

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, November 19, 2013

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
November 18 – November 25, 2013**

Monday, November 18

Design Excellence Task Force.....3:30 pm
Conference Room – 5th Floor Government Center

Tuesday, November 19

Social Services & Community Development Committee.....11:00 am
Council Chamber – 2nd Floor Government Center

Budget & Finance Committee.....1:00 pm
Council Chamber – 2nd Floor Government Center

Council Work Session.....3:00 pm
Council Chamber – 2nd Floor Government Center

Wednesday, November 20

No Meetings

Thursday, November 21

Corridors Commission.....11:00 am
Conference Room – 5th Floor Government Center

Quarterly COW – CANCELLED.....4:30 pm
Conference Room – 5th Floor Government Center

Council Meeting.....6:00 pm
Council Chamber – 2nd Floor Government Center

Friday, November 22

No Meetings

Monday, November 25

No Meetings

**URBAN COUNTY COUNCIL
TABLE OF MOTIONS
November 12, 2013**

Vice Mayor Gorton chaired the meeting and called it to order at 3:00pm. Council Members Gorton, Ellinger, Kay, Ford, Akers, Lawless, Beard, Farmer, Stinnett, Scutchfield, Mossotti, Clarke and Lane were present. Council Members Myers and Henson were absent.

- I. Public Comment – Issues on Agenda – No
- II. Requested Rezoning / Docket Approval – No
- III. Approval of Summary – Yes

Motion by Beard to approve the summary. Seconded by Farmer. Motion passed without dissent.

- IV. Budget Amendments – No

- V. New Business – Yes

Motion by Stinnett to approve the new business. Seconded by Mossotti. Motion passed without dissent.

- VI. Continuing Business / Presentations – Yes

Motion by Ellinger to approve neighborhood development funds. Seconded by Scutchfield. Motion passed without dissent.

- VII. Council Reports – Yes

Motion by Lawless to place the issue of standards and oversight of rehabilitation homes in the Public Safety Committee. Seconded by Ellinger. Motion passed without dissent.

- VIII. Mayor's Report – No

- IX. Public Comment – Issues Not on Agenda – No

- X. Adjournment

Motion by Mossotti to adjourn. Seconded by Farmer. Motion passed without dissent.

**Lexington-Fayette Urban County Government
Work Session Agenda
November 19, 2013**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval – Yes**
- III. Approval of Summary – Yes, p. 1**
- IV. Budget Amendments – Yes, p. 6 - 7**
- V. New Business – Yes, p. 8 - 23**
- VI. Continuing Business/ Presentations**
 - a** Neighborhood Development Funds, November 19, 2013, p. 24
 - b** Planning & Public Works, October 8, 2013 Summary, p. 25 - 90
 - c** General Government Committee, November 5, 2013, p. 91 - 94
 - d** Presentation: Lexington Jobs Fund, By: Jamie Emmons, Chief of Staff Mayor's Office, p. 95 - 104
- VII. Council Reports**
- VIII. Mayor's Report – Yes**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

Administrative Synopsis - New Business Items

- a** **1201-13** Authorization to submit application to the National Police Athletic/Activities Leagues, Inc., and accept award if offered, for participation in the National PAL Mentoring Program in the Division of Police. (L1201-13) (Gooding/Mason)
This is a request to submit application for an amount of \$27,500 to the National Police Athletic/Activities Leagues, Inc., and accept award if offered, for participation in the National PAL Mentoring Program in the Division of Police. No local match is required. p. 8
- b** **1209-13** Authorization to execute agreement with IBM Business Continuity and Recovery Services (BCRS) for disaster recovery services. (L1209-13) (Nugent/Hamilton)
This is a request to execute agreement with IBM BCRS for disaster recovery services for a cost not to exceed \$84,360. Funds are budgeted. p. 9
- c** **1214-13** Authorization to execute Facility Rental Agreement with the Lexington Convention Center and Catering Contract with the Hyatt Regency for the Annual Police Awards Banquet. (L1214-13) (Bastin/Mason)
This is a request to execute Facility Rental Agreement with the Lexington Convention Center and Catering Contract with the Hyatt Regency for the Annual Police Awards Banquet to be held on Tuesday, May 6, 2014. There is no budgetary impact as the banquet will be funded by ticket sales. p. 10
- d** **1215-13** Authorization to execute Memorandum of Understanding (MOU) with Transylvania University outlining the procedure to be followed by the requesting and responding agencies in the event of a request for assistance. (L1215-13) (Bastin/Mason)
This is a request to execute MOU with Transylvania University outlining the procedure to be followed by the requesting and responding agencies in the event of a request for assistance. The Lexington Division of Police will have primary responsibility for handling police related events occurring within the Campus as requested for crimes of violence resulting in significant injury or death and matters relating to public safety, maintenance of order, and the investigation of crimes. There is no budgetary impact. p. 11
- e** **1221-13** Authorization for the Department of Environmental Quality and Public Works in collaboration with LexArts to provide funding for EcoART projects. (L1221-13) (Martin)

This is a request to authorize the Department of Environmental Quality and Public Works in collaboration with LexArts to provide \$100,000 in funding for EcoART projects. Funds are budgeted.
p. 12

- f 1225-13** Authorization to approve a tiered supplement to retirees and beneficiaries of the City Employees' Pension Fund (CEPF). (L1225-13) (Nelson/Hamilton)
This is a request to approve a tiered supplement to retirees and beneficiaries of the CEPF. The one-time adjustments are based on the current annual pension and years of service (at retirement) of each pensioner or beneficiary. The estimated impact is \$581,740.50 over the remaining life of the fund (never more than \$80,698.98 on an annual basis). The impact for FY 2014 is \$74,200. Funds are budgeted. p. 13 - 16
- g 1228-13** Authorization to approve a 10-year agreement with Alliance Coal, LLC to participate in the Kentucky Business Investment (KBI) Program. (L1228-13) (Atkins)
This is a request to approve a 10-year agreement with Alliance Coal, LLC to participate in the KBI Program, which allows for the recovery of up to 100% of start-up and building costs through Kentucky corporate income tax credits and wage assessment fee of up to 4%. There is no budgetary impact. p. 17
- h 1229-13** Authorization to approve a 10-year agreement with NOHMs Technologies, Inc. to participate in the Kentucky Business Investment (KBI) Program. (L1229-13) (Atkins)
This is a request to approve a 10-year agreement with NOHMs Technologies, Inc. to participate in the KBI Program which allows recovery up to 100% of start-up and building costs through Kentucky corporate income tax credits and wage assessment fee of up to 4%. There is no budgetary impact. p. 18
- i 1230-13** Authorization to adopt a resolution supporting Sayre Christian Village Nursing Home's County Health Facilities Revenue Bonds application. (L1230-13) (Atkins)
This is a request to adopt a resolution supporting Sayre Christian Village Nursing Home's County Health Facilities Revenue Bonds application in the aggregate amount of \$17,500,000 for the purpose of refinancing a line of credit and a term loan with Central Bank & Trust Company. LFUCG will incur no expenses related to this action. p. 19

- j** **1231-13** Authorization to execute a Memorandum of Agreement (MOA) with the United States Special Operations Command, Program Executive Office Special Operations Forces Support Activity (PEO SOFSA), located at 5751 Briar Hill Road, which defines the roles and responsibilities of the parties in providing security and emergency response in the event of a terrorist threat and/or attack to that facility. (L1231-13) (Bastin/Mason)
This is a request to execute a MOA with the United States Special Operations Command, Program Executive Office Special Operations Forces Support Activity (PEO SOFSA), located at 5751 Briar Hill Road, which defines the roles and responsibilities of the parties in providing security and emergency response in the event of a terrorist threat and/or attack to that facility. There is no budgetary impact. p. 20
- k** **1234-13** Authorization to create the Central Kentucky 911 Network (a.k.a. CKy911net or CKy911) program to formally design, develop, implement and manage the multi-jurisdiction 9-1-1 infrastructure system to the benefit of LFUCG and partnering agencies. (L1234-13) (Mason)
This is a request to create the Central Kentucky 911 Network (a.k.a. CKy911net or CKy911) program to formally design, develop, implement and manage the multi-jurisdiction 9-1-1 infrastructure system to the benefit of LFUCG and partnering agencies. p. 21
- l** **1235-13** Authorization to amend the Industrial Revenue Bond Review Committee Ordinance to create the Economic Development Investment Board. (L1235-13) (Emmons)
This is a request to amend the Industrial Revenue Bond Review Committee Ordinance to create the Economic Development Investment Board, which will review incentive package applications and make recommendations for the Lexington Job Fund Program. There is no budgetary impact. p. 22
- m** **1237-13** Authorization to create the JOBS Fund, a local economic development program to attract and expand companies within Fayette County. (L1237-13) (Emmons)
This is a request to create the JOBS Fund, a local economic development program to attract and expand companies within Fayette County by allowing companies to apply for incentive dollars to increase the number of jobs provided by their company. p. 23

BUDGET AMENDMENT REQUEST LIST

JOURNAL	73526-27	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	2,324.00
					2,324.00CR
					.00

To reimburse Maintenance for costs incurred for Thursday Night Live during September.

JOURNAL	73528-29	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	356.00
					356.00CR
					.00

To reimburse Maintenance for cost of Electrician for Race for the Cure event.

JOURNAL	73651-52	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	1,535.00
					1,535.00CR
					.00

To provide funds for Little Goblins event by recognizing sponsor funds from concessions at Woodland Arts Fair.

JOURNAL	73653-54	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	356.00
					356.00CR
					.00

To provide funds for repairs and maintenance for cost incurred for Electrician at Alzheimer's event by recognizing revenues received for this purpose.

JOURNAL	73742-43	DIVISION	Special Programs	Fund Name	Donation Fund
				Fund Impact	360.00
					360.00CR
					.00

To provide operating expenses by recognizing revenue from the Japan America Society of Kentucky for the installation and removal of banners.

