanent seating capacity in excess of five thousand (5,000) persons for athletic and cultural events, an electronic message display system shall be permitted; not exceeding fifty percent (50%) of the total sign area of the permitted sign. No moving or scrolling messages shall be permitted. Messages displayed may be changed not more frequently than every fifteen (15) seconds.
- (8) Pole-banner signs shall be permitted only if displayed in a parking area accessory to a mixed-use project, and subject to the following restrictions:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Pole-mounted banners shall be permitted on light fixtures in parking areas located outside the public right-of-way.
 - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
 - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking area.
 - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (9) Subdivision signs, only for projects governed by a unified development plan and exceeding four (4) acres in size; one (1) subdivision sign shall be permitted per public street frontage, with a maximum of three (3) signs; not exceeding seventy-five (75) square feet per sign; with a maximum height of ten (10) feet. The total square footage of each subdivision sign shall be counted towards the maximum amount of signage available for the lot allowed under Section 17-11(g)(1)(a) above.

Subdivision signs shall be located at least fifty (50) feet away from any free-standing signs.
- (10) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
 - (a) Shall be limited to window or wall signs only.
 - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
 - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
 - (d) Shall comply with the applicable regulations for the zone in which they are located.

- (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (h) *Downtown Business Zones (B-2, B-2A)*. Permitted signs may be free-standing or wall mounted, as specified; such signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated, unless specified otherwise.
 - (1) Signs shall be permitted as follows:
 - (a) One free-standing sign shall be permitted for each street frontage, not to exceed two free-standing signs. The free-standing signs shall have a maximum area of forty (40) square feet, a maximum height of twenty (20) feet, and a maximum projection into the right-of-way of twelve (12) inches.
 - (b) One wall-mounted sign per building face shall be permitted, placed at a height of fifty (50) feet or higher. Such sign shall have a maximum area of three percent (3%) of the wall area to which it is attached, with a maximum projection into the right-of-way of twelve (12) inches.
 - (c) In addition to the wall sign permitted under (b) above, one additional wall mounted sign shall be permitted per building face. Such sign shall have a maximum lettering height or vertical cabinet dimension of two and one-half (2½) feet, and shall be located at a height of less than fifty (50) feet on the building, with a maximum projection into the right-of-way of twelve (12) inches.
 - (d) In addition to the wall mounted signs permitted under (b) and (c) above, each establishment within the building, having a separate and direct entrance to the outside, shall be permitted one wall sign per street building face. Such sign shall be located no lower than ten (10) feet nor higher than thirty (30) feet on the building, and mounted on the building where the establishment is located. Such sign shall have a maximum area of one and one-half (1½) square feet per linear foot of frontage, not to exceed eighty (80) square feet, with a maximum projection into the right-of-way of twelve (12) inches.
 - (e) One projecting sign, not exceeding fifty (50) square feet in area, shall be permitted for each establishment within the building having a separate and direct entrance to the outside. Such sign shall have a minimum vertical clearance of ten (10) feet and a height limit of thirty (30) feet as attached to the building. Such sign shall be mounted on the building so that it does not conflict with wall mounted signs permitted under (b) above or with any windows, doors or other architectural features of the building; and with a maximum projection from the face of the building and into the adjacent right-of-way of eight (8) feet. In no case shall a projecting sign be closer than two (2) feet to the back of curb of any adjacent roadway.
 - (f) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area.
 - (2) Wall-mounted signs, not exceeding five (5) square feet, with a maximum letter height of six (6) inches; located no higher than ten (10) feet on the face of the building; one sign per establishment having a separate and direct entrance to the outside; maximum projection into the right-of-way of twelve (12) inches.
 - (3) Traffic directional signs, menu boards, and menu boxes shall be permitted as regulated in the B-1 zone.
 - (4) Canopy or awning signs shall be permitted in lieu of allowable wall signs, not exceeding twenty percent (20%) of the face of the canopy or awning. Under canopy or under-awning signs shall be permitted. Above-canopy signs shall be permitted and limited to the percentage allowable for wall signs.

