

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, June 11, 2024

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

Lexington-Fayette Urban County Council
Schedule of Meetings
June 10, 2024 – June 17, 2024

Monday, June 10

No Meetings

Tuesday, June 11

General Government & Planning Committee.....1:00 p.m.
Government Center - Council Chamber, 2nd Fl.

Council Work Session.....3:00 p.m.
Government Center - Council Chamber, 2nd Fl.

Council Meeting (including first reading of the FY25 Budget).....5:00 p.m.
Government Center – Council Chamber, 2nd Fl.

Wednesday, June 12

Tree Board.....10:30 a.m.
Government Center - Council Conference Room, 5th Fl.

Commission on Veterans' Affairs.....11:30 a.m.
Lexington Senior Center - 195 Life Lane

Thursday, June 13

Confirmation Hearings: Planning Commission and Board of Adjustment.....5:00 p.m.
Government Center – Council Chamber, 2nd Fl.

Council Meeting (including second reading of the FY25 Budget).....6:00 p.m.
Government Center – Council Chamber, 2nd Fl.

Friday, June 14

No Meetings

Monday, June 17

No Meetings

**Lexington-Fayette Urban County Council
Work Session Agenda
June 11, 2024**

I. Public Comment - Issues on Agenda

II. Requested Rezoning/ Docket Approval- Yes

III. Approval of Summary- Yes

a. Table of Motions: Council Work Session, May 28, 2024, pp. 1 - 2

IV. Budget Amendments- Yes, pp. 3 - 9

V. Budget Adjustments - For Information Only- Yes, pp. 10 - 16

VI. New Business- Yes, pp. 17 - 60

VII. Communications From the Mayor – Appointments- Yes, p. n/a

VIII. Communications From the Mayor – Donations- No

IX. Communications From the Mayor – Procurements- Yes, p. 61

X. Continuing Business/ Presentations- Yes

**a. Summary: General Government and Planning Committee, May 7, 2024,
pp. 62 - 114**

b. Presentation: Lexington-Fayette Urban County Industrial Authority, pp. 115 - 123

XI. Council Reports

XII. Public Comment - Issues Not on Agenda

XIII. Adjournment

Administrative Synopsis - New Business Items

- a** **0522-24** Authorization to establish Accent Wire Tie as a sole source provider to purchase baler wire for the Materials Recovery Facility (MRF) on behalf of the LFUCG Division of Waste Management. (L0522-24) (Thurman/Albright), p. 17
- b** **0567-24** Authorization to execute a Memorandum of Agreement (MOA) with the Kentucky Transportation Cabinet (KYTC), under which LFUCG shall be paid to perform turf mowing and trimming of vegetation along certain roads under the control of KYTC, for a period of July 1, 2024, through June 30, 2026. Amounts will vary depending on the number of mows but will not exceed the contract amount of \$362,534. Funds are included in the FY 2025 Mayor's Proposed Budget. (L0567-24) (Carey/Albright), p. 18
- c** **0568-24** Authorization to amend Ordinance No. 153-2013, as amended by Ordinance No. 187-2016, and update the recommended Lexington Jobs Fund Policies and Guidelines. The Economic Development Investment Board (EDIB) unanimously approved the recommended changes on May 7, 2024. No budgetary impact. (L0568-24) (Glasscock/Atkins), pp. 19 - 20
- d** **0570-24** Authorization for the acceptance of Deeds of Conveyance and Easement from the owners of record on properties needed for the construction of the Mason Headley Improvements Project at a cost not to exceed \$369,000. Funds are budgeted. (L0570-24) (Burton/Albright) pp. 21 - 22
- e** **0572-24** Authorization to allow an inducement to Infineon Technologies, LLC for local participation in the Kentucky Business Investment (KBI) Program, which includes a 10-year local 1% wage assessment through KBI. The company is a semiconductor manufacturer. Infineon Technologies has selected Lexington to be a major growth site for Infineon America. (L0572-24) (Atkins), p. 23
- f** **0573-24** Authorization to execute a Public Infrastructure Program Forgivable Loan Agreement with Wellington Park Apartments LLC in the amount of \$500,000 for the construction of an access road and related infrastructure from Wellington Way to a proposed senior affordable apartment project located at 3125 Dorchester Place. Funds are budgeted. (L0573-24) (Bencz/Atkins), p. 24

- g** **0578-24** Authorization execute the amendment to an agreement with NAMI Lexington to budget \$170,000 to provide for an expansion of mental health court services to eligible low/moderate income persons and to extend the period of performance to December 31, 2025, and to execute any other agreements or amendments with NAMI Lexington related to the use of these funds. Funds are budgeted. (L0578-24) (Reynolds/Lanter), p. 25
- h** **0579-24** Authorization to execute Change Order No. 2 with Bluegrass Contracting Corporation for the construction of Davis Park. The change order is for an increase of \$6,498.25 and to accept additional grant funds from KYTC in the amount of \$4,979.25. The total contract amount will increase from \$1,141,801.00 to \$1,148,299.25. (L0579-24) (Conrad/Ford), pp. 26 - 29
- i** **0580-24** Authorization to purchase a Clearpass Digital Full Body Security Screening System from Romaine Companies, a sole source provider, for the Division of Community Corrections for the purpose of security inspection and identification of a foreign object on or in a human body. The total cost of the purchase is \$173,000. Funds are budgeted. (L0580-24) (Colvin/Armstrong), p. 30
- j** **0581-24** Authorization to engage Crosslin, PLLC, to conduct a financial audit of all Lexington-Fayette Urban County Government funds for FY 2024 for an amount not to exceed \$187,250 (FY2025), and to execute a Letter Agreement and any other necessary documents with Crosslin, PLLC related to the audit. Funds are included in the FY 2025 Mayor's Proposed Budget. (L0581 24) (Slatin/Hensley), pp. 31 - 32
- k** **0582-24** Authorization to amend the classified civil service authorized strength by creating one (1) classified civil service position of Program Specialist (Grade 514N) and creating one (1) classified civil service position of Community Outreach Program Manager (Grade 522E) in the Division of Environmental Services. This action was approved by the FY 2024 budget process. (L0582-24) (George/Hamilton), p. 33
- l** **0583-24** Authorization to execute an agreement with Nelson Systems, Inc., pursuant to RFP No. 28-2024, for an Eventide Logging Recorder, including two years of paid maintenance, at a cost of \$268,350.21. Funds are budgeted. (L0583-24) (Patton/Armstrong), pp. 34 - 35

m	0584-24	Authorization to create one (1) unclassified position of Mobile Crisis Responder (Grade 519N) in the Division of Fire & Emergency Services, effective upon passage of Council. The fiscal impact of this position is \$80,735.19 and is funded from the Kentucky Community Crisis CoResponder Grant through June 30, 2027. (L0584-24) (George/Hamilton), pp. 36 - 37
n	0585-24	Authorization to change street names and/or individual numbers of addresses within the 2nd, 9th, 10th, and 11th Council Districts. Changing 1875 Newtown Pike to 1850 Pisacano Park, 1201 Greendale Rd. to 2445 Mulundy Way, 3211 Nicholasville Rd. to 101 Lexington Green Cir., 1016 S Broadway to 380 Virginia Ave., 152 Jefferson St. to 161 Bruce St., 1210 Red Mile Rd. to 751 Tattersalls Way, 544 S. Forbes Rd. to 1307 Versailles Rd., 2160 Versailles Rd. to 988 Mason Headley Rd. No budgetary impact. (L0585-24) (Patton/Armstrong), p. 38
o	0586-24	Authorization to execute a Consultant Services Agreement, pursuant to RFP No. 9-2024, and award the Complete Streets Design Manual project to Toole Design Group, LLC at a cost not to exceed \$450,000. Federal funds of \$360,000 and local matching funds of \$90,000 are budgeted. (L0586-24) (Duncan/Horn), p. 39
p	0587-24	Authorization to execute an agreement for federal funding in the amount of \$360,000 from the Kentucky Transportation Cabinet for the Complete Street Design Standards Project for FY2024. Local grant match in the amount of \$90,000 is budgeted in the FY 2024 General Fund. (L0587-24) (Duncan/Horn), p. 40
q	0588-24	Authorization to execute a revised Conditional Commitment letter for accepting an award of federal funding from the Kentucky Cleaner Water Round 2 Grant (American Rescue Plan Act funds) for Ultraviolet Disinfection Systems at both treatment plants (Consent Decree projects) in the amount of \$1,281,696. (L0588-24) (Martin/Albright), pp. 41 - 42
r	0589-24	Authorization to approve and adopt a substantial amendment to the 2019 Consolidated Plan Annual Action Plan and reallocate funding from several existing Cares Act Community Development Block Grant (CDBG-CV) projects. The unspent funds will be used for one new project and increase funding to an existing project resulting in a net zero change in total CDBG_CV funding and expense to LFUCG. (L589-24) (Reynolds/Lanter), pp. 43 - 44
s	0590-24	Authorization to execute a Memorandum of Agreement with the Kentucky Science and Technology Corporation (KSTC) and the Kentucky APEX Accelerator to provide joint classes, outreach events and webinars that support the LFUCG Minority Business Enterprise Program at a cost not to exceed \$8,400.00. Funds are budgeted. (L0590-24) (Slatin/Hensley), p. 45

t	0591-24	Authorization to execute Contract Modification No. 3 with Gresham Smith for the completion of Phase III archaeological data recovery in the amount of \$485,094 for the Legacy Business Park project, bringing the total contract cost to \$3,033,304. Funds are budgeted. (L0591-24) (Bencz/Atkins), pp. 46 - 51
u	0592-24	Authorization to amend chapter 13-13(B)(19) of the Code of Ordinances to create medicinal cannabis fees licenses and setting fees, creating sections 13-83 through 13-92 to establish definitions, license requirements, prohibitions on operating without a license within Lexington-Fayette County, taxation, enforcement and appeals provisions, and provisions to deny, revoke, or fail to renew a special fees license. Medicinal cannabis business licensing can begin on July 1, 2024. Kentuckians can apply for a medical cannabis card on January 1, 2025. Local governments may enact ordinances regarding licensed cannabis businesses relating to the time, place, and manner of the business; and may establish reasonable fees to offset the operations of those businesses. No budgetary impact. (L0592-24) (Holbrook/Hensley), p. 52
v	0593-24	Authorization to accept the proposals for FY 2025 for Excess Liability Insurance from Marsh & McLennan Insurance Agency, and to execute any necessary contracts and documents on behalf of the Urban County Government with the following insurance companies and/or their respective broker Marsh & McLennan Agency: Aviation from Westchester Fire Insurance (Chubb) at a cost not to exceed \$54,014.06; General, Public Officials, Auto, Employer, Law Enforcement Liabilities from Safety National Casualty Corporation at a cost not to exceed \$779,655.74; On the road Auto from Safety National Casualty Corporation at a cost not to exceed 64,341.66; Excess Liability from Gemini Insurance Co. at a cost not to exceed \$538,850.16; Property from Affiliated Factory Mutual (FM) at a cost estimated at \$800,418.00; Cyber from Axis Company at a cost not to exceed \$56,745.36; Pollution from Illinois Union Insurance Co. (Chubb) at a cost not to exceed \$27,695.96; and Workers' Compensation from Safety National Casualty Corporation at a cost not to exceed \$515,201.00, for a total of \$2,836,921.94 in premiums for FY 2025. All subject to sufficient funds being appropriated. (L0593-24) (George/Hamilton), pp. 53 - 55
w	0594-24	Authorization to establish AE Electrical Solutions as a sole source provider for on-going maintenance to the electrical system at the LFUCG Materials Recovery Facility (MRF). (L0594-24) (Thurman/Albright), p. 56
x	0595-24	Request Council Authorization to set up Machinex Technologies as a sole source vendor for parts and services at the Materials Recovery Facility (LEX-MRF), p. 57
y	0596-24	Authorization to establish Resource Recycling Systems (RRS) as a sole source provider to obtain Professional Consulting Services for the Division of Waste Management to assist with various capital and operational improvements at the Materials Recovery Facility. (L0596-24) (Thurman/Albright), p. 58

- z** **0597-24** Authorization to establish Bullitt County Belting & Supply as a sole source provider to purchase parts, repairs and installation services for the Materials Recovery Facility (MRF) on behalf of the LFUCG Division of Waste Management. (L0597-24) (Thurman/Albright), p. 59
- aa** **0600-24** Authorization to enter into an agreement with American Response Vehicle (ARV) for the purchase of four (4) new emergency care apparatus at the cost of \$1,737,000. Funds are budgeted in FY 2024 Bond Fund. (L0600-24) (Wells/Armstrong), p. 60

**URBAN COUNTY COUNCIL
WORK SESSION
TABLE OF MOTIONS
May 28, 2024**

Mayor Gorton called the meeting to order at 3:00 p.m. Vice Mayor Wu, Council Members J. Brown, Ellinger II, Fogle, Lynch, LeGris, Monarrez, Sheehan, Gray, Worley, F. Brown, Baxter, Sevigny, Reynolds, and Plomin were present.

- I. Public Comment – Issues on Agenda
- II. Requested Rezonings/Docket Approval
- III. Approval of Summary

Motion by Fogle to approve the May 14, 2024 Work Session Summary. Seconded by Gray. Motion passed without dissent.

- IV. Budget Amendments
- V. Budget Adjustments – For Information Only
- VI. New Business

Motion by Wu to approve New Business. Seconded by Plomin. Motion passed without dissent.

- VII. Communications from the Mayor- Appointments
- VIII. Communications from the Mayor- Donations
- IX. Communications from the Mayor- Procurements
- X. Continuing Business/Presentations

Motion by Ellinger II to approve Neighborhood Development Funds. Seconded by Fogle. Motion passed without dissent.

Motion by Sheehan to approve Council Capital Projects. Seconded by Gray. Motion passed without dissent.

- XI. Council Reports

Vice Mayor Wu placed the item, LexArts Finance & Equity Review, in the Budget, Finance, and Economic Development Committee.

Motion by J. Brown to ratify the Mayor’s Proposed Budget for FY2025 as amended by the Council in its Committee of the Whole meeting regarding the budget. Seconded by Worley. Motion passed without dissent.

Motion by Wu to place the FY2025 Budget on the docket for first reading at the Urban County Council meeting at 5 p.m. on June 11, 2024. Seconded by Reynolds. Motion passed without dissent.

Motion by Plomin to place the budget amendments related to prefunding certain items in the FY2025 Budget, as amended by Council, on the docket for first reading at the Urban County Council meeting at 5 p.m. on June 11, 2024. Seconded by Sheehan. Motion passed without dissent.

XII. Public Comment – Issues Not on Agenda

XIII. Adjournment

Motion by Baxter to adjourn at 3:45 p.m. Seconded by Sevigny. Motion passed without dissent.

BUDGET AMENDMENT REQUEST LIST

JOURNAL	147854	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	11,005.50
					11,005.50CR
					.00

To reallocate funds from Woodland pool liner replacement that was covered by insurance and provide funds for fill dirt at Kearney Hill Golf Course.