JOURNAL	73624-25	DIVISION	Streets and Roads	Fund Name	County Aid Program Fund
				Fund Impact	2,633,689.68
					2.00CR
					2,633,687.68

To provide funds in accordance with agreement with County Judge Executive for allocation of state funds for County Road Aid Projects. Funds remain from prior fiscal years to cover these allocations.

JOURNAL	73610-11	DIVISION	Grants and Special Projects	Fund Name	US Department of Justice
				Fund Impact	27,500.00
					27,500.00CR
					.00

To establish budget for Police Activities League Mentoring Program.

JOURNAL	73622-23	DIVISION	Grants and Special Projects	Fund Name Fund Impact	US Dept HHS 139,745.69 139,745.69CR .00
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To budget additional revenue and expenses for Home Network FY 2012.

JOURNAL	73455-56	DIVISION	Grants and Special Projects	Fund Name Fund Impact	US Dept Homeland Security 29,435.00 29,435.00CR .00
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To establish budget for Versailles Road Shelter project.

JOURNAL	73472	DIVISION	Grants and Special Projects	Fund Name Fund Impact	US Dept Homeland Security 2,557.39 2,557.39CR .00
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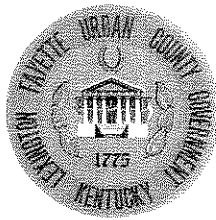
To amend State Homeland Training grant to provide additional funds for minor equipment.

JOURNAL	73476	DIVISION	Grants and Special Projects	Fund Name Fund Impact	US Dept Homeland Security 137.28 137.28CR .00
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To amend State Homeland Training grant to reflect actual expenses.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	.00
Fund	1103	Donation Fund	.00
Fund	1137	County Road Aid Fund	2,633,687.68
Fund	3140	US Department of Justice	.00
Fund	3190	US Department of Health and Human Services	.00
Fund	3200	US Department of Homeland Security	.00



Lexington-Fayette Urban County Government
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray
Mayor

Sally Hamilton
CAO

**TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: OCTOBER 31, 2013

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION
TO THE NATIONAL POLICE ATHLETIC/ACTIVITIES LEAGUES,
INC., AND ACCEPT AWARD IF OFFERED, FOR PARTICIPATION IN
THE NATIONAL PAL MENTORING PROGRAM IN THE DIVISION
OF POLICE**


The Division of Police, Police Activities League has prepared a grant application for submission to the National Police Athletic/Activities Leagues, Inc., requesting \$27,500 for operation of a National PAL Mentoring Program. The Police Activities League of Lexington is a crime prevention program that relies on recreation, athletic, and educational activities to build positive relationship among police officers, youth, and the community.

The purpose of this project is to expand a mentoring program that operates during non-school hours at the PAL building under the supervision of the PAL Mentoring Coordinator and a PAL police officer. The project includes development of a group of volunteers to serve as adult/peer mentors. This proposed enhancement of the mentoring program will target high-risk youth (17 and younger) in Census Tracts 38.01, 34.04 and 23.01, areas characterized by poverty, low academic achievement, substance abuse and high crime. The mentoring program has the objective of preventing substance use/abuse, delinquency, and dropping out of school.

Funds will be used to support costs of a mentoring coordinator (under contract), travel, field trips, training materials, snacks, and operating supplies.

Federal funds for the program are from the U.S. Department of Justice/Office of Juvenile Justice and Delinquency Prevention Program. No local match is required.

Council authorization to submit the application, and accept the award if offered, is hereby requested.



Irene Gooding, Director

XC: Clay Mason, Commissioner of the Department of Public Safety




Lexington-Fayette Urban County Government
CHIEF INFORMATION OFFICE

Jim Gray
Mayor

CIO
Aldona Valicenti

MEMORANDUM

TO: Mayor Jim Gray

FROM: Michael Nugent, Director 
Division of Computer Services

DATE: November 04, 2013

RE: Contract agreement with IBM Business Continuity and Recovery Services

Authorizing the Mayor to execute an agreement with IBM Business Continuity and Recovery Services (BCRS) for disaster recovery services, at a cost not to exceed \$84,360. The schedule of resources and rates is included in the contract documents.



LEXINGTON DIVISION OF POLICE
OFFICE OF THE CHIEF

10
1214-13

TO: Mayor Jim Gray
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: November 4, 2013

RE: 2014 Police Awards Banquet
Lexington Convention Center Rental Agreement
Hyatt Regency Catering Contract

Please find attached Lexington Convention Center Facility Rental Agreement and Hyatt Regency Catering Contract with the Lexington Fayette Urban County Government for the Annual Police Awards Banquet to be held on Tuesday, May 6, 2014.

We are requesting council approval to authorize Mayor Gray to sign the attached agreement/contract. Upon approval and signing, please forward documents to the Chief's Office to acquire additional signatures.

There will be no budgetary impact. The awards banquet will be funded by ticket sales.

If you have any questions or require additional information, please contact my office.

A handwritten signature in cursive script that reads "R. Bastin".

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Clay Mason, Commissioner of Public Safety



LEXINGTON DIVISION OF POLICE

OFFICE OF THE CHIEF

11

1215-13

November 4, 2013

TO: Mayor Jim Gray
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

RE: Memorandum of Understanding – Transylvania University,
Department of Public Safety

Please find attached Memorandum of Understanding (MOU) between Transylvania University and the Lexington-Fayette Urban County Government. The attached MOU outlines the procedure to be followed by the requesting and responding agencies in the event of a request for assistance. The Lexington Division of Police will have primary responsibility for handling police related events occurring within the Campus as requested for:

- Crimes of violence resulting in significant injury or death, including actual and attempted homicides, rape, and sexual assaults, robberies, serious assaults, such as first degree assaults and those involving the use or implied use of a weapon, suicides, suspicious or unattended deaths and industrial accidents. Significant injuries are defined as those injuries requiring hospitalization and/or significant medical treatment and include in-progress and late reported crimes. DPS will immediately refer any such crimes to LPD for investigation while maintaining the integrity of any crime scene.
- The Lexington Division of Police will provide any reasonable assistance requested by Transylvania University Department of Public Safety relating to matters of public safety, maintenance of order and the investigation of crimes. Requests for assistance will be approved based upon the ability of the Lexington Division of Police to provide the requested assistance at the time of the request. Requests for assistance should be made as early as practical to optimize the ability of the Police Department to plan for and provide the requested assistance and resources.

The attached agreement requires the Mayor's signature. Upon approval and signing, please forward MOU to the Chief's Office to acquire additional signature. If you have any question or require additional information, please contact my office.

A handwritten signature in black ink that reads "R. Bastin".

Ronnie Bastin
Chief of Police

RB/rmh
Attachment
cc: Clay Mason, Commissioner of Public Safety

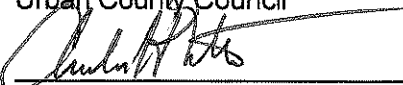


Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray
Mayor

Charles Martin
Acting Commissioner

TO: Mayor Jim Gray
Urban County Council

FROM: 
Charles H. Martin
Acting Commissioner

DATE: November 5, 2013

SUBJECT: EcoArt Grant Program

The Department of Environmental Quality and Public Works in collaboration with LexArts seeks approval to provide \$100,000 in funding for EcoART projects. The EcoART program was modified to focus on larger projects with higher visibility and deeper community impact. The goals of the program are to generate increased awareness of environmental issues important to Lexington, educate citizens, and promote a healthy and sustainable quality of life.

LexArts has been selected to administer the EcoART Request for Qualifications (RFQ) process to include:

1. A national Call for Entries and selection process for professional artists experienced in large-scale public artwork;
2. Site visits for five finalists to participate in a Request for Proposals. Each will receive an honorarium plus travel costs to visit Lexington;
3. Designs for site-specific projects;
4. Public review of the submitted proposals;
5. Selection of three proposals with a budget up to \$25,000; and
6. Compilation of a complete portfolio of the projects to be published and exhibited by LexArts for the purpose of promoting environmental themes in Lexington. Submitted materials will become the property of the LFUCG.

The support for these projects is in keeping with our overall program of environmental education and outreach. The Department of Environmental Quality and Public Works has budgeted funds to conduct the EcoArt Grant Program. The total amount to be disbursed is \$100,000 from account 1115-313201-3095-78112. Projects will be completed by June 1, 2014.

CHM:lce/ Grant Review Committee



Lexington-Fayette Urban County Government
OFFICE OF THE COUNCIL CLERK

Jim Gray
Mayor

Meredith Nelson
Council Clerk

TO: Urban County Council

FROM: 
Meredith Nelson, Council Clerk

DATE: November 7, 2013

RE: Recommendation to Council from City Employees' Pension Fund Board

On October 22, 2013, the City Employees' Pension Fund Board voted (7-0) to request the Council's approval of a tiered supplement to retirees and beneficiaries of the City Employees' Pension Fund. The approved proposal supplements annual pensions with a one-time, tiered increase based on the current annual pension and years of service (at retirement) of each pensioner or beneficiary. One-time adjustments will be tiered as follows:

Current Annual Pension	Supplement	Years of Service	Supplement
\$0 - \$10,000.00	\$700	Beneficiary	\$200
\$10,000.01 - \$20,000.00	\$600	0.00-10.00	\$200
\$20,000.01 - \$30,000.00	\$500	10.01-20.00	\$300
\$30,000.01 - \$40,000.00	\$400	20.01-30.00	\$400
\$40,001.01 - \$50,000.00	\$300	30.01-40.00	\$500
\$50,000.01 and Above	\$200		

The Pension is a "closed" fund and, as of October 30, 2013, has 29 retirees and 59 beneficiaries. Beneficiaries receive 75% of the retirees' pension. The current 3% annual COLA was approved by Ordinance No. 110-81, effective on July 1, 1981.

The Pension Fund's Actuarial Study is performed annually and is kept on file in the Council Clerk's Office. The draft study as of July 1, 2013, estimates that the Fund is 216.7% funded.