- (5) Banner signs, pennants and streamers shall be permitted; limited to one such banner, pennant or streamer per ten (10) feet of linear frontage, a total maximum area of fifteen percent (15%) of the wall area to which it is attached, a minimum of eight (8) feet of vertical clearance and a maximum projection into the right-of-way of three (3) feet.
- (6) A-frame or sandwich board type signs shall be permitted as follows:
 - (a) Maximum size of eight (8) square feet per panel, maximum height forty-eight (48) inches, maximum width twenty-four (24) inches;
 - (b) One sign per street front, maximum two signs;
 - (c) Placement of sign shall allow for four (4) clear feet of sidewalk width;
 - (d) Sign shall be in place only when business is open;
 - (e) Placement of sign not to restrict egress from parked cars, and not over curb line;
 - (f) Shall be maintained in good condition;
 - (g) Shall not be attached to any public utility pole, street light standard or tree;
 - (h) Non-illuminated.
- (7) In addition to other permitted signs, wall-mounted electronic message display center boards shall be permitted for civic centers which contain exhibition halls and an arena for athletic and cultural events; for hotels and motels containing conference centers and restaurants; for television and radio system signal distribution centers and studios; and for banks, securities and commodities brokers, credit institutions, savings and loans, and investment companies. The total surface area shall not exceed eighty (80) square feet per sign. One electronic message display center shall be permitted per street front, with a maximum of two signs.
- (8) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
 - (a) Shall be limited to window or wall signs only.
 - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
 - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
 - (d) Shall comply with the applicable regulations for the zone in which they are located.
 - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (9) Pole-mounted banner signs shall be permitted in the B-2 zone, subject to the following:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
 - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
 - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
 - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (i) *Lexington Center Business Zone (B-2B)*. Permitted signs may be free-standing or wall mounted, as specified; such signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated; painted wall signs shall be prohibited. No free-standing sign permitted under this section shall exceed twenty (20) feet in height, nor project into the right-of-way more than twelve (12) inches.

- (1) Wall-mounted signs, canopy or awning signs, under-canopy or under-awning signs, above-canopy signs and banner signs shall be permitted as regulated in the B-2 and B-2A zones.
- (2) In addition to the other signs permitted in this zone, four (4) wall-mounted electronic message display system signs shall be permitted for civic centers which contain exhibition halls and an arena for athletic and cultural events. Two (2) such signs, not exceeding two hundred (200) square feet, shall be permitted. Two (2) additional signs may also be erected, not exceeding fifty (50) square feet each. Electronic message display system signs may be mounted on the wall of the civic center or any structure having a common wall with the civic center.
- (3) Traffic directional signs and menu boards shall be permitted as regulated in the B-1 zone.
- (4) A-frame or sandwich board type signs shall be permitted and regulated as in the B-2 and B-2A zones.
- (5) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
 - (a) Shall be limited to window or wall signs only.
 - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
 - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
 - (d) Shall comply with the applicable regulations for the zone in which they are located.
 - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (6) In conjunction with an indoor theater, one marquee, not to exceed thirty (30) square feet per theater, with a maximum of three-hundred (300) square feet; such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum sign clearance of eight (8) feet. Marquee signs may utilize electronic message display systems, only if the sign complies with the following additional requirements:
 - (a) Image: Sign must be static and there shall be no moving or scrolling messages, special effects, or animations.
 - (b) Location:
 - i. The sign shall not interfere with, imitate, or resemble an official traffic sign, signal, or traffic control device;
 - ii. The sign shall not be located directly adjacent to, or directly across public right-of-way or a private road, from a residential zone.
 - (c) Duration of message: The sign shall remain static for a period of not less eight (8) seconds. The transition from one (1) message or image to the next shall be direct and immediate.
 - (d) Luminance: Between sunrise and sunset, the maximum luminance shall be five thousand (5,000) nits, and between sunset and sunrise, the maximum luminance shall be five hundred (500) nits. Sunrise and sunset shall be determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for Lexington-Fayette Urban County. The sign must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's luminance.
 - (e) The marquee sign shall not display messages or be illuminated when the use is closed.
- (j) *Interchange Service Business Zone (B-5P)*. Permitted signs shall be either free standing or wall mounted; signs may be non-illuminated, indirectly illuminated, internally illuminated, or directly illuminated.

- (1) Wall-mounted signs and window signs shall be regulated as under Section 17-11(f)(1). Free-standing signs shall be regulated as follows:
 - (a) One free-standing sign per lot shall be permitted, with a maximum area of three hundred fifty-six (356) square feet, with a maximum height of ninety (90) feet, but not below a minimum height of seventy-five (75) feet; a minimum setback of ten (10) feet from any right-of-way shall be required.
 - (b) In addition, one free-standing sign per street frontage shall be permitted to a maximum of two (2) signs; sign area shall not exceed fifty (50) square feet; sign height shall not exceed twenty (20) feet; a minimum setback of ten (10) feet from any street shall be required.
- (2) One attraction board, wall mounted or attached to the free-standing sign permitted under Section 17-11(j)(1)(b) above; the area of the attraction board to be included in the maximum permitted sign area.
- (3) Menu boards and traffic directional signs shall be permitted and regulated as in the B-1 zone.
- (4) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
 - (a) Shall be limited to window or wall signs only.
 - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
 - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
 - (d) Shall comply with the applicable regulations for the zone in which they are located.
 - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (5) Pole-mounted banner signs shall be permitted, subject to the following:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
 - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
 - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
 - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (k) *Commercial Center Zone (B-6P)*. Signs within the B-6P zone shall be permitted and regulated as for B-1 [Section 17-11(f)], except as follows:
 - (1) Regional Shopping Centers (30 acres or greater) may have one free-standing sign per street frontage with a maximum of one hundred fifty (150) square feet per sign face and a maximum height of thirty (30) feet. All other Shopping Centers (less than 30 acres) may have one free-standing sign per street frontage with a maximum of seventy-five (75) square feet per sign face and a maximum height of twenty-five (25) feet
 - (2) Non-illuminated or indirectly illuminated projecting signs may be permitted in lieu of wall signs.
 - (3) Multi-Family Residence. Multi-family residential buildings may have:
 - (a) One free-standing sign per entrance that shall not exceed a combined total of thirty-two (32) square feet in area and eight (8) feet in height.