JOURNAL	147918-19	DIVISION	Finance	Fund Name	General Fund
				Fund Impact	1,215,455.18
					1,215,455.18CR
					.00

To establish budgets for General Fund capital lease expenses and offsetting revenues for Leased Asset Proceeds based on FY 2024 expenses thru March. This is in accordance with GASB 87 related to leased assets.

JOURNAL	147984-85	DIVISION	Revenue	Fund Name	General Fund
				Fund Impact	550,898.73
					550,898.73CR
					.00

To provide additional budget for Ambulance Provider Assessment Program based on EMS Fees collected. The program fees are recalculated in January and these additional payments are offset by EMS revenues collected.

JOURNAL	148019-20	DIVISION	Fire and Emergency Services	Fund Name	General Fund
				Fund Impact	2,000.00
					2,000.00CR
					.00

To provide funds for conferences and other training by recognizing reimbursements.

JOURNAL	148021	DIVISION	Chief Development Officer	Fund Name	General Fund
				Fund Impact	28,786.41
					28,786.41CR
					.00

To provide funds for a vehicle related to the Coldstream development by decreasing funds for legal services.

JOURNAL	148030	DIVISION	Youth Services	Fund Name	General Fund
				Fund Impact	4,013.07
					4,013.07CR
					.00

To provide funds for Overtime and Rent/Lease Equipment in Youth Services accounts by reducing funds for payroll and repairs.

JOURNAL	148147	DIVISION	Environmental Services	Fund Name	General Fund
				Fund Impact	360,225.00
					360,225.00CR
					.00

To establish a transfer to the General Fund Capital Projects fund for the North Broadway project by decreasing funds for this project in the General Fund.

JOURNAL	148206	DIVISION	Office Of The Mayor	Fund Name	General Fund
				Fund Impact	100,000.00
					100,000.00CR
					.00

To establish a transfer to General Fund Capital Fund for Hamlet historical markers by decreasing funds for this purpose in Traffic Engineering.

JOURNAL	148212-13	DIVISION	Fire and Emergency Services	Fund Name	General Fund
				Fund Impact	2,500.00
					2,500.00CR
					.00

To provide funds for conferences and other training by recognizing revenue reimbursements.

JOURNAL	148214-15	DIVISION	Fire and Emergency Services	Fund Name	General Fund
				Fund Impact	1,000.00
					1,000.00CR
					.00

To provide funds for tuition reimbursements by recognizing revenue reimbursements.

JOURNAL	148216-17	DIVISION	Fire and Emergency Services	Fund Name	General Fund
				Fund Impact	8,500.00
					8,500.00CR
					.00

To provide funds for suppression equipment, supplies, and expenses by recognizing revenue reimbursements.

JOURNAL	148262-63	DIVISION	General Services Administration	Fund Name	General Fund
				Fund Impact	747.95
					747.95CR
					.00

To provide funds for gas utility account by recognizing a refund to the utility program.

JOURNAL	148285	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	909,504.50
					909,504.50CR
					.00

To establish a transfer to the General Fund Capital Projects Funds for various parks projects by decreasing funds for these projects in the General Fund.

JOURNAL	148316-17	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 1,500.00 1,500.00CR .00
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To provide funds for tuition reimbursements by recognizing revenues for reimbursements received.

JOURNAL	148320-21	DIVISION	Aging and Disability Services	Fund Name Fund Impact	General Fund 3,510.60 3,510.60CR .00
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To provide funds for senior center activity expenses by recognizing various revenues received.

JOURNAL	148333	DIVISION	Code Enforcement	Fund Name Fund Impact	General Fund 150,000.00 150,000.00CR .00
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To establish a transfer to General Fund Capital Projects Fund for sidewalk assistance by decreasing sidewalk funds in the General Fund. This will allow program funds to be spent after the close of FY 2024.

JOURNAL	148338	DIVISION	Chief Development Officer	Fund Name Fund Impact	General Fund 500,000.00 500,000.00CR .00
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To decrease funds for grant match related to Coldstream Legacy Park and establish a transfer to the General Fund Capital Projects Fund for the Coldstream project.

JOURNAL	148346	DIVISION	Community Corrections	Fund Name Fund Impact	General Fund 250,000.00 250,000.00CR .00
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To establish a transfer to the General Fund Capital Projects Fund for the Community Corrections boiler project. This will allow the project to be completed after the end of FY 2024.

JOURNAL	148385-86	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 1,315.37 1,315.37CR .00
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To provide funds for gas utility account by recognizing a refund to the utility budget in Fire.

JOURNAL	148422-23	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 8,000.00 8,000.00CR .00
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To provide funds for suppression equipment, supplies, and expenses by recognizing revenues for reimbursements received.

JOURNAL	148318-19	DIVISION	Aging and Disability Services	Fund Name Fund Impact	Donation Fund 3,719.90 3,719.90CR .00
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To provide funds Senior Center by recognizing various revenues received.

JOURNAL	148143-44	DIVISION	Environmental Services	Fund Name Fund Impact	General Capital Fund 360,225.00 360,225.00CR .00
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To provide funds for North Broadway Median Greening Project by recognizing a transfer from the General Fund for this purpose

JOURNAL	148207-08	DIVISION	Office Of The Mayor	Fund Name Fund Impact	General Capital Fund 100,000.00 100,000.00CR .00
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To provide funds for Hamlet historical marker project to be overseen by Racial Justice and Equity Commission by recognizing a transfer from the General Fund.

JOURNAL	148265-66	DIVISION	Parks and Recreation	Fund Name Fund Impact	General Capital Fund 125,000.00 125,000.00CR .00
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To provide funds for Gainesway Futsal capital project by recognizing a transfer from the General Fund for this purpose.

JOURNAL	148269-70	DIVISION	Parks and Recreation	Fund Name Fund Impact	General Capital Fund 160,510.00 160,510.00CR .00
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To provide funds for Parks ADA Improvements by recognizing a transfer from General Fund for this purpose.

JOURNAL	148273-74	DIVISION	Parks and Recreation	Fund Name Fund Impact	General Capital Fund 150,000.00 150,000.00CR .00
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To provide funds for Martin Luther King Park Parking Renovation Project by recognizing a transfer from General Fund for this purpose.

JOURNAL	148277-78	DIVISION	Parks and Recreation	Fund Name Fund Impact	General Capital Fund 250,000.00 250,000.00CR .00
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To provide funds for Martin Luther King Park Basketball Courts Replacement Project by recognizing a transfer from General Fund for this purpose.

JOURNAL	148281-82	DIVISION	Parks and Recreation	Fund Name	General Capital Fund
				Fund Impact	73,994.50
					73,994.50CR
					.00

To provide funds for Douglass Park Ball Fields capital project by recognizing a transfer from General Fund for this purpose.

JOURNAL	148286-87	DIVISION	Parks and Recreation	Fund Name	General Capital Fund
				Fund Impact	150,000.00
					150,000.00CR
					.00

To provide funds for Belleau Wood Pickleball Renovation Project by recognizing a transfer from General Fund for this purpose.

JOURNAL	148334-35	DIVISION	Code Enforcement	Fund Name	General Capital Fund
				Fund Impact	150,000.00
					150,000.00CR
					.00

To provide funds for sidewalk assistance by recognizing a transfer from the General Fund for this purpose. This will allow program funds to be spend after the close of FY 2024.

JOURNAL	148341-42	DIVISION	Chief Development Officer	Fund Name	General Capital Fund
				Fund Impact	500,000.00
					500,000.00CR
					.00

To provide funds for Coldstream Legacy Park and by recognizing a transfer from the General Fund for this purpose.

JOURNAL	148348-49	DIVISION	Community Corrections	Fund Name	General Capital Fund
				Fund Impact	290,000.00
					290,000.00CR
					.00

To provide funds for Community Corrects boiler project by recognizing a transfer from the General Fund and reallocating funds remaining from Corrections parking lot project.

JOURNAL	147920-21	DIVISION	Finance	Fund Name	Urban Fund
				Fund Impact	8,658.16
					8,658.16CR
					.00

To establish budgets for Urban Fund capital lease expenses and offsetting revenues for Leased Asset Proceeds based on FY 2024 expenses thru March. This is in accordance with GASB 87 related to leased assets.

JOURNAL	148046	DIVISION	Traffic Engineering	Fund Name	Cultural Center & Civic Cntr
				Fund Impact	40,000.00
					40,000.00CR
					.00

To provide bond funds for Bryan Avenue pedestrian improvements by reallocating funds for the Lyric Parking lot project.

JOURNAL	148302-03	DIVISION	Grants and Special Programs	Fund Name	US Dept of Agriculture
				Fund Impact	66,092.00
					66,092.00CR
					.00

To recognize grant funds from the USDA Natural Resources Conservation Service Agricultural Conservation Easement Program, 2023 Cooperative Agreement (grant).

JOURNAL	148339-40	DIVISION	Grants and Special Programs	Fund Name	US Dept of Transportation
				Fund Impact	4,979.25
					4,979.25CR
					.00

To budget additional funds awarded on Newtown Pike FY 2011.

JOURNAL	148353-54	DIVISION	Grants and Special Programs	Fund Name	US Dept of Transportation
				Fund Impact	150,000.00
					150,000.00CR
					.00

To budget additional funds awarded on Complete Streets Project.

JOURNAL	148380-81	DIVISION	Grants and Special Programs	Fund Name	US Dept of Treasury
				Fund Impact	116,518.00
					116,518.00CR
					.00

To budget additional funds awarded on Kentucky Cleaner Water Grant (American Rescue Plan Act funds) for Town Branch and West Hickman Wastewater Treatment Plants ultraviolet disinfection equipment.

JOURNAL	148358-59	DIVISION	Grants and Special Programs	Fund Name	Grants - Other
				Fund Impact	33,717.68
					33,717.68CR
					.00

To close out grant for PNC FY 2011. These funds will be moved to Family Care Center/PNC FY 2024 grant by a separate budget amendment.

JOURNAL	148360-61	DIVISION	Grants and Special Programs	Fund Name	Grants - Other
				Fund Impact	33,717.68
					33,717.68CR
					.00

To provide funds for Family Care Center PFC FY 2024 grant by recognizing funds remaining from PNC FY 2011.

JOURNAL	148306-07	DIVISION	Water Quality	Fund Name	Sanitary Sewer Fund
				Fund Impact	89.86
					89.86CR
					.00

To provide funds for gas utility account by recognizing a refund to the utility program in Water Quality.

JOURNAL	148326	DIVISION	Water Quality	Fund Name	Water Quality Mgmt Fund
				Fund Impact	200,000.00
					.00CR
					200,000.00

To establish a transfer to the Water Quality Construction Fund for repairs required by state inspection at Reservoir 3. Water Quality and the Department of Law are working to seek reimbursement for expenses after repairs are complete.

JOURNAL	148322-23	DIVISION	Water Quality	Fund Name	Water Quality Construction
				Fund Impact	200,000.00
					200,000.00CR
					.00

To provide funds for repairs required by state inspection at Reservoir 3 by recognizing a transfer from the Water Quality Fund. Water Quality and the Department of Law are working to seek reimbursement for expenses after repairs are complete.

BUDGET AMENDMENT REQUEST SUMMARY

1101	General Services District Fund	.00
1103	Donation Fund	.00
1105	General Fund Capital Projects	.00
1115	Full Urban Services District Fund	.00
2502	Cultural Center & Civic Center Expansion Fund	.00
3100	US Department of Agriculture	.00
3160	US Department of Transportation	.00
3230	US Department of Treasury	.00
3300	Grants - Other	.00
4002	Sanitary Sewer Revenue and Operating Fund	.00
4051	Water Quality Management Fund	200,000.00
4052	Water Quality Construction Fund	.00

FOR INFORMATION ONLY

BUDGET ADJUSTMENT LIST
APPROVED MAY 6 THROUGH MAY 31, 2024

JOURNAL	147828	DIVISION	Council Office	Fund Name	General Fund	
				Fund Impact		85.56
						85.56CR
						.00

To reallocate funds in the 4th District office to accommodate year-end spending.

JOURNAL	147833	DIVISION	Elections - County Court Clerk	Fund Name	General Fund	
				Fund Impact		17,325.00
						17,325.00CR
						.00

To provide funds for operating supplies to network connectivity to meet current needs.

JOURNAL	147851	DIVISION	Council Office	Fund Name	General Fund	
				Fund Impact		65.00
						65.00CR
						.00

To provide funds for Business Travel by decreasing funds for Food and Household Items, all within the Office of the Vice Mayor.

JOURNAL	147852	DIVISION	Council Office	Fund Name	General Fund	
				Fund Impact		65.00
						65.00CR
						.00

To provide funds for Business Travel by reducing funds for Food and Household Items, all within Council District 4.

JOURNAL	147853	DIVISION	Police	Fund Name	General Fund	
				Fund Impact		9,000.00
						9,000.00CR
						.00

To provide funds to Professional Services for Language Line Services by reallocating funds from Software Maintenance.

JOURNAL	147905	DIVISION	Office Of The Mayor	Fund Name	General Fund	
				Fund Impact		4,174.19
						4,174.19CR
						.00

To provide funds for operating expenses by decreasing funds from business travel, professional services, and conferences, all within Racial Justice section.

FOR INFORMATION ONLY

JOURNAL	147962	DIVISION	Code Enforcement	Fund Name	General Fund	
				Fund Impact		1,462.50
						1,462.50CR
						.00

To reallocate a portion of FEMA Code Enforcement Grant match within the division to match the actual charges for the grant match.

JOURNAL	147993	DIVISION	Streets and Roads	Fund Name	General Fund	
				Fund Impact		27.30
						27.30CR
						.00

To provide funds for Required Certification/Training accounts by decreasing funds from Conference and Other Training account, all in the General Fund.

JOURNAL	148013	DIVISION	Council Office	Fund Name	General Fund	
				Fund Impact		200.00
						200.00CR
						.00

To reallocate funds in the 10th District Council Office to provide for end of year spending.

JOURNAL	148018	DIVISION	Council Office	Fund Name	General Fund	
				Fund Impact		120.00
						120.00CR
						.00

To reallocate funds in the 11th District Council Office to provide for end of year spending.

JOURNAL	148022	DIVISION	Office Of The Mayor	Fund Name	General Fund	
				Fund Impact		2,327.32
						2,327.32CR
						.00

To provide funds for business travel by reducing funds from legal and food services.

JOURNAL	148048	DIVISION	Community and Resident Services	Fund Name	General Fund	
				Fund Impact		10,000.00
						10,000.00CR
						.00

To move operating funds from Short Term Lodging to Replacement Housing Assistance due to increase need for services in the community.

JOURNAL	148104	DIVISION	Facilities and Fleet Management	Fund Name	General Fund	
				Fund Impact		4,700.00
						4,700.00CR
						.00

To provide funds for the purchase of a reach-in refrigerator and freezer for the Pam Miller Downtown Arts Center.

FOR INFORMATION ONLY

JOURNAL	148142	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 3,335.00 3,335.00CR .00
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To provide funds for Health and Wellness supplies by reducing professional services funds.