If approved by Council, this proposal would go into effect January 1, 2014 as the next available pay period.

cc: Mayor Jim Gray
Sally Hamilton, CAO
City Employees' Pension Fund Board Members
Ed Gardner, Dept. of Law

City Employees Pension Fund

Proposal

The City Employees Pension Fund (CEPF) has 88 pensioners and beneficiaries, with an average age of 79 years, and an average pension of \$17,470.80. Of these 88 members, 59 members are beneficiaries.

The following proposal is to supplement the current annual pensions of CEPF members with a one-time, tiered increase based on the current annual pension and years of service (at retirement) of each pensioner or beneficiary. The one time adjustments will be tiered as follows:

Current Annual Pension	Supplement	Years of Service	Supplement
\$0 - \$10,000.00	\$700	Beneficiary	\$200
\$10,000.01 - \$20,000.00	\$600	0.00-10.00	\$200
\$20,000.01 - \$30,000.00	\$500	10.01-20.00	\$300
\$30,000.01 - \$40,000.00	\$400	20.01-30.00	\$400
\$40,001.01 - \$50,000.00	\$300	30.01-40.00	\$500
\$50,000.01 and Above	\$200		

For example, a pensioner who has a current pension of \$25,000 per year, who retired with 25 years of service, would receive a supplement of \$500 for their current pension level and \$400 for their years of service, for a total supplement of \$900. In the first year of implementation, the 3% Cost of Living Adjustment (COLA) required by ordinance will be calculated prior to the supplement being added. In future years, the COLA will be calculated on the total pension. An example of the calculation is below:

Years of Service	25.00	Year One Pension:	\$26,650.00
Current Annual Pension:	\$25,000.00	Year Two Pension:	\$27,449.50
3% COLA:	\$750.00	Year Three Pension:	\$28,272.99
Supplement:	\$900.00	Year Four Pension:	\$29,121.17
		Year Five Pension:	\$29,994.81

Financial Implications

While this proposal is a one-time supplement, there is an increased cost in the long-term, beyond the supplement amount, due to compounding. Under the current policy, without any additional supplement, in five years time, the average pension in the fund will increase by \$2,727.45, or about 16%. With the supplement added, the average pension will increase by \$3,676.85 or about 21% in the same time period.

This supplement would total \$74,200 in the first year of implementation. This increased benefit has a present value of \$581,740.50¹ over the remaining life of the fund. The draft actuarial valuation completed by Cavanaugh McDonald Consulting as of July 1, 2013 estimates that the fund is 216.7% funded with excess funding of \$15,096,271². Even if the fund's experience varies significantly to the negative from the actuarial assumptions used by Cavanaugh McDonald, there will be sufficient assets to cover the cost of this proposal over the remaining life of the fund.

¹ The present value is based on the sum of the present value of a growing annuity for each member. This calculation assumes life expectancy based on the the Social Security Administration, Actuarial Life Table, a 7% assumed rate of return, and a COLA of 3% for the remaining life of the fund.

² Assumes a 7% investment rate of return, 3% COLA, and a 15 year amortization period.

Membership Statistics

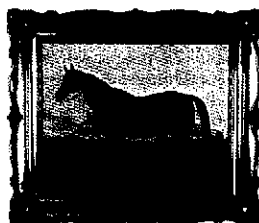
Retirement Type	Members	Average Pension	Average Age
Service	23	\$25,462.12	82.39
Non-Occupational	2	\$11,607.05	69.50
Occupational	4	\$10,657.83	77.00
Beneficiary	59	\$15,016.20	78.32
All Members	88	\$17,470.80	79.13

Total Pension Benefits Comparison

Year	Total Annual Benefits (Current Policy)	Total Annual Benefits (with Supplement)	Increase
1	\$1,583,553.00	\$1,657,753.00	\$74,200.00
2	\$1,631,059.59	\$1,707,485.59	\$76,426.00
3	\$1,679,991.38	\$1,758,710.16	\$78,718.78
4	\$1,696,474.41	\$1,776,789.85	\$80,315.43
5	\$1,716,850.80	\$1,797,549.78	\$80,698.98
6	\$1,582,364.22	\$1,655,166.63	\$72,802.41
7	\$1,578,594.22	\$1,650,595.58	\$72,001.35
8	\$1,240,805.00	\$1,304,020.52	\$63,215.52
9	\$1,002,936.79	\$1,057,914.61	\$54,977.82
10	\$984,319.46	\$1,038,598.02	\$54,278.56
11	\$710,527.98	\$755,280.39	\$44,752.42
12	\$711,069.94	\$754,811.73	\$43,741.79
13	\$651,648.41	\$690,286.53	\$38,638.12
14	\$338,544.34	\$366,740.18	\$28,195.85
15	\$301,774.97	\$325,522.63	\$23,747.66
16	\$209,298.63	\$226,903.66	\$17,605.03
17	\$200,988.07	\$217,677.02	\$16,688.95
18	\$197,713.36	\$213,415.41	\$15,702.05
19	\$148,400.52	\$160,147.31	\$11,746.79
20	\$103,423.07	\$110,787.80	\$7,364.73
21	\$106,525.77	\$114,111.43	\$7,585.67
22	\$77,670.39	\$82,135.09	\$4,464.71
23	\$80,000.50	\$84,599.15	\$4,598.65
24	\$60,874.88	\$64,032.62	\$3,157.74
25	\$62,701.13	\$65,953.60	\$3,252.47

Average Pension Benefit Comparison

Year	Average Annual Benefit (Current Policy)	Average Annual Benefit (with Supplement)	Increase
1	\$17,994.92	\$18,838.10	\$843.18
2	\$18,534.77	\$19,403.25	\$868.48
3	\$19,090.81	\$19,985.34	\$894.53
4	\$19,499.71	\$20,422.87	\$923.17
5	\$20,198.24	\$21,147.64	\$949.40
6	\$21,098.19	\$22,068.89	\$970.70
7	\$21,924.92	\$22,924.94	\$1,000.02
8	\$20,341.07	\$21,377.39	\$1,036.32
9	\$19,665.43	\$20,743.42	\$1,078.00
10	\$20,088.15	\$21,195.88	\$1,107.73
11	\$18,218.67	\$19,366.16	\$1,147.50
12	\$19,218.11	\$20,400.32	\$1,182.21
13	\$20,364.01	\$21,571.45	\$1,207.44
14	\$15,388.38	\$16,670.01	\$1,281.63
15	\$16,765.28	\$18,084.59	\$1,319.31
16	\$16,099.89	\$17,454.13	\$1,354.23
17	\$16,749.01	\$18,139.75	\$1,390.75
18	\$17,973.94	\$19,401.40	\$1,427.46
19	\$18,550.07	\$20,018.41	\$1,468.35
20	\$20,684.61	\$22,157.56	\$1,472.95
21	\$21,305.15	\$22,822.29	\$1,517.13
22	\$25,890.13	\$27,378.36	\$1,488.24
23	\$26,666.83	\$28,199.72	\$1,532.88
24	\$30,437.44	\$32,016.31	\$1,578.87
25	\$31,350.56	\$32,976.80	\$1,626.24



Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

TO: MAYOR JIM GRAY
URBAN COUNTY COUNCIL

FROM: KEVIN ATKINS 
CHIEF DEVELOPMENT OFFICER

DATE: NOVEMBER 8, 2013

RE: APPROVE AGREEMENT WITH ALLIANCE COAL, LLC TO PARTICIPATE IN THE
KENTUCKY BUSINESS INVESTMENT PROGRAM

The Kentucky Economic Development Finance Authority (KEDFA) has given Alliance Coal, LLC preliminary approval to participate in the Kentucky Business Investment (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 building costs through Kentucky corporate income tax credits and wage assessment fee of up to 4%.

Alliance Coal's decision to expand their regional headquarters in Lexington will create wealth and provide additional job opportunities for the citizens of Lexington and the surrounding area. The company plans to create 25 new jobs with an average wage of approximately \$65,000 per year plus benefits. The company has determined the median wage is approximately \$78,000 per year. Alliance Coal plans to invest over \$8.3 million in land, new construction, and equipment and start-up costs for a 10-year period.

Its is recommended by the staff at Commerce Lexington for Lexington-Fayette Urban County Government to approve the 10-year local 1% wage assessment through KBI. There is no budgetary impact on Lexington-Fayette Urban County Government.

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Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

TO: MAYOR JIM GRAY
URBAN COUNTY COUNCIL

FROM: KEVIN ATKINS *KRA*
CHIEF DEVELOPMENT OFFICER

DATE: NOVEMBER 8, 2013

RE: APPROVE AGREEMENT WITH NOHMs TECHNOLOGIES, INC. TO PARTICIPATE IN
THE KENTUCKY BUSINESS INVESTMENT PROGRAM

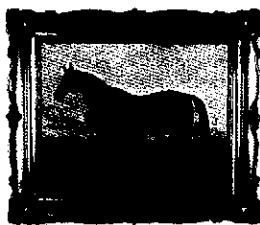
The Kentucky Economic Development Finance Authority (KEDFA) has given NOHMs Technologies, Inc preliminary approval to participate in the Kentucky Business Investment (KBI) Program. The KBI Program requests that the state and local government enter into a 10-year agreement with the approved company under which the business can recover up to 100% of its start-up and building costs through Kentucky corporate income tax credits and wage assessment fee of up to 4%.

NOHMs Technologies decision to locate their Research & Development, product development, business operations and state of the art research, manufacturing and product development facility for military, cell phone and electric vehicle lithium-ion batteries in Lexington will create wealth and provide additional job opportunities for the citizens of Lexington and the surrounding area. The company plans to create 162 new jobs with an average wage of approximately \$64,000 per year plus benefits. The company has determined the median wage is approximately \$69,000 per year. NOHMs Technologies plans to invest over \$5.3 million in equipment, improvements and start-up costs for a 10-year period.

Its is recommended by the staff at Commerce Lexington for Lexington-Fayette Urban County Government to approve the 10-year local 1% wage assessment through KBI. There is no budgetary impact on Lexington-Fayette Urban County Government.