- (b) One wall sign that shall not exceed twelve (12) square feet in area.
- (4) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
 - (a) Shall be limited to window or wall signs only.
 - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
 - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
 - (d) Shall comply with the applicable regulations for the zone in which they are located.
 - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (5) Pole-mounted banner signs shall be permitted, subject to the following:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
 - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
 - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
 - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (l) *Planned Unit Development Zones (PUD)*. A permitted signs height, size, location, and design features shall be determined by the sign requirements set forth in the zone in which the proposed or existing use is first permitted.
- (m) *University Research Campus Zone (P-2)*. Signs within the P-2 zone shall be permitted and regulated as for P-1 [Section 17-11(e)], except as follows:
 - (1) Wall-mounted signs shall be limited to one per wall, with a maximum of four (4); wall mounted signs not to exceed five percent (5%) of the wall area to which it is attached.
 - (2) Signs within the designated retail area or mixed-use areas shall be permitted and regulated as in the B-6P [Section 17-11 (k)] zone.
 - (3) Subdivision signs shall be permitted and regulated under Section 17-11(e)(10)(c).
 - (4) Temporary signs. One temporary sign per street frontage shall be allowed subject to the following conditions:
 - (a) Shall be limited to window or wall signs only.
 - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
 - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
 - (d) Shall comply with the applicable regulations for the zone in which they are located.
 - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (n) *Mixed Use 2: Neighborhood Corridor Zone (MU-2)*. Signage shall be as permitted and restricted as follows:

- (1) Signs shall be non-illuminated, indirectly illuminated or internally illuminated, unless otherwise specified.
- (2) No free-standing sign shall exceed ten (10) feet in height.
- (3) Signs shall be permitted as follows:
 - (a) One free-standing sign shall be permitted per street frontage, per development, with a maximum of two (2) free-standing signs; not exceeding seventy-five (75) square feet per sign.
 - (b) The surface area of wall-mounted signs shall not exceed fifteen percent (15%) of the wall area to which they are attached, or thirty-two (32) square feet, whichever is greater; each wall to be considered separately. Only one sign shall be permitted per wall. In the case of a building containing two or more separate uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual tenant.
 - (c) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area; and direct illumination shall be permitted.
 - (d) Canopy or awning signs shall be permitted and limited to the percentage allowable for wall signs. Under-canopy, over-canopy, or under-awning signs shall be permitted.
- (4) Projecting signs shall be permitted in addition to wall-mounted signs, where the purpose of such projecting signs is to create a unified and distinct mixed use area. No more than one (1) sign for each establishment within the building, having a separate and direct entrance to the outside, per street building face. Such sign shall extend no lower than eight (8) feet over the public right-of-way and must be mounted on the building where the establishment is located. Such sign shall have a maximum area of thirty-two (32) square feet, with a maximum projection from the wall of the building of no more than four (4) feet.
- (5) An attraction board may be attached to a free-standing sign, provided it does not exceed the area of the free-standing sign. The area of the attraction board shall be included in the computation of the area of the free-standing sign.
- (6) Traffic directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free-standing, not to exceed two (2) signs per entrance.
- (7) One sign per tenant or lessee, not exceeding two (2) square feet in area; nonilluminated or indirectly illuminated.
- (8) One menu board per restaurant use. All copy shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding thirty (30) square feet in area; maximum height of eight (8) feet if free-standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.
- (9) One menu box per restaurant use, not exceeding four (4) square feet.
- (10) Wall-mounted banner signs, pennants and streamers shall be permitted, limited to one (1) such banner, pennant or streamer per ten (10) feet of linear frontage; a total maximum area of ten percent (10%) of the wall area to which it is attached; a minimum of eight (8) feet of vertical clearance; and a maximum projection into the right-of-way of three (3) feet.
- (11) Pole-mounted banner signs shall be permitted, subject to the following:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
 - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.