JOURNAL	148180	DIVISION	Social Services Administration	Fund Name Fund Impact	General Fund 1,720.00 1,720.00CR .00
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To provide funds for Partners for Youth for Rent/Lease and Repairs and Maintenance by reducing funds in Operating Supplies and Expense.

JOURNAL	148185	DIVISION	Planning	Fund Name Fund Impact	General Fund 18,150.00 18,150.00CR .00
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To correct accounting for grant match for FTA Section 5303 grant.

JOURNAL	148204	DIVISION	Office Of The Mayor	Fund Name Fund Impact	General Fund 3,155.20 3,155.20CR .00
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To provide funds for marketing by decreasing funds from food and assistance, all within One Lexington.

JOURNAL	148205	DIVISION	Office Of The Mayor	Fund Name Fund Impact	General Fund 1,500.00 1,500.00CR .00
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To provide funds for travel and operating by reducing funds from required training, all within Racial Justice and Equity Commission.

JOURNAL	148260	DIVISION	Parks and Recreation	Fund Name Fund Impact	General Fund 3,505.44 3,505.44CR .00
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To reallocate funds for Seasonal Salaries in Parks Planning and Design by decreasing funds in Parks Maintenance.

JOURNAL	148261	DIVISION	Chief Development Officer	Fund Name Fund Impact	General Fund 15,000.00 15,000.00CR .00
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To reallocate various operating accounts to meet current needs for the remainder of the fiscal year.

FOR INFORMATION ONLY

JOURNAL	148264	DIVISION	Planning	Fund Name	General Fund	
				Fund Impact		1,271.20
						1,271.20CR
						.00

To provide funds for repairs and maintenance by reducing funds for subscriptions and publications.

JOURNAL	B147656	DIVISION	Council Office	Fund Name	General Fund	
				Fund Impact		7,000.00
						7,000.00CR
						.00

To provide funds for Parks and Recreation's Sense of Place Hamlets project by transferring funds for Neighborhood Development. This is authorized by NDF Resolution 234-2024.

JOURNAL	B147657	DIVISION	Council Office	Fund Name	General Fund	
				Fund Impact		194.00
						194.00CR
						.00

To provide funds for Parks and Recreation to cover showmobile and staff costs for 4.6 hours for the Fire Station 12 tree lighting event by transferring funds for Neighborhood Development. This is authorized by NDF Resolution 234-2024.

JOURNAL	147849	DIVISION	Facilities and Fleet Management	Fund Name	General Capital Fund	
				Fund Impact		245,443.72
						245,443.72CR
						.00

To reallocate funds for vehicle and related equipment to accurately reflects accounts where vehicles and equipment where purchased.

JOURNAL	147904	DIVISION	LexCall	Fund Name	Urban Fund	
				Fund Impact		110.00
						110.00CR
						.00

To provide funds for landline phone service by reducing professional services.

JOURNAL	147990	DIVISION	Streets and Roads	Fund Name	Urban Fund	
				Fund Impact		500.00
						500.00CR
						.00

To provide funds for Operating Supplies and Expense accounts by decreasing funds from Equipment Under \$5000 account, all in the Urban Fund.

FOR INFORMATION ONLY

JOURNAL	147992	DIVISION	Streets and Roads	Fund Name	Urban Fund	650.00
				Fund Impact		650.00CR .00

To provide funds for Conferences and Other Training accounts by decreasing funds from Dues account, all in the Urban Fund.

JOURNAL	147986	DIVISION	Water Quality	Fund Name	Sanitary Sewer Fund	170,000.00
				Fund Impact		170,000.00CR .00

To provide funds for necessary sludge disposal fees by decreasing various other operating budgets.

JOURNAL	148045	DIVISION	Water Quality	Fund Name	Sanitary Sewer Fund	30,000.00
				Fund Impact		30,000.00CR .00

To increase funds for Outside Labor to cover costs through the end of the fiscal year.

JOURNAL	147989	DIVISION	Streets and Roads	Fund Name	Water Quality Mgmt Fund	500.00
				Fund Impact		500.00CR .00

To provide funds for Repairs and Maintenance accounts by decreasing funds from Professional Services, all in the Water Quality Fund.

JOURNAL	147991	DIVISION	Streets and Roads	Fund Name	Water Quality Mgmt Fund	314.00
				Fund Impact		314.00CR .00

To provide funds for Conferences and Other Training accounts by decreasing funds from Dues account, all in the Water Quality Fund.

JOURNAL	148017	DIVISION	Environmental Services	Fund Name	Water Quality Mgmt Fund	10,100.00
				Fund Impact		10,100.00CR .00

To move funds from Repairs and Maintenance and Operating to Professional Services to cover expenses for Natural Resource Protection.

JOURNAL	148247	DIVISION	Environmental Services	Fund Name	Water Quality Mgmt Fund	7,000.00
				Fund Impact		7,000.00CR .00

To provide funds for repairs and maintenance by reducing funds for professional services, all in Natural Resource Protection.

FOR INFORMATION ONLY

JOURNAL	147765	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of HUD 20,683.36 20,683.36CR .00
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To amend Community Development Block Grant (CDBG) FY 2019 to reflect actual expenses incurred and to increase the budget amount for housing rehab operating supply expenses.

JOURNAL	147748	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of HHS 4,540.12 4,540.12CR .00
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To move funds from Professional Service-Other to Operating Supplies and Expense on Senior Citizen-COVID FY 2020 grant.

JOURNAL	147835-36	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of HHS 141,789.58 141,789.58CR .00
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To correct fund number for HANDS (Health Access Nurturing Development Services) Settlement by decreasing funds under US Department of Health and Human Services.

JOURNAL	148178	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of HHS 75,166.23 75,166.23CR .00
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To move funds from Professional Service-Other to Salary plus Fringe Benefits on Substance Abuse and Mental Health Services Administration (SAMHSA) Barrier Free Re-Entry and Recovery Initiative FY 2023.

JOURNAL	147766	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Homeland Sec 30,999.11 30,999.11CR .00
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To move funds on Emergency Management FY 2024 to cover grant expenses in operating accounts.

JOURNAL	148179	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Homeland Sec 15,000.00 15,000.00CR .00
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To move funds from Software Maintenance to Professional Service-Other on Chemical Stockpile Emergency Preparedness Program (CSEPP) FY 2023.

JOURNAL	147837-38	DIVISION	Grants and Special Programs	Fund Name Fund Impact	Grants - Other 141,789.58 141,789.58CR .00
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To correct fund number for HANDS (Health Access Nurturing Development Services) Settlement by increasing funds under Grants - Other.

FOR INFORMATION ONLY**BUDGET AMENDMENT REQUEST SUMMARY**

1101	General Services District Fund	.00
1105	General Fund Capital Projects	.00
1115	Full Urban Services District Fund	.00
3120	US Department of Housing & Urban Development	.00
3190	US Department of Health & Human Services	.00
3200	US Department of Homeland Security	.00
3300	Grants - Other	.00
4002	Sanitary Sewer Revenue and Operating Fund	.00
4051	Water Quality Management Fund	.00

FOR INFORMATION ONLY

MAYOR LINDA GORTON



LEXINGTON

TRACEY THURMAN
DIRECTOR
WASTE MANAGEMENT

MEMORANDUM

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Tracey Thurman, Director
Division of Waste Management

DATE: June 4, 2024

SUBJECT: Request Council Authorization to Execute a Sole Source Agreement with Accent Wire Tie to purchase baler wire for the Materials Recovery Facility (MRF) on behalf of the LFUCG Division of Waste Management and Accent Wire Tie

Request: The purpose of this memorandum is to request approval to enter into an agreement with Accent Wire Tie to purchase baler wire for the **Materials Recovery Facility (MRF)**.

Authorization To: Approve a Sole Source with Accent Wire Tie

Why are you requesting? LEX-MRF bales the majority of outbound materials. Bale wire is essential to produce a manageable product to load onto outbound trailers after the sale of our sorted materials.

Department needs this action because why: Bale wire is an essential component of the recycling facility because the wire secures the baled, sorted products for shipping.

Are the funds budgeted? Yes

The funds are budgeted, or a budget amendment is in process: Yes

cc: Nancy Albright, Commissioner - EQPW



MAYOR LINDA GORTON

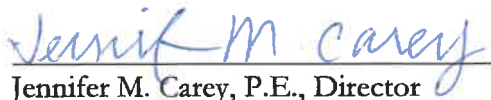


LEXINGTON

JENNIFER M. CAREY, P.E.
DIRECTOR
ENVIRONMENTAL SERVICES

TO: Mayor Linda Gorton
Urban County Council

FROM:


Jennifer M. Carey, P.E., Director
Division of Environmental Services

DATE: May 28, 2024

SUBJECT: Agreement with the Kentucky Transportation Cabinet Regarding Mowing Services

Request

The purpose of this memorandum is to request Council authorization for the Mayor to execute a Memorandum of Agreement (MOA) with the Kentucky Transportation Cabinet (KYTC), under which LFUCG shall be paid, at mutually agreed upon prices per acre, to perform turf mowing and trimming of vegetation along certain roads under the control of KYTC.

Why are you requesting?

The current MOA with KYTC for mowing services expires on June 30, 2024. The new MOA begins July 1, 2024, and is effective for two years, expiring on June 30, 2026. Turf mowing is performed under existing contracts managed by the division and includes litter removal, mowing, and trimming services for prescribed locations shown on the attached map, and on a schedule, to be specified by KYTC. For performing these services, LFUCG will be paid the following rates: \$36/acre for Citation Boulevard and \$66.88/acre for all other roads.

What is the cost in this budget year and future budget years?

Expenses and equally offsetting revenues are budgeted by fiscal year. Amounts will vary depending on the number of mows authorized by KYTC, but will not exceed the contract amount of \$362,534.

Are the funds budgeted?

Funds for FY25 are included in the Mayor's proposed budget in 1101-313201-3091-71212.

File Number: 0567-24

Director / Commissioner: Carey / Albright



MAYOR LINDA GORTON



LEXINGTON

KEVIN ATKINS
CHIEF DEVELOPMENT OFFICER

**TO: MAYOR LINDA GORTON
URBAN COUNTY COUNCIL**

**FROM: Amy Glasscock
Director of Business Engagement**

DATE: May 24, 2024

SUBJECT: AMENDMENTS TO JOBS FUND ORDINANCE AND JOBS FUND POLICY GUIDELINES

REQUEST:

Authorization to amend Ordinance No. 153-2013, as amended by Ordinance No. 187-2016, and update the recommended Lexington Jobs Fund Policies and Guidelines. The Economic Development Investment Board (EDIB) unanimously approved the recommended changes at their May 7th, 2024, EDIB board meeting.

REASON FOR REQUEST:

As part of the EDIB's periodic review of the Jobs Fund Policies and Guidelines ("Policies"), the Board is recommending the following updates:

- Eligibility clarification as it relates to remote work.
- The option under the Forgivable Loan Agreements to be paid annually instead of quarterly if negotiated up front.
- Compliance Reports will be required bi-annually instead of annually.
- Update the penalty formula.
- The requirement for all Job Funds payments to be made by the LFUCG digital bill payment system.
- Update the requirement in the event of a merger of a business to include:
 - Provide notification of intent to merge to LFUCG Chief Development Officer no less than 30 days prior to merger.
 - Obtain a new personal guarantee, unless each current guarantor provides written assurances, to the satisfaction of LFUCG, that it remains bound by the existing personal guarantee (including by signing a reaffirmation agreement).
 - Merger must be approved by the EDIB and the LFUCG City Council prior to merger.
 - Failure to follow the above-mentioned requirements shall be considered default and require payment in full including penalties at that time.



WHAT IS THE COST IN THIS BUDGET YEAR AND FUTURE BUDGET YEARS?

The cost for this FY is: N/A

The cost for future FY is: N/A

ARE THE FUNDS BUDGETED? N/A

DIRECTOR/COMMISSIONER: Amy Glasscock/Kevin Atkins



MAYOR LINDA GORTON



LEXINGTON

DOUG BURTON
DIRECTOR
ENGINEERING

TO: Mayor Linda Gorton
Urban County Council

FROM: W. Douglas Burton, Director
Division of Engineering

DATE: May 23, 2024

SUBJECT: Acquisition of Right-of-Way and Temporary Easements for the Mason Headley
Improvements Project

Request:

A resolution authorizing the acceptance of Deeds of Conveyance and Easement from the owners of record on properties needed for the construction of the Mason Headley Improvements Project at a cost not to exceed \$369,000.

Purpose of Request:

The Mason Headley Improvements Project will widen Mason Headley Road and add bike/pedestrian facilities between The Lane and Versailles Road to accommodate the planned school at 2160 Versailles Rd. The project requires acquisition of right-of-way on one parcel and temporary construction easements on two parcels. The acquisitions are necessary to construct the project.

What is the cost in this budget year and future budget years?

The cost for this FY is: \$369,000
The cost for future FY is: N/A

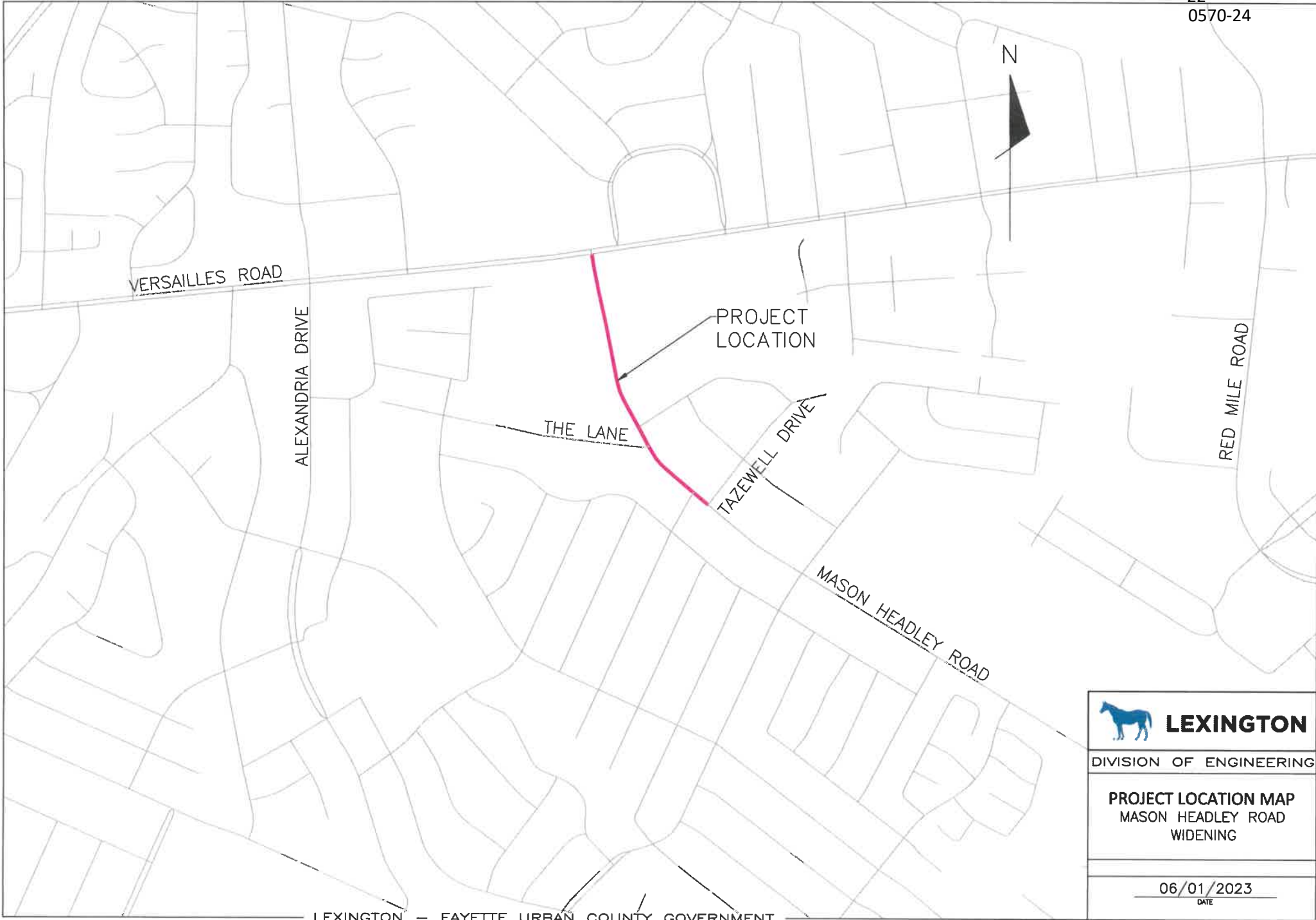
Are the funds budgeted?