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Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

**TO: MAYOR JIM GRAY
URBAN COUNTY COUNCIL**

**FROM: KEVIN ATKINS *[Signature]*
CHIEF DEVELOPMENT OFFICER**

DATE: NOVEMBER 8, 2013

**SUBJECT: SAYRE CHRISTIAN VILLAGE NURSING HOME COUNTY HEALTH
FACILITIES REVENUE BONDS**

This is to request adoption of a resolution supporting Sayre Christian Village Nursing Home's County Health Facilities Revenue Bonds application in the aggregate amount of \$17,500,000 for the purposes of refinancing a line of credit and a term loan with Central Bank & Trust Company.

Section 147(f) of the Internal Revenue Code requires public approval by the governmental unit having jurisdiction over the area in which the project is located. Clark County will be the issuer of the bonds. The Industrial Revenue Bond (IRB) Review Committee approved the request at their meeting on Friday, November 8, 2013. The board also waived the inducement resolution required by the IRB guidelines as unnecessary in this case.

Lexington-Fayette Urban County Government will incur no expenses related to this action and all risk or repayment of the Bond is borne by Sayre Christian Village Nursing Home, Inc.

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**LEXINGTON DIVISION OF POLICE**

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

TO: Mayor Jim Gray
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: November 6, 2013

RE: Memorandum of Agreement – United States Special Operations Command, Program Executive Office, Special Operations Forces Support Activity – 5751 Briar Hill Road

Please find attached Memorandum of Agreement (MOA) between the United States Special Operations Command, Program Executive Office, Special Operations Forces Support Activity, located at 5751 Briar Hill Road, Lexington, KY, and the Lexington Fayette Urban County Government.

The purpose of the attached MOA is to define the roles and responsibilities of the parties in providing security and emergency response to the Special Operations Forces Support Activity (PEO SOFSA), Lexington, KY, in the event of a terrorist threat and/or attack to that facility.

Upon signature completion, please return four (4) original documents to the Chief's Office.

If you have any questions or require additional information, please contact my office.

A handwritten signature in cursive script that reads "R. Bastin".

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Clay Mason, Commissioner of Public Safety



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Gray
Mayor

Clay Mason
Commissioner

November 8, 2013

TO: Mayor Jim Gray and Urban County Council

FROM: Clay Mason, Commissioner of Public Safety

RE: Central KY 911 Network Designation

The Department of Public Safety is requesting the creation of the Central Kentucky 911 Network (aka CKy911net or CKy911) program to formally design, develop, implement and manage the multi-jurisdiction 9-1-1 infrastructure system to the benefit of LFUCG and partnering agencies. Partners are approved by the LFUCG 9-1-1 Board, payments are submitted to LFUCG and resources are obtained and/or deployed through agreements with each agency, selected vendors and appropriate 9-1-1 service providers.

Currently, the CKy911net program is a partnership of twelve (12) counties that share 9-1-1 infrastructure and related cost while saving each partner expenses from developing individualized silo systems. CKy911net is an authorized provider of 9-1-1 host/remote CPE services by the Commonwealth's CMRS Board and is positioned to obtain additional partners through state awarded grants.

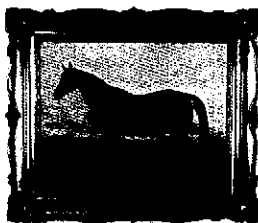
In order to ensure that the CKy911net remains viable, any funds appropriated to the program must remain available to the program in subsequent fiscal years and thus funds for the program should be maintained as an open fund. Additionally, all funds designated to CKy911net that were obtained from designated 9-1-1 fees must adhere to Federal and State requirements related to expenditures of 9-1-1 funds.

CKy911net partner and infrastructure development projections determine an additional 5% decrease in LFUCG's current supporting cost while five year revenue forecast fully support the known expenses for the program.

The following documents are attached:

1. Administrative review form. (Blue sheet)

Please return completed documents to my attention for final disposition.



Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

To: Mayor Jim Gray
Urban County Council

From: Wesley T. Holbrook
Wesley Holbrook, Policy Analyst

Date: November 11, 2013

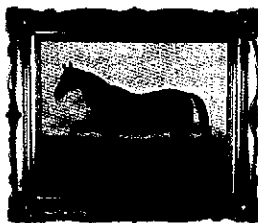
Subject: Amending the Industrial Revenue Bond Review Committee Ordinance to create the Economic Development Investment Board

This is to request Council to amend Ordinance No. 203-80, as amended by Ordinance No. 59-81, Ordinance No. 103-86, Ordinance No. 237-93, Ordinance No. 52-94, Ordinance No. 18-97, and Ordinance No. 180-2009 to expand the responsibilities of the Industrial Revenue Bond Review Committee and create the Economic Development Investment Board.

This board will review incentive package applications and make recommendations for the Lexington Job Fund Program, in addition to previously established responsibilities in reviewing industrial revenue bonds. The current board contains much of the professional capacity necessary for the consideration of economic development incentives. The proposed ordinance increases and alters membership requirements to include individuals with experience in the investment, private equity, venture capital, and economic development communities.

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Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

To: Mayor Jim Gray
Urban County Council
From: Wesley T. Holbrook
Wesley Holbrook, Policy Analyst

Date: November 11, 2013

Subject: Establishing the Lexington Jobs Fund – a Local Economic Development Incentive Program

This is to request Council to approve an ordinance establishing a local economic development program known as the Lexington Jobs Fund.

LFUCG intends to establish a program to attract and expand companies within Fayette County. The focus of the fund is to provide support for businesses within targeted priority industries. The Jobs Fund ordinance will establish a program that allows companies to apply for incentive dollars to increase the number of jobs provided by their company. The combination of grant and loan programs will be structured to serve as gap-financing or other financial assistance to close with companies interested in staying or moving to Lexington. Companies receiving incentive funds will be required to establish jobs goals and provide accountability through documented evidence of specific job growth. The structuring of the incentive package and necessary agreements will be completed through the Chief Development Office and the Economic Development Investment Board. Final incentive package authorization rests with the Urban-County Council.

Funds have been assigned to a reserve account. A budget amendment will be submitted after this ordinance and other required actions have been approved by the Council.

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**Neighborhood Development Funds
November 19, 2013
Work Session**

Amount	Recipient	Purpose
\$ 1,000.00	The Villas at Andover HOA, Inc. 141 Prosperous Place, Suite 21B Lexington, KY 40509 Edwin Gibson	To assist with the installation of caps on stone columns.



Planning and Public Works Committee October 8th, 2013 Summary and Motions

Chair Bill Farmer Jr. called the meeting to order 1:00pm. Committee Members Linda Gorton, Jennifer Mossotti, Charles Ellinger, Steve Kay, Chris Ford, Diane Lawless, Julian Beard, Harry Clarke, and Peggy Henson were present. Shevawn Akers and Kevin Stinnett attended as non-voting members.

1. Approval of Summary

Motion by Beard to approve the summary. Seconded by Clarke. Motion passed without dissent.

2. Erecting Large Utility Poles in the Right of Way

Clarke introduced his Legislative Aide, Jonathan Hollinger, who began his presentation on the item. Hollinger said that when the item was originally presented in 2012, the original policy proposals were as follows:

- Require more stringent review of proposed overhead utility structures by amending Chapter 17C.
- Require notification of property owners upon application to install major utility infrastructure.
- Establish aesthetic guidelines already referenced in Chapter 17C.

There were several issues with the original policy proposals. The issues were as follows:

- Width, height, ground clearance, material, and other aspects of utility poles are dictated by National Electrical Safety Code (NESC).
- The Lexington-Fayette Urban County Government (LFUCG) cannot have requirements in conflict with these regulations.
- Kentucky Utilities already has notification procedures for utility projects.
- Per Kentucky Revised Statutes (KRS) 100.324, Public Service Commission (PSC) regulated utilities are exempt from planning commission approval of the location or relocation of any service facilities.
- Location or land-use based restrictions may conflict with this statute.

Hollinger told committee members that they wanted to present a new proposal:

- Create a notification system for the Council and the Mayor for significant utility projects.
 - A staff member would attend utility coordinating meetings and report back to the Council and the Mayor with a summary of upcoming projects. There are two (2) meetings that occur: right of way utilities and project-based meeting. One (1) is quarterly, one (1) is bi-monthly.
 - The summary would include a district level synopsis for Council Members.

- Allows elected officials to stay in the loop on significant projects.
- Creates an avenue for input early in the project timeline.
- Provides a means of coordinating public information about projects.
- The process would be operated on a pilot basis: A draft utility projects report would be brought to the committee and the format and delivery timeline can then be codified.

Hollinger volunteered to attend the meetings and draft the report and bring it back to the Planning and Public Works Committee.

Farmer asked Hollinger if there is a difference between erecting the poles in the right of way versus mandating at some point that the utility lines go underground. Hollinger said that if it is the will of the committee and the Council to mandate major infrastructure changes to utilities, there are avenues to pursue it. Hollinger went on to say that in his previous presentation he had presented that it would be very expensive to pursue placing utilities underground. Hollinger also said that the utility companies may pursue a rate increase in response to the revised policy.

Lawless thanked Hollinger and Clarke and reminded the committee members that the giant utility poles transmit a lot of power. She said that Doug Martin referred the item into the Planning and Public Works Committee because of the erection of the large utility poles on Woodland and Euclid. She said that the poles are on the University of Kentucky's right-of-way. She said that the LFUCG had no policy to stop UK then or in the future.

Henson thanked Hollinger as well. She asked Hollinger if there was any thought given to camouflaging them. Hollinger said that the large poles are transmission lines and they would be much more expensive to put underground. Henson just asked that the committee consider creative ways to camouflage them. Beard told Hollinger that the University of Kentucky has eminent domain and the LFUCG might like where they are now versus where they could have placed them. Beard said that they might have to live with some of them, but said that painting them might help. He thanked Hollinger for his willingness to attend the meetings.