- (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
 - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (o) *Mixed Use 3: Mixed-Use Community Zone (MU-3)*. Signage shall be permitted and restricted as in the MU-2 zone, except as follows:
- (1) Wall-mounted banner signs, pennants and streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which they are attached, with all other restrictions from the MU-2 zone.
 - (2) Pole-mounted banner signs shall be permitted, subject to the following:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
 - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
 - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
 - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
 - (f) Pole banners in parking lots located in another zone that are incorporated in an approved final development plan for an MU-3 project are permitted, subject to the same restrictions and requirements applicable to the pole-banner signs for the MU-3 project.
 - (3) A-frame or sandwich board type shall be permitted as follows:
 - (a) Maximum size of eight (8) square feet per panel, maximum height forty-eight (48) inches, maximum width twenty-four (24) inches;
 - (b) One sign per street frontage, maximum two signs;
 - (c) Placement of sign shall allow for four (4) clear feet of sidewalk width;
 - (d) Sign shall be in place only when business is open;
 - (e) Placement of sign not to restrict egress from parked cars and not over curb line;
 - (f) Shall be maintained in good condition;
 - (g) Shall not be attached to any public utility pole, street light standard or tree; and
 - (h) Shall be non-illuminated.
 - (4) One (1) free-standing sign per street frontage, per development, shall be permitted. A maximum of two (2) free-standing signs per development shall be deemed as primary, not exceeding one hundred fifty (150) square feet per sign. All other freestanding signs shall be considered secondary, and shall not exceed forty (40) square feet per sign. Such signs may be located in or adjacent to the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works & Development, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for such a sign located in the right-of-way.
 - (5) One (1) project identification sign per building, per street frontage, shall be permitted, not to exceed five percent (5%) of the wall area to which it is attached. Such projecting sign shall extend no lower than eight (8) feet, with a maximum projection from the wall of the building of no more than four (4) feet.

- (6) In addition, and within a designated Entertainment Mixed-Use Project only:
 - (a) In conjunction with an indoor theater: one marquee, not to exceed twenty-four (24) square feet, shall be permitted per theater. Such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board per theater may be attached either to one free-standing sign or to the marquee, not to exceed twenty-four (24) square feet.
- (p) *Expansion Area Zones.*
 - (1) *Conservation District (CD), Expansion Area Residential (EAR-1, EAR-2 and EAR-3) and Community Center (CC) Zones.* Signage in EAR-1, EAR-2, and EAR-3 zones shall be permitted and restricted under Section 17-11(d). Signage in the Community Center (CC) Zone shall be permitted and restricted under Section 17-11(f) for nonresidential uses, and shall be permitted and restricted under Section 17-11(d) for residential uses.
 - (2) *Economic Development (ED) Zone.* Signage shall be permitted and restricted as follows:
 - (a) *Temporary signs.* One temporary sign per street frontage shall be allowed subject to the following conditions:
 - (1) Shall be limited to window or wall signs only.
 - (2) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
 - (3) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
 - (4) Shall comply with the applicable regulations for the zone in which they are located.
 - (5) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
 - (b) *Residential Supportive Uses.* On land designated for residential use within the development as defined by Article 23A-10(j)(12), signage shall be regulated as in the R-3, R-4, and R-5 zones (see Section 17-11(d)).
 - (c) *Nonresidential Principal and Supportive Uses.* On land designated for Nonresidential Principal or Supportive Uses within the development as defined by Article 23A-10(j)(12), signage shall be regulated as in the B-3, B-4, I-1, and I-2 zones (see Section 17-11(g)), subject to the following restrictions:
 - (1) Billboards shall be prohibited.
 - (2) Regional Medical Campus signage shall be regulated per Article 17-11(e)(11).
 - (3) When located within 800 feet of an interstate right-of-way, free-standing signs shall be regulated per the B-5P zone per Article 17-11(j)(1)(a) and shall be internally illuminated only.

(Ord. No. 015-2021 , § 1, 3-18-2021; Ord. No. 078-2022 , § 1, 8-30-2022)

ITEMS REFERRED TO COMMITTEE

General Government and Planning Commttee

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, 2024		0168-24
18	Urban Growth Ordinance ZOTA	P. Worley	January 16, 2024	February 13, 2024		0167-24
19	Comprehensive Plan Theme A: Equity Policies 1 & 2 Continuing Education	D Wu	January 16, 2024			
20	Office/Residential Conversions	D. Wu	January 16, 2024			
21	Two-way Street Conversions	D. Wu	January 16, 2024			
22	Bring Back the Bluegrass	D. Gray	January 16, 2024			
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 / Budget COW	FY20 March 21, 2017 / 28, 2019	May 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