The funds are budgeted in 2613-303202-3251-91715 MASON_HDLY_2023 LAND_ACQUI.

File Number: 0570-24

Director/Commissioner: Burton/Albright





 LEXINGTON
DIVISION OF ENGINEERING
PROJECT LOCATION MAP MASON HEADLEY ROAD WIDENING
06/01/2023 DATE

MAYOR LINDA GORTON



LEXINGTON

KEVIN ATKINS
CHIEF DEVELOPMENT OFFICER

TO: Linda Gorton
Mayor

FROM: Kevin Atkins
Chief Development Officer

DATE: May 30, 2024

RE: Approve agreement with Infineon Technologies, Inc. to participate in the
Kentucky Business Investment Program

Request:

Authorization to allow an inducement to Infineon Technologies, LLC for local participation in the Kentucky Business Investment (KBI) Program, which includes a 10-year local 1% wage assessment through KBI. The company is a semiconductor manufacturer. Infineon Technologies has selected Lexington to be a major growth site for Infineon America.

Why are you requesting:

The Kentucky Economic Development Finance Authority (KEDFA) has given Infineon Technologies, LLC preliminary approval to participate in the KBI Program. The KBI Program requests that the state and local government enter into a 10-year agreement with the approved company under which the business can recover up to 100% of its start-up and equipment costs through Kentucky corporate income tax credits and a wage assessment fee of up to 4%. The company plans to create 54 new jobs with an average wage of approximately \$104,000 per year plus benefits. Infineon Technologies plans to invest more than \$5.5 million in building improvements, equipment, and start-up costs.

What is the cost in this budget year and future budget years?

The cost for FY2024 is: Revenue to be rebated. Tax expenditure, not actual cost

The cost for future FY is: Revenue to be rebated. Tax expenditure, not actual cost

Are the funds budgeted? N/A

Director/Commissioner: Kevin Atkins



MAYOR LINDA GORTON



LEXINGTON

KEVIN ATKINS
CHIEF DEVELOPMENT OFFICER

**TO: MAYOR LINDA GORTON
URBAN COUNTY COUNCIL**

**FROM: CRAIG BENCZ
ADMINISTRATIVE OFFICER SR.**

DATE: MAY 29, 2024

**SUBJECT: PUBLIC INFRASTRUCTURE PROGRAM AGREEMENT: WELLINGTON PARK APARTMENTS
LLC**

REQUEST:

Authorization to execute a Public Infrastructure Program Forgivable Loan Agreement with Wellington Park Apartments LLC in the amount of \$500,000 for the construction of an access road and related infrastructure from Wellington Way to a proposed senior affordable apartment project located at 3125 Dorchester Place.

REASON FOR REQUEST:

The Lexington Economic Development Investment Board reviewed the application from Wellington Park Apartments LLC at their May 7, 2024 meeting. The Board voted unanimously to approve a forgivable loan in the amount of \$500,000 to Wellington Park Apartments LLC for the construction of an access road that will serve the site as well as provide access to ten acres of land within the Urban Service Area. The project will create two (2) new permanent full-time jobs.

WHAT IS THE COST IN THIS BUDGET YEAR AND FUTURE BUDGET YEARS?

The cost for this FY is: \$500,000

The cost for future FY is: N/A

ARE THE FUNDS BUDGETED?

The funds are budgeted.

Account number: 1144-133004-0001-78103

DIRECTOR/COMMISSIONER: Craig Bencz/Kevin Atkins



MAYOR LINDA GORTON



LEXINGTON

THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: THERESA REYNOLDS, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: MAY 31, 2024

SUBJECT: Amendment No. 2 to Agreement with NAMI Lexington

Request: Council authorization to execute the amendment to an agreement with NAMI Lexington to budget \$170,000 to provide for an expansion of mental health court services to eligible low/moderate income persons and to extend the period of performance to December 31, 2025, and authorizing the Mayor to execute any other agreements or amendments with NAMI Lexington related to the use of these funds.

Purpose of Request: On November 19, 2020 (Resolution 568-2020), Council authorized acceptance of federal Community Development Block Grants (CDBG) funds from U.S. Department of Housing and Urban Development under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) for response to COVID-19. NAMI Lexington was awarded \$180,000 to provide for an expansion of mental health court services to eligible low/moderate income persons to meet the increased need as a result of the coronavirus in Lexington-Fayette County. On March 23, 2023 (Resolution 196-2023), Council approved to extend the period of performance to June 30, 2023. Due to increased substance use and the need for treatment/programming options as a result of the pandemic, NAMI Lexington requests a grant adjustment to expand mental health court services to eligible low/moderate income persons by \$170,000 and to increase funds in salaries, fringe benefits, in-area travel, supplies, and operating expenses and to extend the period of performance to December 31, 2025.

What is the cost in this budget year and future budget years? \$170,000 will be reallocated within the existing grant budget. All funds were previously budgeted. No additional funds are anticipated in future budget years.

Are the funds budgeted? Grant funds are budgeted, a budget amendment is in process to reallocate within the existing grant budget.

File Number: 0578-24

Director/Commissioner: Reynolds/Lanter



MAYOR LINDA GORTON



LEXINGTON

THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: THERESA REYNOLDS, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: MAY 31, 2024

SUBJECT: Authorization to execute Change Order No. 2 with Bluegrass Contracting Corporation for the Construction of the Davis Park project

Request: Council authorization to execute Change Order No. 2 with Bluegrass Contracting Corporation for the Construction of Davis Park. The change order is for an increase of \$6,498.25 and to accept additional grant funds from KYTC in the amount of \$4,979.25. The total contract amount will increase from \$1,141,801.00 to \$1,148,299.25.

Purpose of Request: On September 22, 2022 (Resolution 536-2022), Council accepted a bid from Bluegrass Contracting Corporation, in the amount of \$720,476.00 for construction of Davis Park. On August 17, 2023 (Resolution 442-2023), Council approved Change Order No. 1 to increase the contract to \$1,141,801. Parks and Recreation needs a change order completed for additional hydroseeding needed to establish turf. Funding will come from the remaining funds left in the project account with the additional funds provided by KYTC. Parks and Recreation is asking council to approve Change Order No. 2 and accept the additional funds from KYTC.

What is the cost in this budget year and future budget years? Cost in FY24 is \$6,498.25. No costs are anticipated in future budget years.

Are the funds budgeted? Yes and budget amendment is in process.

- 3160-707602-7221-91015-NEWTOWNPK_2011-SUPPL_2021

File Number: 0579-24

Director/Commissioner: Conrad/Ford



KENTUCKY TRANSPORTATION CABINET

Local Public Agency (Department of Highways Funding)

CHANGE ORDER

lpa-DOH-chgord
Mod 07/2/10

Page

Contract ID

81-2022

Project Sponsor

LFUCG

Change Order No 2

County

Fayette

Contractor

Bluegrass Contracting Corporation

Project Number

Contractor

Project Name

Construction of Davis Park

Address

P.O. Box 11638 Lexington, KY 40576-1638

Proposed Changes in Connection with Contract Items:

Item No.	Description	Quantity	Unit	Unit Price	Amount
1	Landscape-Hydroseeding Turfgrass Seed	0.293	S.Y.	17,000.00	4,979.25
Total for this Page					4,979.25
Total for Continuation Page(s)					
Total Contract Items					4,979.25

Proposed Items of Supplemental Agreement:

Ref. No.	Description	Quantity	Unit	Unit Price	Amount
Total for this Page					
Total for Continuation Page(s)					
Total Supplemental Agreement					
Total Increase Amount					\$ 4,979.25

Time Extension/Explanation:

Reasons for Proposed Changes:

Additional seeding needed to establish turf.

If approved by Transportation Cabinet, the undersigned contractor agrees to do the work outlined herein and to accept as payment in full the basis of payment as set forth herein.

Bluegrass Contracting Corporation

Contractor

By:

James Ballinger
5-7-24
Date

Requested

Project Engineer

DATE

Recommended

Chief District Engineer

DATE

Recommended

Deputy State Highway Engineer

DATE

Approved

LPA Signature Authority

DATE

Deputy Director

Title

Approved

State Highway Engineer

DATE

William R. Williams
5/17/24

DATE

5/18/24

DATE

5/18/24

DATE

5/18/24

DATE

5/18/24

DATE

5/18/24

DATE

5/18/24

DATE

5/18/24

DATE

5/18/24

DATE

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 2		Date:	March 26, 2024	
		Project:	Construction of Davis Park	
		Location:	Davis Park	
TO: Bluegrass Contracting Corporation P.O. Box 11638 1075 Red Mile Road Lexington, KY 40576-1638	Contract No.	258-2022		
	Original Contract Amt.	\$720,476.00		
	Cumulative Amount of Previous Change Orders	\$421,325.00		
	Percent Change - Previous Change Orders		58.48%	
	Total Contract Amount Prior to this Change Order	\$1,141,801.00		
	Change Order No.	2		
You are hereby requested to comply with the following changes from the contract plans and specification;				
Current Change Order				
Item No.	Description of changes-quantities, unit prices, change in completion date, etc.	Decrease in contract price	Increase in contract price	
1	Additional Hydroseeding		\$6,498.25	
	Total decrease	\$0.00		
	Total increase		\$6,498.25	
	Net Amount of this Change Order	\$6,498.25		
	New Contract Amount Including this Change Order	\$1,148,299.25		
	Percent Change - This Change Order			0.90%
	Percent Change - All Change Orders			59.38%
The time provided for the completion in the contract and all provisions of the contract will apply hereto.				
Recommended by <u>Anthony R. Williams</u>		(Proj. Mngr.)	Date <u>3/29/24</u>	
Accepted by <u>[Signature]</u>		(Contractor)	Date <u>3/29/24</u>	
Approved by <u>[Signature]</u>		(Director)	Date <u>4/9/24</u>	
Approved by <u>[Signature]</u>		(Commissioner)	Date <u>4/12/24</u>	
Approved by _____		(Mayor or CAO)	Date _____	

JUSTIFICATION FOR CHANGE

81-22 Construction of Davis Park

CONTRACT NO. 258-2022

CHANGE ORDER: 02

1. Additional Hydroseeding needed to establish turf.
2. Is proposed change an alternate bid? ☒ Yes ☐ No
3. Will proposed change alter the physical size of the project? ☐ Yes ☒ No
If "Yes", explain.
4. Effect of this change on other prime contractors: None.
5. Has consent of surety been obtained? ☐ Yes ☒ Not Necessary
6. Will this change affect expiration or extent of insurance coverage? ☐ Yes ☒ No
If "Yes", will the policies be extended? ☐ Yes ☐ No
7. Effect on operation and maintenance costs: None
8. Effect on contract completion date: None

Mayor_____
Date

MAYOR LINDA GORTON



LEXINGTON

G. SCOTT COLVIN
CHIEF OF CORRECTIONS
COMMUNITY CORRECTIONS

TO: Mayor Linda Gorton
Urban County Council

FROM: Chief G.S. Colvin
Division of Community Corrections

CC: Commissioner Kenneth Armstrong
Department of Public Safety

DATE: May 31, 2024

SUBJECT: Purchase of Clearpass – Digital Full Body Security Screening System

Request

Council authorization is requested to purchase a Clearpass Digital Full Body Security Screening System for the Division of Community Corrections.

Why are you requesting?

This Body Scanner will allow the operator to obtain a head-to-toe full body x-ray image of a person for the purpose of security inspection and identification of a foreign object on or in a human body.

Funds have been budgeted in the current FY24 budget. The cost of the purchase is \$173,000.

What is the cost in this budget year and future budget years?

Funds for this agreement are requested for FY25 - \$173,000

Are the funds budgeted? Yes.

File Number: L0580-24

Director/Commissioner: Chief G.S. Colvin



MAYOR LINDA GORTON



LEXINGTON

TODD SLATIN
DIRECTOR
DIVISION OF PROCUREMENT
ADMINISTRATION

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: TODD SLATIN, DIRECTOR
DIVISION OF PROCUREMENT**

DATE: May 31, 2024

SUBJECT: Fiscal Year 2024 Financial Audit – Crosslin, PLLC

Request:

Authorization to approve an engagement with Crosslin, PLLC to conduct a financial audit of all LFUCG funds and operational services for annual compilation of Sheriff's collection of property taxes for the Fiscal Year 2024 at a cost not-to-exceed \$187,250.

Why are you requesting?

Department needs this action completed to be in compliance with annual reporting requirements.

What is the cost in this budget year and future budget years?

\$187,250.00 total for FY25.

Are the funds budgeted? Yes, funds are fully budgeted in:

1101-202101-2011-71202 \$101,000.00
1115-202101-2011-71202 \$19,000.00
4002-202101-2011-71202 \$38,000.00
4121-202101-2011-71202 \$13,000.00
4022-202101-2011-71202 \$1,000.00
4051-202101-2011-71202 \$6,000.00
1101-202101-2011-71201 \$4,750.00
1115-202101-2011-71201 \$4,500.00



File Number: 0581-24

Director/Commissioner: Slatin/Hensley



MAYOR LINDA GORTON



LEXINGTON

GLEND A HUMPHREY GEORGE
DIRECTOR
HUMAN RESOURCES

M E M O R A N D U M

TO: Linda Gorton, Mayor
Sally Hamilton, Chief Administrative Officer
Council Members

FROM: 
Glenda Humphrey George, Director
Division of Human Resources

DATE: May 29, 2024

RE: Create Positions - FY 2024 Budget

The attached action amends the classified civil service authorized strength by creating one (1) classified civil service position of Program Specialist (Grade 514N) and creating one (1) classified civil service position of Community Outreach Program Manager (Grade 522E) in the Division of Environmental Services.