Clarke said that they spoke to representatives from Kentucky Utilities and he and Hollinger think that this is a good route to take. He said that the LFUCG could restrict placement but they do not see the point in it.

Clarke said that UK worked with the LFUCG to get permission to place the poles. He said that when UK built the new hospital, they needed to have power. They did not want the lines running down Rose Street, which is why they turned the corner. The depth of the poles is 60 feet.

3. Capital Road Projects for Major Corridors and the Ability of the LFUCG to Maintain Those Roads

Kevin Wentte said that he was going to present additional information to the Committee. Wentte provided more detail of the major corridors.

Wentte said that when they begin resurfacing, they divide the monies by Council District based on greatest need. Wentte said that the issue that has come to light is major corridors that cross multiple Council Districts.

Wentte illustrated the roadways that the LFUCG is responsible for maintaining. The roads highlighted in red are the responsibility of the LFUCG to maintain. The cost of \$11MM is for milling and resurfacing at 1.5 inches for the roadways highlighted in red.

Wente said the minor arterials are roads such as Wilson Downing, Armstrong Mill, Southland Drive, Rosemont Garden, and Lane Allen. The cost of \$15MM is associated with those roadways.

Wente then illustrated the impact per Council District. Wente said individual Council Members usually pay for the resurfacing with the allocations from the annual resurfacing budget.

Wente said that he would like the Council to consider having a pot of money set aside for minor arterials to address issues such as resurfacing and base failure repairs. He gave the example of Man O War and the high cost of resurfacing.

Wente said next are the collector streets. He placed an illustration of the collector streets on the overhead. The total for all three classifications of streets is \$42,745,000.

Wente's final slide illustrated where the \$13MM bond had been spent throughout the county. Wente said that he is in the process of breaking those numbers down in terms of what has been spent per Council District so they can see what monies are remaining so they can apply the additional funds to other streets in their districts.

Farmer told committee members that Wente's final slide shows the policy that Stinnett wanted to illustrate. He said that currently the Council Members do things individually but they need to take a holistic look.

Mossotti asked Wente what he needs for the roads that are still out there to be paved. Wente said that he will get the Council Members the amounts of monies that remain for each Council District.

Wente said that looking ahead; they are going to be looking at a far lesser amount of money dedicated to resurfacing unless they approve another bond allocation for resurfacing. Wente said that our MAP monies usually run \$3.5MM that is divided among the Council Districts. Wente said that starting next fiscal year, \$1MM will need to be used to pay back the \$13MM bond. Wente said that the LFUCG made a large dent in the roads that needed to be resurfaced.

Richard Moloney clarified that they would be taking \$1.5MM off the top to pay back the \$13MM bond.

Wente said they do assess roads for paving ratings.

Wente said that with the \$13MM allocation for this year, he had estimated 10% above to account for the unknowns. Wente said that they have spent \$11.5MM. The allocation per Council District is skewed.

Mossotti asked Wente how much road mileage they did. Wente said that he will run the numbers and get it to Council Members. Wente said that is was probably 25-30 miles.

Beard asked about the classifications of minor and major arterials. He said that Wilson Downing is a minor arterial. Brad Frazier, the Director of Engineering, came to the podium to speak on the issue.

Frazier said that it is based on several factors. One is the linkage. Another way is its volume and its importance. This is determined through the MPO process. Frazier said that there is a zoning component.

Lawless mentioned that many of the roads that are illustrated are state roads. Wente said that the roads highlighted in red and blue are the responsibility of the LFUCG to maintain. Lawless thanked him for his hard work.

Wente said that Moloney had conducted biweekly meetings with the contractor to ensure that the allocation of the \$13MM was on schedule.

Stinnett mentioned the \$26MM need for major and minor arterials. Stinnett asked Wentz if they have surveyed when they were resurfaced last. Wentz said that they do have the information in the Pavement Management System. Wentz mentioned the GIS based system that is currently being tested.

Stinnett said that he would like to see how much of the \$26MM can be put into the budget each year and how much of the pavement can be done each budget cycle.

Stinnett said that the Council can pay the bond anyway they want. Stinnett said that they can use General Fund monies for paving.

Stinnett asked Wentz for a number illustrating the total paving need in Fayette County.

Clarke said he did not receive a single call thanking him for paving their street, but did receive calls the other way. Clarke asked Wentz how old the street rating list was. He said that it did not seem completely accurate, because he had driven all the streets in his district and some of the rankings did not appear to be accurate.

Wentz said that they used to evaluate 1/3 of the streets of Fayette County each year and the fourth year they would evaluate all the streets. At any one point, the rating could be current or three years old. Wentz said that they changed it, so they now rate them every year. The Division of Engineering does the evaluation.

Clarke asked Wentz what the plan is for Southview Drive. Wentz said there was a manhole that had a partial collapse. Water Quality is looking into the repair now.

Akers asked Wentz how roads and streets are included in a certain list. Akers asked when the numbers are calculated. Frazier said that during the Comprehensive Plan's transportation component, there are streets networks based on zoning. He mentioned Masterson Station Drive and Sandersville Road as collector roads.

Akers asked how a road could be added to a collector list. She mentioned Trailwood Drive and Lucille Drive. Frazier said that he would consult with the MPO and get back to her with an answer.

Beard asked if ATS ever subcontracts work. Wentz said not for the actual resurfacing. He said that they may subcontract striping. Wentz said that three asphalt plants were opened to accommodate the \$13MM bond for paving.

Moloney thanked ATS.

Henson thanked everyone for their hard work. Henson said that she would like to get to the rating of "60" mark.

Farmer asked Wentz if the Council were to give them a signal to proceed using major or minor arterials as the base for how to regularly fund resurfacing, would it work. Wentz said that he wants to look at the ratings and then come back to the Planning and Public Works Committee to look at what the need would be and what the cost would be. He said they can then assess how to fund it. He suggested taking a percentage of MAP funds for major or minor arterials. Wentz said that they should focus on the major and minor arterials as a separate pool of money.

Farmer said that he wanted the committee's approval to use major or minor arterials as the group to work from. The committee members were in agreement.

Wente said that he could present in November.

4. Merge the Divisions of Streets and Roads and Traffic Engineering into a New Division of Transportation.

Glenn Brown asked that the committee table the item until November. Farmer agreed to do so.

5. Private Streets: Enforcement, Maintenance, Specification

Mossotti said that she wanted to separate residential from commercial because of the huge difference between the two. Mossotti said that she did not see any reason to issue private streets going forward. She cited safety concerns.

Farmer said that they may want to consider changes to the enforcement and maintenance instead of taking the idea of private streets out of the toolbox.

Gorton said for years the LFUCG has been asked to take streets that do not meet our standards and said it is a safety issue. Gorton said she was happy to read that they were going to require a 50 foot easement. Gorton said that the committee needs to be discussing this issue.

Stinnett said that there are two issues. The first is how to accept the private streets into our current system and the other issue is whether or not to allow them at the planning stage.

Stinnett told committee members that there is a big difference between allowing commercial and residential private streets. Commercial are easier to add and are better maintained.

Stinnett wants changes to the CAO policies about how the LFUCG accepts private streets into the system.

Henson told committee members that when the private street is in disrepair it impacts surrounding neighborhoods. She also expressed concerns about water and run-off issues causing flooding onto another area. She asked the Planning staff to look at this issue.

Clarke asked how a developer builds a private street without the same requirements that the LFUCG requires for a public street. Clarke said that they may need to impose standards for the development of private streets.

King said that there are requirements in the Land Subdivision Regulations and there are restrictions. There is more flexibility in the development of private streets.

King said that they could remove or restrict the possibility of private streets from the ordinance. He said that it would require a text amendment of the Land Subdivision Regulations. He suggested the committee members review that language.

Clarke asked King why we couldn't require the same standards for private streets as they do for public streets. King said that there will be physical or cost implications, but it is within the Council's purview to initiate that change.

Lawless asked about the University of Kentucky. Wente said that in recent years, the University of Kentucky has asked the LFUCG to transfer right-of-ways to them.

Gorton asked if they could split out townhouses and large apartment complexes from residential single family. King said that they could differentiate them.

Gorton asked if we can get a fire truck and engine down every street we have. King said yes, we can.

King said that in a neighborhood like that on the island, the Council can request that those streets be made public.

Gorton asked if there is parking allowed on private streets. King said no, he cannot say that it is allowed on all streets, even older public streets.

Mossotti asked King for the number of private streets that are not in multi-family developments that are strictly subdivision streets. Mossotti asked King what they need to do to not allow any new residential subdivisions to have private streets.

King said that to not allow any new single family residential subdivisions to have private streets they would have to initiate a ZOTA of the Land Subdivision Regulations. They would then refer it to the Planning Commission and the Planning Commission would hold a public hearing and make a recommendation back to the Council.

Mossotti asked how many subdivisions have come on in the last 5 years with private streets. Sallee answered that there have not been many at all with the housing downturn. Sallee said that there are applications coming in at a higher rate this year, but only recalled one or two of them requesting private streets.

Farmer suggested that it would be a good time to review this issue since private streets were more popular before the housing downturn and may become more prevalent again.

Beard mentioned streets in the packet that are within Keeneland. Wente said for the packet he ran a query for everything associated with private within the Urban Service Area. Wente said that there were streets outside of the Urban Service Area that have requested to be added to the public street system as well.

King said he wanted to add that as it relates to commercial and rural areas there were places that were not reviewed as streets that were basically driveways that because of modifications to the addressing system (the introduction of the E911 system), a whole lot of things that were driveways were given names. These were never reviewed as private streets but were given that status at that time.

Motion by Mossotti to initiate a text amendment to not allow private streets in residential subdivisions. Seconded by Gorton.

King said that before they can initiate a text amendment, they have to have specific language to present. King said that he wanted to suggest that the Planning staff would be willing to draft language for them to review.

Gorton wants input from all entities, including the development community.

Gorton asked if they want to form a working group to assist with drafting the text amendment.

King said that they could have the conversation in committee before the process is really initiated.

Kay asked King about the upsides and downsides to not allowing private streets. King said that he leans towards public streets, but that it is a subjective personal opinion. However, King said that there are cases where an access easement is excessive and contrary to providing affordable housing.

Motion passed 9-1. Farmer voted nay.

6. Items Referred to Committee

Motion by Lawless to remove Adult Day Cares from the items referred list. Seconded by Henson. Motion passed without dissent.

Motion by Kay to remove the Elm Tree Lane Sidewalk Closure from the items referred list. Seconded by Mossotti. Motion passed without dissent.

Motion by Gorton to adjourn. Seconded by Beard. Motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist

Nov 12 Planning & Public Works Committee

Motion by Clarke to forward the revised B1 Zoning Ordinance Text Amendment which amends articles 1, 8 & 12 to the full Council. Second by Ellinger. Motion passed without dissent.

Recd by _____

Date: _____

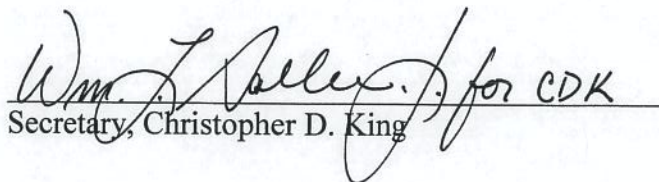
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON-FAYETTE COUNTY, KENTUCKY

IN RE: ZOTA 2012-9: AMENDMENTS TO ARTICLES 1, 8 & 12 FOR MODIFICATIONS TO THE B-1 ZONE – petition for a Zoning Ordinance text amendment to Articles 1, 8, and 12 to make various modifications to the B-1 zone, including the addition of several new definitions.

Having considered the above matter on **January 31, 2013**, at a Public Hearing and having voted **5-3** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL of the Staff Alternative Text**, for the following reasons:

1. The text amendment will be in agreement with the Implementation Element and Table of the 2007 Comprehensive Plan, which identified the “neighborhood business zone rewrite” as a necessary task following the completion of the *Non-Residential Infill Study*. The Study suggested adjusting land uses permitted within the Neighborhood Business (B-1) zone and relaxing setbacks and height limitations.
2. The proposed amendment meets many of the recommendations of the *Non-Residential Infill Study*, and accomplishes other minor improvements to the B-1 zone to make it more compatible with residential neighborhoods.
3. The creation of a “form-based neighborhood business project” will provide added flexibility for redevelopment in the Infill and Redevelopment Area, and will provide for more compatible development with the existing character of an area.

ATTEST: This 15th day of February, 2013.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

At the Public Hearing before the Urban County Planning Commission, this text amendment was presented by **Traci Wade, Senior Planner**.

FINAL REPORT

PAGE 2

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (5) Berkley, Blanton, Cravens, Mundy, Wilson

NAYS: (3) Owens, Plumlee, Roche-Phillips

ABSENT: (3) Beatty, Brewer, Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for Approval of the Staff Alternative Text of ZOTA 2012-9 carried.

Enclosures: Text recommended by the Planning Commission
Application
Staff Report
Supplemental Staff Report
Applicable excerpts of minutes of above public hearing

src/tw/wls

WICK OWENS
CHAIR

WICK OWENS
CHAIR

ARTICLE 1

GENERAL PROVISIONS AND DEFINITIONS

1-11 DEFINITIONS - For the purpose of this Zoning Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; words in the plural number include the singular; the word **person** includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual; the word **structure** includes building; the word **occupied** includes arranged, designed or intended to be occupied; the word **used** includes arranged, designed or intended to be used; the word **shall** is always mandatory and not merely directive; the word **may** is permissive; and the word **lot** includes plot or parcel. Other words and terms shall have the following respective meanings:

ANIMAL GROOMING FACILITY – An establishment where domestic animals are bathed, clipped, or combed for the purpose of enhancing their appearance or health, and for which a fee is charged, but not including overnight boarding of animals.

COCKTAIL LOUNGE – A commercial establishment dispensing and serving alcoholic beverages for consumption on the premises and in which live entertainment, exclusive of dancing, is permitted.

MAIL SERVICE FACILITY – A commercial establishment that conducts the retail sale of stationery products, provides packaging and mail services to retail customers, and provides mailboxes for lease.

NIGHTCLUB – A commercial establishment for dancing and live entertainment, which may or may not include dispensing and serving alcoholic beverages for consumption on the premises.

PRIMARY ENTRANCE – The place of ingress and egress for a structure used most frequently by the public.

TATTOO PARLOR – A commercial establishment whose principal business activity is the practice of placing designs, letters, figures, symbols, or other marks upon

or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin using needles or other instruments designed to contact or puncture the skin.

ZONE, BUSINESS - B-1, B-2, B-2A, B-2B, B-3, B-4, B-5P, ~~or~~ B-6P, or CC zone.

ZONE, INDUSTRIAL - An I-1, ~~or~~ I-2 or ED zone.

ZONE, RESIDENTIAL - An R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3 or PUD-1 zone.

ARTICLE 8

8-15 PROFESSIONAL OFFICE (P-1) ZONE

8-15(a) Intent - This zone is primarily for offices and related uses. Retail sales are prohibited, except where directly related to office functions. This zone should be located as recommended in the Comprehensive Plan.

8-15(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. 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.
5. Libraries, museums, art galleries, and reading rooms.
6. Funeral parlors.
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.
10. Community centers and private clubs, churches, and Sunday schools.
11. Hospitals, nursing homes, ~~and rest homes,~~ and assisted living facilities.
12. Computer and data processing centers.
13. Ticket and travel agencies.
14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
15. Cable television system signal distribution centers and studios.
16. Dwelling units, provided 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 P-1 zone, with no mixing of other permitted uses and dwelling units on any floor.
17. Business colleges, technical or trade schools or institutions.
18. Athletic club facilities, when located at least one hundred fifty (150) feet from a residential zone.
19. Beauty shops and barber shops not exceeding 2,000 square feet in floor area, which employ not more than five licensed cosmetologists, with all service provided only by licensed cosmetologists and/or barbers.
20. ~~Assisted living facilities and r~~ Rehabilitation homes, but only when more than five hundred (500) feet from a residential zone.

8-15(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies.
2. Parking areas or structures.
3. Incidental retail sales or personal services, including facilities for serving food, only for employees, residents or visitors to any permitted use, and having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of 5,000 square feet.
4. Sales offices for the display of merchandise and the acceptance of orders.
5. Swimming pools, tennis courts, putting greens, and other similar non-commercial recreational uses.
6. Satellite dish antennas, as further regulated by Article 15-8.
7. One dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be part of the building and located above, to the side, or to the rear of such permitted use.
8. Retail sales and storage areas accessory to internet-based businesses, for which Certificates of Occupancy are issued after November 15, 2001; provided that the retail sales and storage area occupies no more than twenty-five percent (25%) of the business area, nor more than 2,500 square feet, whichever is less; and having no display space, storage space or signs visible from the exterior of the building.
9. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-15(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Offices of veterinarians, animal hospitals.
2. Drive-through facilities for sale of goods or products or the provision of services otherwise permitted herein, except as accessory uses herein.
3. Parking lots and structures.
4. 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.
5. ~~Assisted living facilities and~~ Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.
6. Extended-stay hotels, except as permitted in a Professional Office Project.
7. Mail service facilities, except as permitted in a Professional Office Project.

8-15(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. As for A-R, except offices, institutional uses, dwelling units, and other uses as permitted herein.
2. Any use dependent upon septic tanks or pit privies.
3. Pawn shops.
4. Golf driving ranges.
5. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas; and the above- or below-ground storage of more than five (5) gallons of gasoline. However, jet fuel may be stored only in conjunction with a heliport.
6. Greenhouses, plant nurseries, and garden centers.
7. Tattoo parlors.

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

8-15(f) Minimum Lot Size - 7,500 square feet.

8-15(g) Minimum Lot Frontage - 60 feet.

8-15(h) Minimum Front Yard - 20 feet.

8-15(i) Minimum Each Side Yard - 12 feet.

8-15(j) Minimum Rear Yard - 12 feet.

8-15(k) Minimum Usable Open Space - No limitation, except where residences are provided, then 10%.

8-15(l) Maximum Lot Coverage - 35% and a floor area ratio of 1.3.

8-15(m) Maximum Height of Building - 3:1 height-to-yard ratio.

8-15(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Athletic Club Facilities - One (1) space for every two hundred (200) square feet of floor area, plus one (1) space

for each employee on the maximum working shift.

Offices, Fine Arts Studios, Banks and Financial Establishments, Offices of Veterinarians, and Animal Hospitals, Medical and Dental Offices, Clinics and Laboratories, and the like - One (1) space for each two hundred (200) square feet of floor area.

Telephone Exchanges, Radio and Television Stations - One (1) space for every two (2) employees on a maximum shift; plus one (1) space for each vehicle owned by the use, with a minimum of five (5) spaces.

Elementary and Junior High Schools - One (1) space for every fifteen (15) auditorium seats; or one (1) space for each classroom, plus one (1) space for each employee, whichever is greater.

All Other Schools for Academic Instruction - One (1) space for every five (5) main auditorium seats, or one (1) space for every five (5) gymnasium seats, or one (1) space for every five (5) classroom seats, whichever is greater.

Professional Office Projects - One (1) space for every four hundred (400) square feet of floor area.

Kindergartens, Nursery Schools, and Child Care Centers - Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.

Churches, Sunday Schools and Parish Houses - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Libraries, Museums, Community Centers, Art Galleries and Reading Rooms - One (1) space for each six hundred (600) square feet of floor area.

Funeral Parlors - One (1) space for every five (5) seats under maximum occupancy, plus one (1) for each vehicle owned by the use.

Dwelling Units - One (1) space for each dwelling unit.

Private Clubs - One (1) space for every four (4) members.

Accessory Retail Facilities - One (1) space for every six hundred (600) square feet of floor area for each retail use.