This action was approved in the FY 2024 budget process.

File Number: 0582 . 24

Director/Commissioner: Glenda Humphrey George/Sally Hamilton

If you have questions or need additional information, please contact Alana Morton 859-258-3037.



MAYOR LINDA GORTON



LEXINGTON

JONELLE PATTON
DIRECTOR
ENHANCED 911

5/31/2024

TO: Mayor Linda Gorton
Urban County Councilmembers

FROM: Jonelle Patton, Director
Lexington Enhanced 911



RE: Nelson Systems – Eventide Logging Recorder

Request:

The Division of Enhanced 911 is requesting authorization for the Mayor to sign an agreement with Nelson Systems for an Eventide Logging Recorder.

Why are you requesting?

A competitive bid process initiated by Enhanced 911 early this year to acquire a new logging recorder system for use by all public safety divisions has resulted in the selection of a new vendor. Nelson Systems has proposed deployment of an Eventide logging recorder solution to integrate with the current 911 call handling system, LFUCG Avaya administrative phone system and the public safety P25 radio system for logging all conversations that occur on those systems related to public safety response. This solution will be utilized by E911, Police, Fire, DEM and LexCall/LexServ and representatives from each division served on the selection committee. Enhanced 911 requests authorization from council for the mayor to sign an agreement authorizing the purchase of this solution and a maintenance contract for the initial 3-year term.

What are the costs in this budget year and future budget years?

\$268,350.21 in FY24 which will cover the initial installation, end user training, warranty and 2 years of prepaid maintenance with 24/7 response.

Are the funds budgeted?

Yes, FY24/25 cost of \$268,350.21 is funded by a fund reallocation in early 2024, reference 1101-505601-0001-96201, for which E911 received \$236,500 for the purchase of a logging recorder solution along with \$31,850.21 of the difference in funds already in E911's annual budget for recurring maintenance on a logging recorder solution, reference 4204-505602-5622-76102.

File Number: 583-24



xc: Ken Armstrong, Commissioner

MAYOR LINDA GORTON

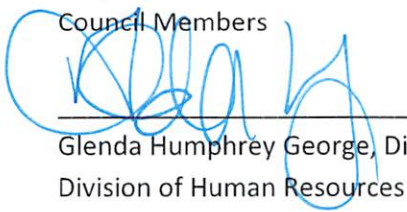


LEXINGTON

GLEND A HUMPHREY GEORGE
DIRECTOR
HUMAN RESOURCES

MEMORANDUM

TO: Linda Gorton, Mayor
Sally Hamilton, Chief Administrative Officer
Council Members

FROM: 
Glenda Humphrey George, Director
Division of Human Resources

DATE: May 29, 2024

SUBJECT: Create position – Division of Fire & Emergency Services

Request:

The attached action is requesting authorization to create one (1) unclassified position of Mobile Crisis Responder (Grade 519N) in the Division of Fire & Emergency Services, effective upon passage of Council.

Why are you requesting:

The Division of Fire & Emergency Services is requesting this position to serve as a behavioral health resource, accompanying first responders to assist community members facing crises, ensuring they receive the most suitable support.

What is the cost in this budget year and future budget year?

The fiscal impact of this position is \$80,735.19 and is funded from the Kentucky Community Crisis CoResponder Grant through June 30, 2027.

Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Mobile Crisis Responder	\$0	\$57,143.84	\$57,143.84
Total Annual Impact/ Salary and Benefits \$80,735.19			



File Number: 0584.24

Director/Commissioner: Glenda Humphrey George/Sally Hamilton

If you have questions or need additional information, please contact Alana Morton at (859) 258-3037.



Linda Gorton
MAYOR



LEXINGTON

Jonelle Patton
DIRECTOR
ENHANCED 911

TO: Mayor Linda Gorton
Council Members

FROM: Jonelle Patton, Director
Lexington Enhanced 911

DATE: June 3, 2024

SUBJECT: E911 Quarterly Address Changes

Request:

The Division of Enhanced 911 is requesting a resolution authorizing the Mayor to change street names and/or individual numbers of addresses within the 2nd, 9th, 10th and 11th Council Districts.

Why are you requesting?

The Division of E911 needs this action completed because the street name and/or number changes are necessary to ensure the proper operation of the Enhanced 9-1-1 system. The corrections eliminate confusing, duplicate and/or improperly named and numbered addresses in Fayette County.

What are the costs in this budget year and future budget years?

N/A

Are the funds budgeted?

N/A

File Number: 0585-24



MAYOR LINDA GORTON



LEXINGTON

THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: THERESA REYNOLDS, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: MAY 31, 2024

SUBJECT: Execute Consultant Services Agreement and Award Complete Streets Design Manual to Toole Design Group, LLC (RFP 9-2024)

Request: Council authorization to execute Consultant Services Agreement and award the Complete Streets Design Manual project to Toole Design Group, LLC at a cost not to exceed \$450,000.

Purpose of Request: In December 2022, LFUCG adopted a Complete Streets Policy directing LFUCG to utilize best-practices Complete Streets design principles and standards when reconstructing streets, building new streets, and maintaining existing streets. The Complete Street Design Manual will integrate the LFUCG Roadway Manual, Subdivision/Zoning Regulations, and Traffic Management Program Guide into a Complete Streets Design Manual that aligns with current best-practices.

On January 16, 2024, the LFUCG issued RFP #9-2024 seeking proposals from qualified professional engineering, planning, and urban design firms to develop the LFUCG Complete Streets Design Manual. Three (3) proposals were submitted in response. The Selection Committee recommended Toole Design Group, LLC as the most qualified consultant to conduct the Scope of Work as outlined in the RFP and further detailed in the consultant's response.

Cost in this Budget year and future budget years: Total cost in FY24 is \$450,000 (\$360,000 in federal funds and \$90,000 in local match.) There are no anticipated planning costs in future budget years.

Are the funds budgeted? Yes, 3160-160705-0001-71299 COMPLETE_ST_2024 FED_GRANT

File Number: 0586-24

Director/Commissioner: Duncan/Horn



MAYOR LINDA GORTON



LEXINGTON

THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: THERESA REYNOLDS, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: MAY 31, 2024

SUBJECT: Complete Streets Design Standards Project

Request: Council authorization to execute an agreement for federal funding in the amount of \$360,000 from the Kentucky Transportation Cabinet for the Complete Street Design Standards Project for FY2024. Local grant match in the amount of \$90,000 is budgeted in the FY 2024 General Fund.

Purpose of Request: The Lexington Area Metropolitan Planning Organization (MPO) has programmed \$360,000 in Surface Transportation Block Grant – Lexington (STBG-SLX) federal highway funds for the Complete Street Design Standards Project as part of the MPO's FY 2021-2024 Transportation Improvement Program and FY2025 Unified Planning Work Program.

The MPO and City of Lexington recently adopted Complete Street Policies that directs each agency to utilize best-practices Complete Street design principles and standards when reconstructing streets, building new streets, and maintaining existing streets. The Complete Street Design Standards project will utilize consulting services to review existing LFUCG street design standards and recommend updates to the LFUCG Roadway Manual, Subdivision/Zoning Regulations, and Traffic Management Program Guide to better integrate and align these with current best-practices guidelines and standards.

Cost in this Budget year and future budget years: Cost in FY 2024 is \$450,000 (\$360,000 in federal funds in FY24 and \$90,000 in FY24 General Fund dollars). There are no anticipated planning costs in future budget years.

Are the funds budgeted?

Yes, \$60,000 in grant match is already budgeted in 3160-160705-0001-71299. The remaining \$30,000 in grant match is budgeted in 1101-303202-3221-71205 and a FY2024 budget amendment will be completed to move the funds to 3160-160705-001-71299.

File Number: 0587-24

Director/Commissioner: Duncan/Horn





**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: THERESA REYNOLDS, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: MAY 31, 2024

**SUBJECT: Acceptance of an Increased Award from Kentucky Cleaner Water Round 2
Grant from American Rescue Funds for Ultraviolet Disinfection Systems at Both
Treatment Plants**

Request: Council authorization to execute a revised Conditional Commitment letter for accepting an award of federal funding from the Kentucky Cleaner Water Round 2 Grant (American Rescue Plan Act funds) in the amount of \$1,281,696 for the Consent Decree project.

Purpose of Request: Two separate Kentucky Cleaner Water Grants have been awarded for the design and construction of ultraviolet disinfection systems at each wastewater treatment plant. The grant funding associated with these projects is summarized as follows:

GRANT NO.	INITIAL GRANT AWARD	CURRENT GRANT AWARD
21CWS027	\$11,868,095	\$13,054,905
22CWS171	\$1,165,178	\$1,281,696*

*pending

Construction cost estimates developed during the design phase have determined that the original grant awards are less than the estimated total project cost.

The grant program, administered by the Kentucky Infrastructure Authority (KIA) allows for up to a 10% funding increase for underfunded projects. The Division of Water Quality has requested and received KIA approval for the increase as recommended by this memorandum. With approval of this recommendation, the estimated financial status of the project is:

Estimated total project cost - \$15,732,000.
Potential grant funding amount - \$14,336,601

This project is part of the Consent Decree Remedial Measures Plan (RMP) project schedule approved by the Commonwealth and the U.S. Environmental Protection Agency (EPA). The project is scheduled for completion by December 31, 2026.



Page 2 of 2
UV_GRANT_2022
UV_GRANT_2024

What is the cost in this budget year and future budget years? \$1,281,696 is the new grant amount allocated to this project.

Are the funds budgeted? Yes and budget amendment is in process.

\$1,165,178 – 3230-303401-3401-92711 UV_GRANT_2024 CONSTRUCT

File Number: 0588-24

Director/Commissioner: Martin/Albright



TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL

FROM: THERESA REYNOLDS, DIRECTOR
DIVISION OF GRANTS & SPECIAL PROGRAMS

DATE: MAY 13, 2024

SUBJECT: AMENDMENT TO THE 2019 CONSOLIDATED PLAN – PUBLIC HEARING ON JUNE 13, 2024

Request: Council authorization to approve and adopt a substantial amendment to the 2019 Annual Action Plan and reallocate funding from several existing Cares Act Community Development Block Grant (CDBG-CV) projects. The unspent funds will be used for one new project and increase funding to an existing project resulting in a net zero change in total CDBG_CV funding and expense to LFUCG.

Purpose of Request: Several existing projects in the Cares Act Community Development Block Grant (CDBG_CV) program were completed or are expected to be completed without spending all allocated funds. To ensure these funds are utilized for other eligible activities within the CDBG-CV program, two projects will receive a combined total of \$442,120.13 in CDBG_CV funds. These projects include an additional \$170,000 allocated to the National Alliance on Mental Health for operating an expanded mental health court, servicing eligible low/moderate income persons in Lexington-Fayette County. The other project will allocate \$272,120.03 to a new project for Recovery Support Living Assistance (RSLA) for up to \$500 in financial assistance to individuals entering or continuing in a substance disorder recovery residence. Funding will be reallocated as follows:

Existing Project/Funds To Be Reallocated	Amount to be Reallocated to New Projects	HUD Annual Action Plan Year(s)	LFUCG Project ID(s)
Community Development Block Grant Administration	\$ 74,000.00	2019	CDBG_CV_2020
Urban League	\$100,000.00	2019	CDBG_CV_2020
Lexington Housing Authority	\$49,131.27	2019	CDBG_CV_2020
Community Development Block Grant Administration	\$163,328.51	2020	CDBG_CV_2021
Food Chain	\$5,865.40	2020	CDBG_CV_2021
National Alliance on Mental Health	\$2.18	2020	CDBG_CV_2021
Refuge Clinic	\$9,179.33	2020	CDBG_CV_2021

New Vista	\$40,613.34	2020	CDBG_CV_2021
Total	\$442,120.03		

New or Expanded Project/Activity	Amount of New Allocation	HUD Annual Action Plan Year(s)	LFUCG Project ID(s)
National Alliance on Mental Health	\$170,000	2019	CDBG_CV_2021
Recovery Supportive Living Assistance (RSLA)	\$272,120.03	2019	CDBG_CV_2020 CDBG_CV_2021
Total	\$442,120.03		

In accordance with federal regulations found at 24 CFR Part 91 and the amended Citizen Participation Plan approved by the Urban County Council on May 28, 2020 (Resolution 219-2020), these modifications require a substantial amendment to the Annual Action Plan. Substantial amendments require opportunities for citizen comment. **Therefore, a public hearing will be held in conjunction with the regularly scheduled Urban County Council meeting on Thursday, June 13, 2024, at 6:00 pm.**

What is the cost in this budget year and future budget years? Funds will be reallocated within the existing CDBG_CV 2020 and 2021 grant budgets. There are no additional costs.

Are the funds budgeted? Budget adjustments will be submitted to reallocate funds within the existing grant budgets as needed.

File Number: 0589-24

Director/Commissioner: Reynolds/Lanter

MAYOR LINDA GORTON



LEXINGTON

TODD SLATIN
DIRECTOR
CENTRAL PURCHASING

**TO: LINDA GORTON,
MAYOR URBAN
COUNTY COUNCIL**

**FROM: TODD SLATIN, DIRECTOR
DIVISION OF CENTRAL PURCHASING**

DATE: June 3, 2024

**SUBJECT: MOA between the LFUCG and the Kentucky Science
and Technology Corporation (Kentucky APEX
Accelerator)**

Request:

Request Council authorization to execute a Memorandum of Agreement with the Kentucky Science and Technology Corporation (KSTC) and their Kentucky APEX Accelerator at a cost not to exceed \$8,400.00.

Why are you requesting?

The Kentucky Apex Accelerator will assist the LFUCG Minority Business Enterprise Program in providing joint classes, outreach events and webinars designed to increase MBE, WBE and veteran-owned business participation on LFUCG projects and procurement opportunities. The Kentucky Apex Accelerator provides technical capabilities and a network of clients that are beneficial to the advancement of the LFUCG Minority Business Enterprise Program.

What is the cost in this budget year and future budget years?

\$8,400.00 in FY24

Are the funds budgeted? Yes, funds are fully budgeted in 1101-202801-0001-71299

File Number:

Director/Commissioner: Slatin/Hensley



MAYOR LINDA GORTON

**LEXINGTON**

KEVIN ATKINS

CHIEF DEVELOPMENT OFFICER

TO: Mayor Linda Gorton
Urban County Council

FROM: Craig Bencz
Admin. Officer Sr.

CC: Kevin Atkins
Chief Development Officer

DATE: June 3, 2024

SUBJECT: Contract Modification – Legacy Business Park

Request

Request Council authorization to execute a contract modification with Gresham Smith for the completion of Phase III archaeological data recovery in the amount of \$485,094 for the Legacy Business Park project.

Reason for Request

This contract modification is for Phase III archaeological data recovery for one site within the project boundary. This work scope complies with U.S. Army Corps of Engineers permitting requirements for the site, and will be completed on a lump sum basis at a total fee of \$485,094 inclusive of project management costs.

The Professional Services Agreement with Gresham Smith for the Legacy Business Park project was approved on February 16, 2023 (Resolution No. 091-2023) in the amount of \$2,229,000. Change Order 1 was executed in July 2023, and allocated \$36,682 for an increase in scope to the Phase I archaeological site survey. Change Order 2 was approved on December 7, 2023 (Resolution No. 663-2023), which approved an additional \$282,528 for the completion of a Phase II archaeological site study. The total contract amount including this change order is \$3,033,304.

What is the cost in this budget year and future budget years?

The cost for this FY is: \$485,094



The cost for future FY is: N/A

Are the funds budgeted?

The funds are budgeted. A budget amendment is pending approval.

Account number: 1105-136103-0001-71299 (LEGACYBUSP_2024): \$450,894
3230-136103-0001-71205: \$34,200

File Number:

Director/Commissioner: Bencz/Atkins

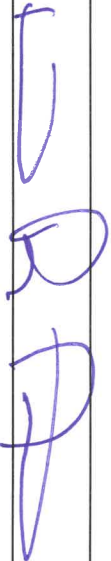


LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER

DATE:	May 29, 2024
Contract Modification:	3
CONTRACT #:	Res. 091-2023

PROJECT: Legacy Business Park

TO: Gresham Smith

Original Contract Amount	\$2,229,000.00
Cumulative Amount of Previous Contract Modifications	\$319,210.00
Percent Change of Previous Contract Modifications	14%
Existing Contract Amount	\$2,548,210.00
Net (increase/decrease) in Contract Amount - (From following pages)	\$485,094.00
Percent Change of This Contract Modification	22%
Original Contract Amount	\$2,229,000.00
Cumulative Amount of all Contract Modifications	\$804,304.00
Percent Change of all Contract Modifications	36%
New Contract Amount Including this Change Order	\$3,033,304.00
Recommended by 	(Proj. Manager) Date <u>6/3/2024</u>
Accepted by _____	(Consultant) Date _____
Accepted by _____	(Contractor) Date _____
Approved by _____	(Director) Date _____
Approved by 	(Commissioner) Date <u>6/3/2024</u>
Approved by _____	(Mayor or CAO) Date _____

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
CONTRACT MODIFICATION

DATE:	May 29, 2024
Contract Mod #:	3
CONTRACT #:	Res. 091-2023

Project: Legacy Business Park

TO: Gresham Smith

You are hereby requested to comply with the following changes from the contract plans and specifications;

Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
1	ADD	Professional Svcs - Archaeological Phase III	LS	1	\$ 485,094.00	-	\$ 485,094.00
2						-	
3						-	
4						-	
5						-	
6						-	
7						-	
8						-	
9						-	
10						-	
11						-	
12						-	
13						-	
14						-	
15						-	

Total decrease \$ -

Total increase \$ 485,094.00

Net (increase) in contract price \$ 485,094.00

JUSTIFICATION FOR CHANGE

PROJECT: Legacy Business Park

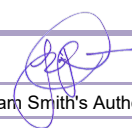
CONTRACT NO. Res. 091-2023

CHANGE ORDER: 3

1. Necessity for change: The U.S. Army Corps of Engineers is requiring a Phase III Archaeological Data Recovery at the Legacy Business Park site in compliance with permitting requirements. This assessment must be completed before permits can be finalized and construction can begin.
2. Is proposed change an alternate bid? ___ Yes X No
3. Will proposed change alter the physical size of the project? ___ Yes X No
If "Yes", explain.
4. Effect of this change on other prime contractors: The prime contractor (Gresham Smith) has included \$27,450 for Project Management work scope for administration of this effort.
5. Has consent of surety been obtained? ___ Yes X Not Necessary
6. Will this change affect expiration or extent of insurance coverage? ___ Yes X No
If "Yes", will the policies be extended? ___ Yes ___ No
7. Effect on operation and maintenance costs: N/A
8. Effect on contract completion date: This will result in a delay in completion that is to be determined.

Mayor_____
Date

Project Change Notice

Project Name/Location:		Legacy Business Park	
Client Name:		Lexington Fayette Urban County Government	
PCN Number:	4		
GS PM Name:	Masterson	Gresham Smith Project #:	48334.00
Date Prepared:	5/22/2024	Client Project #:	
PCN Name/Title:	Contract Modification 4		
Description of Change and Impacts:			
The project change notification includes the following; 1) Task 2 scope and fee for Phase III Archaeological Data Recovery at Site 15Fa408 and 2) Task 1 for project management scope and fee related to the additional effort for Phase III work. Fee increases: Task 2 Site Infrastructure Design - \$457,643.95 increase Task 1 Project Management - \$27,450 increase			
Source of Change (Select from drop-down, or over-type):		<u>Field Condition</u>	
References/Attachments, if any:		Scope of Services provided by Cultural Resource Analysts, Inc	
Design/CCA Budget Impact			
Compensation/Fee:	<u>(Lump Sum)</u>	\$485,094	
Reimbursable Expenses:	NA		
Total:	\$485,094		
Design/CCA Schedule Impact:	Anticipate construction schedule extending to accommodate additional work.		
Other Impacts:			
Authorization:			
By:		By:	
	(Client's Authorized Representative)		(Gresham Smith's Authorized Signer)
Name:		Name:	Louis Johnson
Title:		Title:	Executive Vice President
Date:		Date:	5/23/2024

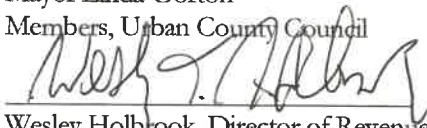
MAYOR LINDA GORTON



LEXINGTON

WILLIAM O'MARA
COMMISSIONER
FINANCE

TO: Mayor Linda Gorton
Members, Urban County Council

FROM: 
Wesley Holbrook, Director of Revenue

DATE: June 3, 2024

SUBJECT: Amend Chapter 13 of the Code of Ordinances to create Medicinal Cannabis Business Special Fees
Licenses and establish Medicinal Cannabis business regulatory requirements

Request

Authorization to amend chapter 13-13(B)(19) of the code of ordinances to create medicinal cannabis fees licenses and setting fees, create sections 13-83 through 13-92 to establish definitions, license requirements, prohibitions on operating without a license within Lexington-Fayette County, taxation, enforcement and appeals provisions, and provisions to deny, revoke, or fail to renew a specials fees license.

Why are you requesting?

The Kentucky Medical Cannabis Program was established to implement the requirements established in KRS 218B to govern the safe and effective use of medical cannabis in Kentucky. Business licensing can begin on July 1, 2024. Kentuckians can apply for a medical cannabis card on January 1, 2025. Local governments may enact ordinances regarding licensed cannabis businesses relating to the time, place, and manner of the business; and may establish reasonable fees to offset the operations of those businesses.

What is the cost in this budget year and future budget years?

The cost for this FY is: n/a

The cost for future FY is: n/a

Are the funds budgeted?

There is no budgetary impact

Account number:

File Number: 0592-24

Director/Commissioner: Wesley Holbrook/Erin Hensley



MAYOR LINDA GORTON



LEXINGTON

GLEND A HUMPHREY GEORGE
DIRECTOR
HUMAN RESOURCES

MEMORANDUM

TO: Linda Gorton, Mayor
Sally Hamilton, Chief Administrative Officer
Council Members

FROM: 
Glenda Humphrey George, Director
Division of Human Resources

DATE: June 3, 2024

SUBJECT: **FY 2025 Excess Property & Casualty Insurance Renewals** - Aviation Liability & Hull Damage, Excess Retained Limit Liability Package (GL/POL/EL/AL/LEL), Auto—OTR, Excess Liability, Excess Property, Cyber Liability, Pollution Liability, Excess Workers' Compensation

Request:

The attached is requesting authorization to bind coverage with the recommended insurance carriers (table #1).

Why are you requesting:

The current excess insurance policies listed in the "Policy" Column in Table I below will expire on June 30, 2024. The policies listed in Table 1 have been recommended for renewal by LFUCG's broker Marsh & McLennan Agency.



Table 1

FY 2025 - LFUCG Excess Property & Casualty Proposals					
POLICY	FY 2024 Current Carrier	FY 2024 Premium + Surcharges	FY 2025 Carrier Recommended	FY 2025 Premium + Surcharges	Increase/ Decrease + / (-)
Aviation Liability & Hull Damage	Westchester Fire Insurance Company (Chubb)	\$46,310.86	Westchester Fire Insurance Company (Chubb)	\$54,014.06	16.63%
Retained Limit Liability Package GL/POL/AL/EL LEL	Safety National Casualty Corporation	\$645,856.00	Safety National Casualty Corporation	\$779,655.74	20.71%
Auto Physical – On the Road	Affiliated Factory Mutual	AFM has discontinued all coverages for vehicles on the road	Safety National Casualty Corporation	\$64,341.66	NA
Excess Liability	Gemini Insurance Company	\$421,889.65	Gemini Insurance Company	\$538,850.16	27.72%
Excess Property	Affiliated Factory Mutual	\$774,752.00	Affiliated Factory Mutual	* \$800,418.00	3.31%
Cyber Liability	Berkley Assurance Company	\$77,255.28	Axis Company	\$56,745.36	(36.14)
Pollution Legal Liability	Illinois Union Insurance Company/Chubb	\$26,337.73	Illinois Union Insurance Company/Chubb	\$27,695.96	5.15%
Workers' Compensation	Safety National Casualty Corporation	\$491,845.00	Safety National Casualty Corporation	\$515,201.00	22.11%
Totals		\$2,484,246.52		\$2,836,921.94	14.20%

**Includes estimated taxes, subject to change based on allocation of premium to specific locations by AFM at policy issuance.*

The recommended Insurance Policies represent **\$2,836,921.94** in premiums for FY 2025. This is an increase of **\$352,761.42** or **14.20%** compared to FY 2024 premiums.



The following Self-Insured Retentions, Deductibles, and Limits apply as noted in Table 2.

Table 2

Policy	Self-Insured Retention/Deductibles/Limits
Aviation Liability	\$20,000,000 Combined Single Liability Limit for two Police helicopters with medical pay limit of \$25,000 per person per occurrence.
Aviation Hull Damage	\$18,750 deductible In-Motion/Ingestion with \$375,000 limit; \$1000 deductible for hull/equipment value of \$1,268,485.
Liability (Auto/General/Public Officials & Employment Practices/Law Enforcement)	\$1,500,000 Self-Insured Retention (SIR) per occurrence. \$5,000,000 per occurrence/aggregate limits. Auto Liability \$5,000,000 Combined Single Limit per occurrence.
Auto Physical - On the Road	\$250,000 per vehicle for collision
Excess Liability	\$5,000,000 per occurrence/aggregate limits. Excluding perfluoroalkyl and polyfluoroalkyl. Excluding cyber incident and biometric information.
Cyber Liability	\$150,000 Self-Insured Retention (SIR) per occurrence with \$2,000,000 limit. \$250,000 Combined including cryptojacking
Pollution Liability	\$100,000 Self-Insured Retention (SIR) per occurrence with \$1,000,000 limit. Added limitation endorsement for maintenance, upgrades, improvements, or installations. Added amendatory endorsement for public entity coverage.
Property (Buildings, Contents, Boiler & Machinery, Property in the Open, Vehicles, Animals)	\$250,000 deductible per location for wind and hail with various sub-limits for flood, earthquakes with a \$500,000,000 all perils limit per occurrence. Excluding Auto Physical Damage while in motion.
Workers' Compensation	\$1,000,000 Self-Insured Retention (SIR) per occurrence. \$5,000,000 occurrence/aggregate limits.

The funds for insurance premiums are included in the proposed FY 2025 budget – Property & Casualty Insurance Premiums Account, **Table 3** as estimated by the Division of Accounting and Budgeting.

Table 3 (FY 2025 Allocations – Excess Insurance)

Fund	Cost Allocation %	Premium	Allocation By Fund - \$
1101-XXXXXX-XXXX-73101	71.84	\$2,836,921.94	\$2,038,044.72
1115-XXXXXX-XXXX-73101	7.28	\$2,836,921.94	\$206,527.92
4002-XXXXXX-XXXX-73101	20.69	\$2,836,921.94	\$586,959.15
4051-XXXXXX-XXXX-73101	.19	\$2,836,921.94	\$5390.15

File Number: 0593-24

Director/Commissioner:

Glenda Humphrey George/Sally Hamilton



MAYOR LINDA GORTON



LEXINGTON

TRACEY THURMAN
DIRECTOR
WASTE MANAGEMENT

MEMORANDUM

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Tracey Thurman, Director
Division of Waste Management

DATE: June 4, 2024

SUBJECT: Request Council Authorization to Execute a Sole Source Agreement with AE Electrical Solutions to provide on-going maintenance to the electrical system at the LFUCG Materials Recovery Facility (MRF).

Request: The purpose of this memorandum is to request approval to enter into an agreement with AE Electrical to provide on-going maintenance to the electrical system at the LFUCG Materials Recovery Facility.

Authorization to: Approve AE Electrical Solutions as a Sole Source Vendor.

Why are you requesting? AE Electrical Solutions has installed the electrical system in this facility. In addition they are an authorized dealer for the equipment and are familiar with the system and the systems used to process the recyclable materials at this facility due to the on-going maintenance they have provided.

Department needs this action because why: it would improve system down time by reducing the time it takes to secure a vendor and the turn-around time for repairs.

Are the funds budgeted? Yes

The funds are budgeted, or a budget amendment is in process: Yes

cc: Nancy Albright, Commissioner - EQPW



MAYOR LINDA GORTON

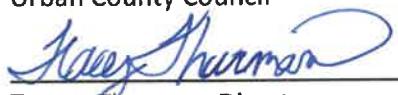


LEXINGTON

TRACEY THURMAN
DIRECTOR
WASTE MANAGEMENT

MEMORANDUM

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Tracey Thurman, Director
Division of Waste Management

DATE: June 4, 2024

SUBJECT: Request Council Authorization to set up Machinex Technologies as a sole source vendor for parts and services at the Materials Recovery Facility (LEX-MRF).

Request: The purpose of this memorandum is to set up Machinex Technologies as a sole source vendor to provide parts and services at the Lexington Materials Recovery Facility (LEX-MRF).

Authorization to: Approve Machinex Technologies as a sole source vendor.

Why are you requesting? The Materials Recovery Facility requires ready access to parts and equipment in the most cost effective and timely manner. Availability of parts is vital to efficient operations. Machinex maintains a wide inventory of parts. Machinex provides rapid turnaround of parts and service helping to reduce downtime.