Restaurants - One (1) space for each two hundred (200) square feet of floor area; or one (1) for every four (4) indoor seats plus one (1) for every eight (8) outdoor seats, whichever is greater.

Hospitals, Nursing Homes, Rest Homes, and Rehabilitation Homes - One (1) space for every three (3) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

~~**Professional Office Project** - One (1) space for every four hundred (400) square feet of floor area.~~

Assisted Living Facilities - Three (3) spaces for each four (4) bedrooms, plus one (1) space for each employee on the maximum shift.

Extended-Stay Hotels - One (1) space for every dwelling unit, plus one (1) space for each employee on the maximum shift.

Beauty Shops or Barber Shops - One (1) space for every two hundred (200) square feet, with a minimum of three (3) spaces.

Mail Service Facilities - One (1) space for each two hundred (200) square feet of floor area.

Conditional Uses - Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements as needed.

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Combinations - Combined uses shall provide parking equal to the sum of the individual requirements.

8-15(o) Special Provisions

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
- b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

a. As a principal permitted use:

1. Extended-Stay Hotels.
2. Mail service facilities.

b. As accessory uses:

1. Receiving, shipping, and storage of new fixtures, equipment and other non- perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.

c. As a conditional use:

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.

In addition to the uses otherwise permitted in the Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building containing a minimum of 40,000 square feet of floor area.
 - b. It shall occupy not more than twenty-five percent (25%) of the building in which it is located.
 - c. It shall have no more than one public entrance and one service entrance directly to the outside of the building, and that this use shall be at least one hundred fifty (150) feet from any residential zone.
 - d. It shall have no drive-in or drive-through food service.
 - e. There shall be no more than two restaurants within an office building, provided that the 25% limitation is not exceeded.
 - f. Signs permitted per office building may be used to identify the restaurant and/or the office use.
2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced, when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing mixed-income housing, or twenty-five percent (25%) by using a combination of mixed-income housing and additional open space.

8-16 NEIGHBORHOOD BUSINESS (B-1) ZONE

8-16(a) Intent - This zone is intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. Generally, they should be planned facilities and should be located as recommended in the Comprehensive Plan. This zone should be oriented to the residential neighborhood, and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic.

8-16(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. 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.
5. Libraries, museums, art galleries, and reading rooms.
6. Funeral parlors.
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.
10. Community centers and private clubs, churches, and Sunday schools.
11. Nursing homes, rest homes, and assisted living facilities.
12. Computer and data processing centers.
13. Ticket and travel agencies.
14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain 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.
- ~~1. The principal permitted uses in the P-1 zone, not including a Professional Office Project.~~
- 17.-2. 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.
- 18.-3. Restaurants and brew-pubs, except as prohibited under Section 8-16(e)(14) and (15), which offer no live entertainment or dancing.
- 19.-4. Establishments for the retail sale of merchandise, including: clothing, shoes, fabrics, yard goods; fixtures, furnishings, and appliances, such as floor covering, radios, TV, phonograph products and other visual and sound reproduction or transmitting equipment; furniture; kitchen and laundry equipment; glassware and china; and other establishments for the retail sale of hardware and wallpaper, lawn care products, paint and other interior or exterior care products, hobby items, toys, gifts, antiques, newspapers and magazines, stationery and books, flowers, music, cameras, jewelry and luggage, business supplies and machines; prescription and non-prescription medicines and medical supplies.
- ~~20.-5. Beauty shops, and barber shops.~~
21. S, shoe repair, clothing alterations and tailoring services.
22. Self service laundry, or laundry pick-up stations, including clothes cleaning establishments of not more than 40 pounds capacity and using a closed-system process.
- ~~23.-6. Automobile service stations, provided such use conforms to all requirements of Article 16.~~
- 24.-7. Parking lots and 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.-8. Repair of household appliances.~~
- ~~26.-9. Retail sale of plant nursery or greenhouse products, except as prohibited herein.~~
- ~~27.-10. Outdoor miniature golf or putting courses.~~
- ~~28.-11. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.~~
- ~~29.-12. Circuses and 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.~~
- ~~30.-13. Indoor theaters, limited to three screens or stages.~~
- ~~31.-14. Rental of equipment whose retail sale would be permitted in the B-1 zone.~~
- ~~32.-15. Dwelling units, provided the units are not located on the first floor of a structure, and provided that at least the~~

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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, ~~not to exceed thirty-five (35) feet in height.~~

~~33.-16.~~ Arcades, including pinball and electronic games.

~~34.-17.~~ 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.

~~35.-18.~~ Athletic club facilities.

~~36.-19.~~ Banquet facility.

37. Animal grooming facilities.

38. Mail service facilities.

39. Tattoo parlors.

40. Form-based neighborhood business project as per 8-16(o)(4).

8-16(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Parking areas or structures.

2. One (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted uses.

3. Warehousing, wholesaling, and storage, excluding outdoor storage; and provided that no building for such accessory use shall have openings other than stationary windows or solid pedestrian doors within one hundred (100) feet of any residential zone.

~~4. The rental of trucks (single rear axle - 28' maximum overall length); trailers, and related items in conjunction with the operation of an automobile service station, provided the service station abuts a state or federal highway and does not abut a residential zone. 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 Division of Building Inspection for the control of such activities and shall show the entire property, signs, parking and location of the proposed storage area.~~

~~4.-5.~~ The sale of malt beverages, wine, or alcoholic beverages, when accessory to a restaurant permitted under Section 8-16(b)(3). Such accessory use shall not devote more than twenty-five percent (25%) of its public floor area ~~exclusively~~ primarily to the preparation and service of such beverages, nor provide any separate outside entrances or separate identification signs for those areas.

~~6. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein.~~

~~5.-7.~~ Satellite dish antennas, as further regulated by Article 15-8.

~~6.-8.~~ One (1) or two (2) pool or billiard tables within an establishment.

7. Sidewalk cafés, when accessory to any permitted restaurant.

8. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Article 8-16(b).

9. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; ~~but~~ only when located more than one hundred (100) feet from a residential zone.

10. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-16(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. Animal hospital or clinic, provided that all exterior walls are completely soundproofed, and further provided that animal pens shall be completely within the principal building and used for the medical treatment of small animals.

3. The rental of trucks (single rear axle - 28' 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 ~~when abutting a residential zone~~. 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.
4. A restaurant or brew-pub, without live entertainment or dancing, which devotes more than twenty-five percent (25%) of the establishment's public floor area ~~exclusively~~ primarily to the preparation and service of malt beverages, wine or alcoholic beverages.
 5. Outdoor live entertainment and/or dancing, cocktail lounges, ~~brew-pubs~~ or night clubs [unless prohibited under Sections 8-16(e)(14) and (15)]. 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.
 6. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located closer than 100 hundred (100) feet from a residential zone.
 7. ~~A combination business, office and residential project, provided the following conditions and requirements are met:~~
 - a. ~~The maximum residential density shall be twenty (20) units per net acre.~~
 - b. ~~The minimum lot size shall be one acre and shall be located in a B-1 area with a minimum of twenty (20) contiguous acres, which must have any part thereof being within one and one half (1½) miles of the center of Lexington-Fayette Urban County, as measured from the Courthouse Block bounded by Main, Cheapside, Short and Upper Streets, and shall be within an Urban Activity Center.~~
 - c. ~~The minimum lot frontage shall be one hundred fifty (150) feet.~~
 - d. ~~The minimum front yard shall be an average of ten (10) feet, but shall be not less than 5 feet at any point. In addition, for every story in excess of three stories, two percent (2%) of the total area shall be added to the otherwise required front yard, or such area shall be provided as ground level open space on land adjoining the right-of-way.~~
 - e. ~~The minimum side street side yard shall be an average of ten (10) feet, but shall be not less than five (5) feet at any point. In addition, for every story in excess of three stories, two percent (2%) of the total area shall be added to the otherwise required side street side yard, or such area shall be provided as ground level open space on land adjoining the right-of-way.~~
 - f. ~~The minimum usable open space shall be twenty percent (20%).~~
 - g. ~~The maximum lot (building) coverage shall be eighty-five percent (85%).~~
 - h. ~~The maximum floor area ratio shall be 1.6.~~
 - i. ~~The maximum height shall be five (5) stories or sixty-five (65) feet, whichever is less. For all stories above twenty-five (25), feet there shall be an average minimum setback ratio of three to one (3:1) from the front wall of the first two floors, measured from the top of the front wall of the second floor.~~
 - j. ~~The project must be located at least five hundred (500) feet from any other such project, measured from property line to property line.~~
 - k. ~~The project must be located at least one hundred (100) feet from any historic district or from any residential zone, except R-4 or R-5, measured from property line to property line.~~
 - l. ~~Minimum parking for business uses shall be as required in the B-1 zone; minimum parking for office uses shall be as required in the P-1 zone; and minimum parking for residential uses shall be as required in the R-3 zone, with all parking to be provided on site. The provisions of Article 16-3 shall not be applicable.~~
 - m. ~~The first floor of the structure must be occupied by a business or office use with no business or office use located above the third floor, and with no mixing of dwelling units and other permitted uses on any floor. No more than fifty percent (50%) of the floor area may be used for residential uses, and no more than fifty percent (50%) of the floor area may be used for office purposes.~~
 - n. ~~The permitted conditional uses shall be those principal and accessory uses in the B-1 zone, with the exception that no drive-through windows shall be permitted. The petitioner shall submit to the Board of Adjustment a list of proposed uses, and the Board may further limit the uses that are allowed.~~
 - o. ~~Signs shall be as otherwise permitted in the B-1 zone, with the exception that no free standing sign shall be permitted.~~
 - p. ~~The total land area for the project shall not exceed two (2) acres in size, or ten percent (10%) of the gross land area within the designated B-1 zone, whichever is the greater acreage.~~
 - q. ~~A development plan shall be submitted with the appeal containing sufficient information to determine compliance with the B-1 zone and the requirements and conditions of this conditional use.~~
 - r. ~~Before voting upon any application for a conditional use permit for a combination business, office and residential project, in addition to all other notice required by law or regulation, notice of the time, place and reason for holding a public hearing shall be given by first-class letter at least forty-five (45) days in advance of the hearing to: the owners of all property within one thousand (1,000) feet of the subject property; the officers of all neighborhood associations, registered with the Planning Commission, having any part of their~~