Are the funds budgeted? Yes

The funds are budgeted, or a budget amendment is in process: Yes

cc: Nancy Albright, Commissioner - EQPW



MAYOR LINDA GORTON

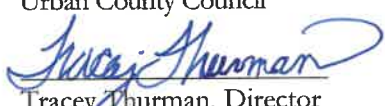


LEXINGTON

TRACEY THURMAN
DIRECTOR
WASTE MANAGEMENT

MEMORANDUM

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Tracey Thurman, Director
Division of Waste Management

DATE: June 4, 2024

SUBJECT: Request Council Authorization to Execute a Sole Source Agreement with Resource Recycling Systems (RRS) to Obtain Professional Consulting Services Between LFUCG Division of Waste Management and RRS

Request: The purpose of this memorandum is to request approval to enter into an agreement with Resource Recycling Systems (RRS) to purchase professional consulting services to assist with various capital and operational improvements at the Materials Recovery Facility. This agreement would allow the division to issue work-specific task orders with RRS including Operational Facility Health Checks, Commodity Market Support, and other On-Demand Support.

Authorization to: Approve sole source with Resource Recycling Systems for professional consulting services.

Why are you requesting? Resource Recycling Systems has been working with the Division of Waste Management on several projects including the recent capital improvement project at the Materials Recovery Facility. Their staff is familiar with both the equipment and commodities produced at the MRF. This agreement would allow the Division to work with RRS consultants to continue to improve the operations of the MRF.

Are the funds budgeted? Yes

The funds are budgeted, or a budget amendment is in process: Yes

cc: Nancy Albright, Commissioner- EQPW



MAYOR LINDA GORTON

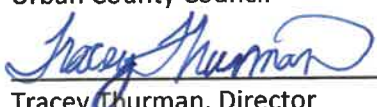


LEXINGTON

TRACEY THURMAN
DIRECTOR
WASTE MANAGEMENT

MEMORANDUM

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Tracey Thurman, Director
Division of Waste Management

DATE: June 4, 2024

SUBJECT: Request Council Authorization to Execute a Sole Source Agreement with Bullitt County Belting & Supply to purchase parts, repairs and installation services for the Materials Recovery Facility (MRF) on behalf of the LFUCG Division of Waste Management and Bullitt County Belting & Supply

Request: The purpose of this memorandum is to request approval to enter into an agreement with Bullitt County Belting & Supply to purchase Conveyor Belts, Saddles, Lacing and Belt Repair and installation for the Materials Recovery Facility (MRF).

Authorization To: Approve a Sole Source with Bullitt County Belting & Supply

Why are you requesting? This agreement supports the operational efficiency in acquiring required parts, supplies and installation of non-standard conveyor belts for material sorting system. This company provides 24 hour installation and repair services that are critical in ensuring facility productivity.

Department needs this action because why: The vendor is available in a timely basis to supply transport and install/volume per year/essential pieces of equipment

Are the funds budgeted? Yes

The funds are budgeted, or a budget amendment is in process: Yes

cc: Nancy Albright, Commissioner - EQPW



MAYOR LINDA GORTON



LEXINGTON

Jason G. Wells
Fire Chief

TO: Mayor Linda Gorton
FROM: Jason G. Wells, Fire Chief
DATE: 06/05/2024
SUBJECT: Contract with American Response Vehicle

File Summary:

Request Council authorization to enter into a contract agreement with American Response Vehicle, (ARV) for the purchase of 4 new emergency care apparatuses at the cost of \$1,737,000.00.

Contract termination language / clause: N/A

Why are you requesting?

These units will replace high mileage ageing units. The units scheduled for replacement will then be assigned to the division's reserve fleet, replacing older units.

The cost for this FY is: \$1,737,000.00

The cost for future FY is: N/A

Are the funds budgeted? Yes.

Account information:

2614 505707 96957 Fire_TRUCK_2024

Has an RFP been obtained? N/A

Sole source? N/A

Name of cooperative purchasing agreement if being utilized:

Yes, Houston Galveston Area Council, (HGAC). Contract #AM10-23.

File Number:

Director/Commissioner: Wells/Armstrong





Urban County Council Council Meeting June 13, 2024

The following price contract bid recommendations will be placed on the Mayor's Report for approval at the June 13, 2024 Council Meeting;

- (1) Accepting and approving the following bids and establishing price contracts for the following Departments or Divisions as to the specifications and amount set forth in the terms of the respective bids:
 - (a) Division of Police – Patrol Rifle Kit – 71-2024 – Kiesler Police Supply Inc.
 - (b) Division of Water Quality – Submersible Mixers – 69-2024 – The Henry P Thompson Company
 - (c) Division of Water Quality – Stormwater System Cleaning & Rehabilitation – 40-2024 – Leak Eliminators LLC
 - (d) Division of Fire & Emergency Services – Chevy Trucks for LFD – 65-2024 – Bachman Auto Group and John Jones Auto Group Corydon
 - (e) Division of Community Corrections – Janitorial Chemicals & Supplies – 73-2024 – Allied Cleaning Solutions Inc, Central Poly-Bag Corporation, Clint Chemical & Janitorial Supplies, Hillyard-KY, Interboro Packaging Company, Pyramid School Products and Unipak Corporation





General Government and Planning Committee

May 7, 2024

Summary and Motions

Chair Worley called the meeting to order at 1:04 p.m. Vice Mayor Wu and Committee Members J. Brown, Ellinger, Lynch, LeGris, Sheehan, Baxter, Reynolds, and Plomin were in attendance. Council members Fogle, Monarrez, Gray, F. Brown, and Sevigny were present as non-voting members.

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

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

II. Short Term Rentals: RLMB Recommendations

Beth Overman, Director of the Purchase of Development Rights (PDR) Program, presented the Rural Land Management Board's (RLMB) Short Term Rental (STR) recommendations. The RLMB's Chair Gloria Martin, assigned this task to the RLMB's Ordinance Review and Long-Range Planning Committee chaired by Margaret Graves. The Rural Service Area (RSA) is primarily comprised of the Agricultural-Rural, Agriculture-Natural, and Agriculture-Buffer zones. There are also small areas zoned Agriculture-Natural (A-N) and Agriculture-Buffer (A-B). The recommendations pertain to these three zones.

Recommendation #1 is all STRs in the Agricultural Zones should be required to obtain a conditional use permit from the Board of Adjustment (BOA). Recommendation #2 is the BOA should consider the number of STRs within a one-mile radius of the property and no more than one STR should be permitted within a one-mile radius. Recommendation #3 is adjacent property owners should be notified of the conditional use permit as required by existing public notice requirements. Recommendation #4 is only hosted STRs should be permitted in the Agricultural zones because of the unique challenges of agricultural areas.

Recommendation #5 is only one STR should be allowed on each property and no newly constructed STRs should be permitted. Recommendation #6 is a property owner with an existing Farm Employee Dwelling Unit (FEDU) may apply to the BOA for a conditional use permit to convert no more than one FEDU per property into an STR. Recommendation #7 is the maximum occupancy is no more than two individuals per bedroom. Recommendation #8 is all STRs in the RSA should be required to have onsite parking and lighted entrances that are easily visible from the roadway. Recommendation #9 is special events should be limited to the number of participants staying in the STR. Finally, recommendation #10 is all other STRs in the Agricultural Zones should be subject to the new requirements recommended above and should not be grandfathered in.

Overman explained most properties in the Purchase of Development Rights (PDR) program will not be permitted to have STRs on their farms due to the conservation easements. Currently, Lexington's zoning laws do not address farmstays but they do permit bed and breakfast facilities. RLMB recommends consistency with STRs and the bed and breakfast ordinance language.

There was a brief discussion regarding fire safety and ensuring the STR locations are properly addressed. Council also discussed converting existing buildings versus new construction. Bed and breakfasts must be hosted and require a meal to be served. Events are not currently permitted as a commercial activity.

No action was taken on this item.

III. Master Plan Update

Chris Taylor gave a brief update on the Urban Growth Master Plan and the consultant team. There has been extensive public outreach; one event had over 200 people in attendance. The Planning Commission will get an update on the frameworks and land use recommendations, and once school is back in session, they will have another round of public input. They will then get into developing the regulatory framework with additional public input.

No action was taken on this item.

IV. Urban Growth Management ZOTA

Hal Baillie provided a recap of the ZOTA and the presentation from February 13, 2024. He also highlighted the drive-up/drive-through changes. A drive-up window is a single lane with no separate ordering point or menu boards; this encompasses pharmacies and banks. Within the B-1 Zone, it would be an accessory use on an arterial or collector roadway and would be a conditional use on a local street. In a B-# Zone it would be accessory with no restrictions. Drive through facilities allows for multiple lanes with ordering points and menu boards. In a B-1 Zone, it is an accessory use when the use existed prior to the adoption of the proposed ZOTA, it is a conditional use on an arterial or collector roadway and is prohibited on local streets. In B-3 Zone, it is an accessory use with no restrictions. There was a brief discussion about the traffic patterns for each model.

Motion by Baxter to approve the proposed UGM ZOTA as amended. Seconded by Lynch. The motion passed without dissent.

Motion by Baxter to amend the proposed UGM ZOTA, Sec. 1b to delete "exterior amplification" and add "All stacking and pick-up shall be limited to a single lane" to Sec. 1c, seconded by Plomin, the motion passed without dissent.

Motion by Worley to amend the proposed UGM ZOTA, Sec. 8-16.b15.b to delete "excluding Electric Vehicle (EV) charging facilities" and add "unless previously approved for a greater number." Seconded by Baxter, the motion passed without dissent.

Motion by Worley to amend the proposed UGM ZOTA, Sec. 8-16c.8 to add "and when the parcel has lot frontage along an arterial or collector roadway" and delete "Electric Vehicle (EV) charging facilities" from Sec. 8-16c.9, seconded by Baxter, the motion passed without dissent.

Motion by Worley to amend the proposed UGM ZOTA Sec. 8-16d.5 to add "Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, except as accessory uses herein, and meets the following requirements; a. The parcel has lot frontage along an arterial or collector roadway; or b. The parcel is part of a project with an approved final development plan which has lot frontage along an arterial or collector roadway; and c. The parcel or project complies with 8-20(l) of the Zoning Ordinance." and Sec. 8-16.6 to add "Drive-up window for the sale of goods or products, or the provision of services otherwise permitted and the parcel has lot frontage along a local roadway." Seconded by Baxter, the motion passed 8-2. (Yes - Wu, J. Brown, Ellinger, Lynch, Sheehan, Worley, Baxter, and Plomin. No – LeGris and Reynolds)

Motion by Worley to amend the proposed UGM ZOTA Sec 8-20b.3b to add “except where required by Federal or State regulations” and delete “or eight (8) total islands for refueling, excluding Electric Vehicle (EV) charging facilities” from 8-20b.3c, seconded by J. Brown, the motion passed without dissent.

Motion by Worley to amend the proposed UGM ZOTA Sec. 8-16d.9 to add "Micro-distilleries subject to the following requirements: a. Production shall be limited to 10,000 gallons of distillate annually; b. Distilling operations shall occur within a structure; and c. There shall be an associated retail component or eating and drinking establishment. The Board of Adjustment shall consider the following: a. A proposed operations plan for production and storage of distillate; b. A proposed operations plan for stillage; and c. The impact of truck traffic on adjacent roadways." Seconded by Baxter, the motion passed without dissent.

Motion by Worley to amend the proposed UGM ZOTA Sec. 12-3i.a to add “except where required by Federal or State regulations” and delete “or eight (8) total islands for refueling, excluding Electric Vehicle (EV) charging facilities” from Sec. 12-3i.b, seconded by Reynolds, the motion passed without dissent.

Motion by Worley to amend the proposed UGM ZOTA Sec. 11-2a to remove “not exceeding three thousand (3,000) square feet in floor area”, amend Sec. 11-2b to remove “building not exceeding three thousand (3,000) square feet in floor area”, amend Sec. 11-2h to remove “not exceeding three thousand (3,000) square feet in floor area or land area”, and amend Sec. 11-7e to remove “Highway Services” and add “Corridor”, seconded by Baxter, the motion passed without dissent.

V. Items Referred

Motion by Lynch to amend the title of item 11 “Equitable Representation on Boards and Commissions – Tenants’ Bill of Rights” to “Boards and Commissions Comprehensive Review, seconded by Wu, the motion passed without dissent.

VI. Adjournment

The Committee adjourned at 2:49 pm.

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, or any area for ordering other than at the point of pick up.~~
- c) ~~All stacking and pick-up shall be limited to a single lane.~~

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,~~

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~~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.~~

• **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)

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

UGM Zoning Ordinance Text Amendment
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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.

UGM Zoning Ordinance Text Amendment
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- ~~c.e.~~ Minimum side yard: As per Subsections (i) Three (3) feet and (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)

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.

UGM Zoning Ordinance Text Amendment
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).

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- (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, unless previously approved for a greater number.~~

~~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.~~

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- ~~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.
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- ~~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, and when the parcel has lot frontage along an arterial or collector roadway.~~
- ~~910.~~ 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.
- ~~1011.~~ 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
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- 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, and meets the following requirements:
 - a. The parcel has lot frontage along an arterial or collector roadway; or
 - b. The parcel is part of a project with an approved final development plan which has lot frontage along an arterial or collector roadway; and
 - c. The parcel or project complies with 8-20(l) of the Zoning Ordinance
 - 6. Drive-up window for the sale of goods or products, or the provision of services otherwise permitted and the parcel has lot frontage along a local roadway.
 - ~~16.~~ Ecotourism activities to include zip line trails; tree canopy tours; fishing clubs; botanical gardens; nature preserves; and seasonal activities.
 - ~~17. Recreation vehicle and trailer campgrounds, but only when located within five hundred (500) feet of an interstate interchange.~~
 - ~~18. Hunting clubs, but only when located more than five hundred (500) feet from a residential zone.~~
 - 819. Country inns, but only when located within five hundred (500) feet of an Agricultural Rural (A-R) zone.
 - 9. Micro-distilleries subject to the following requirements:
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- a. Production shall be limited to 10,000 gallons of distillate annually;
- b. Distilling operations shall occur within a structure; and
- c. There shall be an associated retail component or eating and drinking establishment.

The Board of Adjustment shall consider the following:

- a. A proposed operations plan for production and storage of distillate;
- b. A proposed operations plan for stillage; and
- c. The impact of truck traffic on adjacent roadways.

- (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, an~~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.~~

~~20~~21. Hospitals.

~~21~~22. 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, except where required by Federal or State regulations.
 - c. There shall be no greater than sixteen (16) vehicular locations for refueling.
 - 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 rRecreational 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.~~
 - ~~940.~~ 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.
 - ~~1044.~~ 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.
 - ~~1142.~~ 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, except where required by Federal or State regulations.
 - b. There shall be no greater than sixteen (16) vehicle locations for refueling.
 - 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.

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- (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.
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- (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:
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- (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:

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- (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.

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- (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.

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- (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.
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- (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.
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- (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 often (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.
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- (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:

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- (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.

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- (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.

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- (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)

Article 11 - INTERCHANGE SERVICE BUSINESS (B-5P) ZONE

Sec. 11-2. - Principal uses permitted.

The following are principal permitted uses in an Interchange Service Business (B-5P) zone:

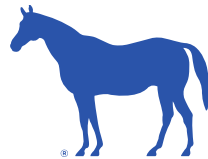
- (a) Automobile Service Stations and automobile and vehicle refueling stations providing full-service, self-service, or a combination thereof; including the sale of convenience type merchandise in conjunction therewith in an enclosed building ~~not exceeding three thousand (3,000) square feet in floor area~~. Such uses shall conform to all requirements of Article 16.
- (b) Facilities for the sale of convenience type merchandise in an enclosed building ~~not exceeding three thousand (3,000) square feet in floor area~~ in conjunction with pumps for the sale of fuel for vehicles.
- (c) Restaurants, excluding drive-in restaurants.
- (d) Cocktail Lounges, Nightclubs, Wine Tasting Rooms and Discotheques, with or without live entertainment or dancing.
- (e) Brew-pubs, when located at least one hundred (100) feet from a residential zone, which 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.
- (f) Hotels and Motels.
- (g) One Confectionery or Candy Store, not exceeding one thousand, five hundred (1,500) square feet, per interchange quadrant.
- (h) Roadside stand and value-added product sales, ~~not exceeding three thousand (3,000) square feet in floor area or land area~~.
- (i) Carnivals on a temporary basis, and upon issuance of a permit by the Division 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 may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
- (j) Temporary cellular telephone transmitting facility; not to exceed seventy (70) feet in height and with a 1:1 height to yard ratio.
- (k) Car washing establishments, provided that surface water from such uses 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. The use shall be located at least one hundred fifty (150) feet from a residential zone or residential structure in a nonresidential zone; or the use shall be designed so that all vehicular stacking areas and machine operations, including vacuuming and mechanical washing, shall be conducted inside a building, or shall be separated from the residential zone or residential structure in a nonresidential zone by a building or an eight-foot solid wall.

(Code 1983, § 11-2; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 30-95 , § 1, 2-9-1995; Ord. No. 71-96 , § 5, 5-16-1996; Ord. No. 85-96 , § 2, 5-30-1996; Ord. No. 155-97 , § 1, 7-10-1997; Ord. No. 171-2001 , § 1, 7-5-2001; Ord. No. 60-2004 , § 1, 4-8-2004; Ord. No. 100-2011 , § 13, 8-25-2011; Ord. No. 5-2013 , § 3, 1-31-2013; Ord. No. 137-2016 , § 3(11-2), 7-7-2016)

LEXINGTON-FAYETTE URBAN COUNTY INDUSTRIAL AUTHORITY

Urban County Council Work Session

June 11, 2024



LEXINGTON

Background

- Created by Ordinance 87-2018 (Nov. 1, 2018)
 - Sec. 2-515(4) requires the Authority to “submit its proposed budget to the Urban County Council for review and approval” annually

- Eight member Board appointed by the Mayor, which meets at least quarterly
 - Kevin Atkins, Chief Development Officer, LFUCG
 - Ryan Holmes, Principal/Planner, EHI Consultants
 - Mason Miller, Attorney/Partner, Miller Edwards Rambicure PLLC
 - Anne-Tyler Morgan, Attorney/Member, McBrayer PLLC
 - Derek Paulsen, Dean, College of Justice, Safety and Military Science, ECU
 - Kathy Plomin, 12th District Councilmember
 - Daryl Smith, Economic Development Manager, LG&E/Kentucky Utilities
 - Mary-Alicha Weldon, City President & Commercial Banking Team Lead, Fifth Third Bank

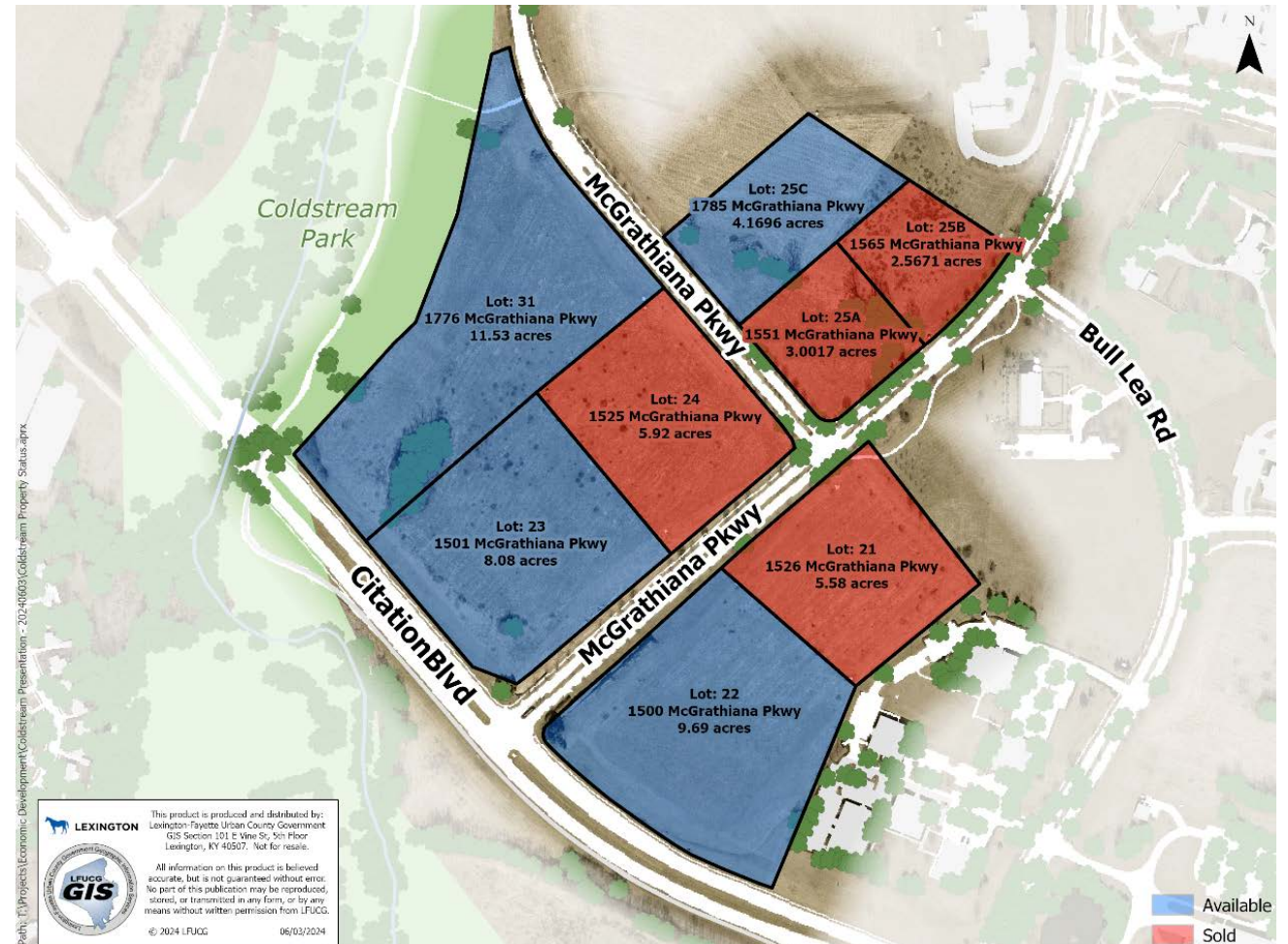
Memorandum of Understanding – UK & LFUCG

- Resolution 462-2018:
 - Executed an MOU transferring approximately 250 acres of land in or adjacent to the Coldstream Research Campus owned by the University of Kentucky to the LFUCG
 - Transferred certain campus area streets and alleys owned by the LFUCG to the University of Kentucky
 - LFUCG to provide \$100,000 annually for 10 years to fund improvements related to “pedestrian, bicycle, and vehicular safety in and around campus”
- 50 Acre Site: Proceeds of land sales to be used for improvement of the 200 acre site and by UK for other improvements (50/50)
- 200 Acre Site: Transferred in July 2022



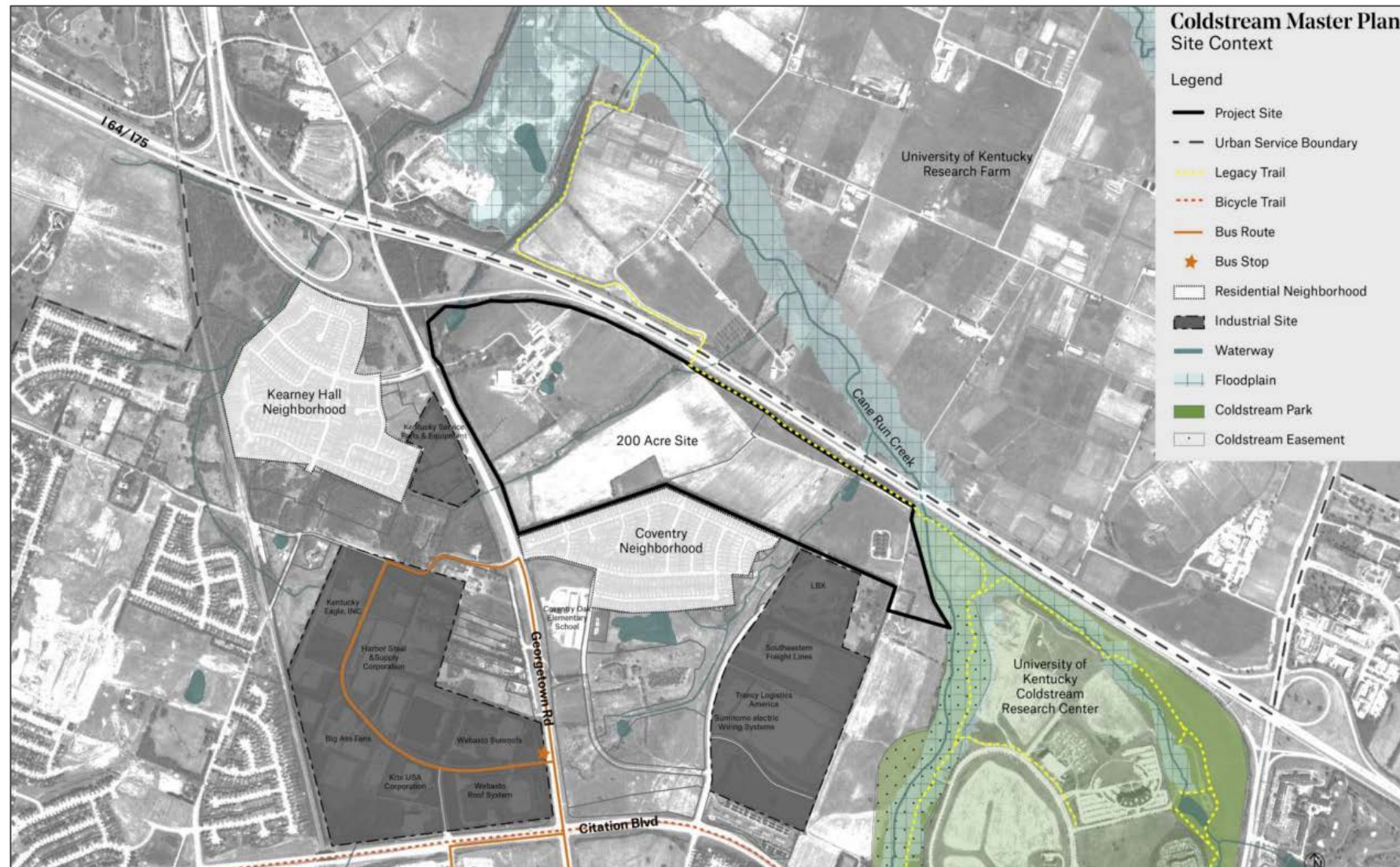
Coldstream – 50 Acre Site

- 17.07 acres (4 lots) sold
- 33.47 acres (4 lots) remain available
- **50.54 acres total**
- Zoning: P-2 (University Research Campus)
- 4 lots sold for credit union, corporate office, medical office, and veterinarian office uses





Legacy Business Park





Legacy Business Park

- 200 acres
 - Lots: 147.24 ac.
 - Right-of-Way: 13.42 ac.
 - Greenway Lots: 39.34 ac.
- Legacy Trail extension and community connections
- Flexible lot configuration: can be combined, etc.



Legacy Business Park -- Funding

- Project Cost (est.): \$22.4 million, including 15% contingency
- Project Funding: \$22.2 million
 - \$10 million: HUD – Community Project Funding
 - \$6,951,790: General fund construction dollars (originally part of \$9.5 million ARPA)
 - \$2,548,210: ARPA funds (design and construction admin.)
 - \$2 million: Kentucky Product Development Initiative (KPDI)
 - \$500,000: LFUCG match funds (BA to Professional Services – Phase 3 Arch.)
 - \$200,000: LG&E/KU
 - Balance: Land sale proceeds
- Groundbreaking expected in fall 2024, with 18 months for substantial completion



Industrial Authority Budget – FY 2024/25

Coldstream Development Project		
RECOGNIZED REVENUE		LTD
Sales of Real Property		
Anticipated Open Revenues - Fund 1144	\$	(1,457,897.00)
Outside Funding		
ARPA - Design Funds	\$	(2,548,210.00)
General Fund - Capital Project	\$	(6,951,790.00)
TOTAL REVENUE	\$	(10,957,897.00)
COMMITTED/AUTHORIZED EXPENSE		LTD
Gresham Smith	\$	2,548,210.00
Ethan Howard - Remaining Contract	\$	21,550.00
Commonwealth Economics - Remaining Contract	\$	17,500.00
BUDGETED EXPENSE		
ARPA Cold Stream Development Project	\$	6,951,790.00
TOTAL EXPENSE	\$	9,539,050.00
RESTRICTED FOR FUTURE DEVELOPMENT COSTS		
	\$	(1,418,847.00)
EXPECTED GRANT FUNDING:		
KPDI	\$	2,000,000.00
LG&E/KU	\$	200,000.00
HUD - Community Project Funding/Econ. Dev. Initiative	\$	10,000,000.00

FY2025 Coldstream Operating Budget		
BUDGETED REVENUE		FY2025
Use of 1135 - IRB Fund Transfer	\$	-
1101 Grant Match - Carryforward	\$	(500,000.00)
FY24 LFUCG General Fund	\$	(146,000.00)
TOTAL REVENUE/TRANSFER IN	\$	(646,000.00)
BUDGETED EXPENSE		FY2025
Professional Services - Legal	\$	50,000.00
Professional Services - Mowing	\$	72,000.00
Professional Services - Insurance	\$	5,000.00
Professional Services - Security	\$	6,000.00
Professional Services - Other	\$	8,000.00
Repairs and Maintenance	\$	5,000.00
Grant Match (CARRYFORWARD - FY24)*	\$	500,000.00
TOTAL EXPENSE	\$	646,000.00
AVAILABLE TO ALLOCATE		\$ -

*Contract modification and budget amendment in progress to fund Phase 3 Archaeological Study

Questions?



LEXINGTON