~~boundaries within one thousand (1,000) feet of the subject property and the County Government, Mayor and Council.~~

~~s. The Board of Adjustment may approve the conditional use only if the proposal complies with the requirements of the B-1 zone and the additional requirements as set forth in this section, and provided the Board finds the following:~~

- ~~1) The proposal will not have an adverse effect on existing or future development of the subject property or surrounding neighborhood.~~
- ~~2) The proposal will not alter the essential character of the surrounding neighborhood.~~
- ~~3) The proposed site is located in a declining or transitional business area, and the proposed development will encourage needed rehabilitation in the surrounding area.~~
- ~~4) Traffic that is anticipated, based on the proposed uses, will not have a material adverse effect on the traffic on adjoining streets.~~
- ~~5) The proposed design and use of materials will be compatible with existing development on surrounding properties.~~
- ~~6) All business and office uses within the project shall comply with the stated intent for the B-1 zone.~~
- ~~7) The project is in accordance with the Comprehensive Plan.~~

~~7.—8. Upholstery shop.~~

~~8.—9. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:~~

- ~~a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;~~
- ~~b. That a reasonable degree of reclamation and proper drainage control is feasible; and~~
- ~~c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.~~

~~9.—10. 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.~~

~~10.—11. Assisted living facilities and Rehabilitation homes, but only when located closer more than five hundred (500) feet from a residential zone.~~

~~11. Extended-stay hotels.~~

~~12. Parking lots, provided such use conforms to the conditions of Article 16.~~

~~13. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, except as accessory uses herein.~~

8-16(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Establishments primarily engaged in agricultural sales and services.
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. Manufacturing, compounding, assembling, bottling, processing and packaging and other industrial uses for sale or distribution other than as retail on the premises.
5. 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

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motorcycles, boats, trucks, travel trailers, farm implements, contractor's 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, boarding house.
12. Wholesale establishments.
13. Greenhouses, nurseries, 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.
21. Hospitals.

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

8-16(f) Minimum Lot Size - No limitation.

8-16(g) Minimum Lot Frontage - No limitation.

8-16(h) Minimum and Maximum Front Yard –

- a. Minimum – 10 feet.
- b. Maximum – 20 feet.

8-16(i) Minimum Each Side Yard - No limitation.

8-16(j) Minimum Rear Yard - No limitation.

8-16(k) Minimum Usable Open Space - No limitation, except where dwelling units are provided as principal uses; then 10%.

8-16(l) Maximum Lot Coverage - No limitation.

8-16(m) Maximum Height of Building - ~~25 feet for business uses; 35 feet for residential uses, as permitted herein; and 65 feet as a conditional use, as established in Section 8-16(d)(6).~~ 35 feet, except as permitted in Section 8-16(o)(3).

8-16(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for P-1.

Accessory Warehousing, Wholesaling, Storage and the like - One (1) space for every six hundred (600) square feet of floor area.

Accessory Dwellings - One (1) space per dwelling unit.

Beauty Shops, Barber Shops, and Shoe Repair Shops, Clothing Alterations, Tailoring Services and Tattoo Parlors - One space for every two hundred (200) square feet, with a minimum of three (3) spaces.

Restaurants and Brew-Pubs with no live entertainment or dancing - One (1) space for every two hundred (200) square feet of floor area; or one (1) space for every four (4) indoor seats plus one (1) for every eight (8) outdoor seats, whichever is greater.

Cocktail Lounges, Night Clubs, Banquet Facilities or Restaurants and Brew-Pubs with live entertainment or dancing - One (1) space for every one hundred fifty (150) square feet; or one (1) space for every three (3) indoor seats plus one (1) for every six (6) outdoor seats, whichever is greater.

Retail Uses - For the first 10,000 square feet, one (1) space for every four hundred (400) square feet of floor area, with a minimum of three spaces; for all floor area exceeding the first 10,000 square feet, one (1) space for every two hundred (200) square feet. Combined uses located in a single building shall calculate required parking on the total square footage of the building and not the individual retail uses therein.

Self-Service Laundry - One (1) space for every six (6) machines (washers, dryers, and the like.)

Indoor Theaters - One (1) space for every five (5) seats.

Outdoor Miniature Golf or Putting Courses - One and one-half (1½) spaces per hole.

Arcades, with or without accessory billiard or pool tables - One (1) space for every ~~two hundred fifty (250) one hundred (100)~~ square feet of floor area, ~~plus one (1) space for every three (3) employees.~~

Animal Grooming Facilities – One (1) space for every two hundred (200) square feet, with a minimum of three (3) spaces.

Combined Uses - Combined uses shall provide parking equal to the sum of the individual uses.

8-16(o) Special Provisions:

1. No building to be used principally as a single ~~use or establishment store selling food, produce, grocery items or general merchandise~~ shall exceed ~~40,000~~50,000 square feet in floor area unless approved by the Planning Commission prior to ~~[DATE OF ORDINANCE] April 27, 2000~~ for at least 40,000 square feet in size. No such ~~building structure~~ may exceed 60,000 square feet in size, in any event.
2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing mixed-income housing; or twenty-five percent (25%) by using a combination of mixed-income housing and additional open space.
3. A form-based neighborhood business project may be approved by the Planning Commission on any site over one (1) acre 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 and urban design character of the area. It shall demonstrate, through the use of renderings, elevations and similar graphic materials, how the proposed project

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

8-17 DOWNTOWN BUSINESS (B-2) ZONE

8-17(a) Intent - This zone is intended to accommodate existing and future development in the Central Business District.

8-17(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-1 ~~(and P-1)~~ zone.
2. Amusement enterprises, such as indoor billiard or pool halls; indoor theaters; bowling alleys; dance halls; skating rinks.
3. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing or the sale of alcoholic beverages.
4. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats, provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
5. Establishments engaged in blueprinting, printing, publishing, and lithographing, interior decorating; upholstering; laundering; clothes cleaning and dyeing; ~~dressmaking~~ clothing alterations and tailoring services.
6. Hotels and motels.
7. Passenger transportation terminals.
8. Any type of dwelling unit.
9. Wholesale establishments.
10. Minor automobile and truck repair.
11. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
12. Pawnshops.
13. Stadium and exhibition halls.
14. Telephone exchanges, radio and television studios.
15. Cable television system signal distribution centers and studios.
- ~~16.~~ 15. Animal hospitals or clinics, provided all exterior walls are completely sound-proofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.
- ~~17.~~ 16. Athletic club facilities.
- ~~18.~~ 17. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
19. Parking lots and structures, provided such use conforms to the conditions of Article 16.

8-17(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Storage, wholesaling, and warehousing.
2. Storage yards for delivery vehicles of a permitted use.
3. Sidewalk café, when accessory to any permitted restaurant.
4. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
5. Satellite dish antennas, as further regulated in Article 15-8.
6. 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.
7. Parking areas or structures.

8-17(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Helistops, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
2. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
3. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth

therein. The Board of Adjustment shall specifically consider and be able to find:

- a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
4. 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 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
 5. 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.
 6. ~~Assisted living facilities and~~ Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.

8-17(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 7, except as permitted herein.
2. Outdoor kennels, or outdoor animal runs.
3. Establishments engaged in the display, rental, or repair of farm equipment, trucks exceeding one and one-half (1½) tons, and contractor's equipment.
4. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
5. Hospitals.

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

8-17(f) Minimum Lot Size - No limitation.

8-17(g) Minimum Lot Frontage - No limitation.

8-17(h) Minimum Front Yard - No limitation.

8-17(i) Minimum Each Side Yard - No limitation.

8-17(j) Minimum Rear Yard - No limitation.

8-17(k) Minimum Usable Open Space - No limitation (except that residential uses shall provide useable open space equal to not less than 10% of only those floors occupied by dwelling units).

8-17(l) Maximum Lot Coverage - No limitation.

8-17(m) Maximum Height of Building - No limitation.

8-17(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units; then one (1) space for every two thousand (2,000) square feet of residential floor area.

All Other Permitted Uses - Off-street parking not required.

Off-street loading shall be as required in Article 16.

8-17(o) Special Provisions:

1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2 zone where such provisions are more restrictive than those set out in this zone.
2. For those floors of buildings containing dwelling units with windows for habitable rooms, there shall be provided a height-to-yard ratio of 3:1 for light and air. Public street right-of-way width may be used as part of this setback requirement, except that a minimum setback of five (5) feet from the property line, other than property lines adjoining street right-of-way, shall be required in any case. No setback shall be required for those floors containing non- residential uses or dwelling unit walls without windows.
3. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.

8-19 LEXINGTON CENTER BUSINESS (B-2B) ZONE

8-19(a) Intent - This zone is intended to ensure compatible land uses, the preservation of existing attractions compatible with the Lexington Center, and the encouragement of new uses necessary to the proper development of the downtown area. The permitted land uses in the zone should have some logical relation to the Lexington Center and to the downtown core, should promote tourism, should promote the economic health of the community, should provide for an aesthetically pleasing environment, and should prevent the creation of influences adverse to the prospering of the Lexington Center and the downtown area.

8-19(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Civic Center and convention facilities.
2. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions; savings and loan companies, holding and investment companies.
3. Offices and clinics.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Studios for work or teaching of fine arts, such as photography, music, drama, dance or theater.
7. Churches, Sunday schools, and parish houses.
8. Ticket and travel agencies.
9. Restaurants, cocktail lounges and nightclubs, including those serving alcoholic beverages and/or offering live entertainment, except as prohibited under Section 8-19(e).
10. Establishments for the retail sale of primarily new merchandise.
11. Beauty shops, and barber shops.
12. S, shoe repair, dressmaking clothing alterations or tailoring services.
- ~~13. 12.~~ Retail sale of plant, nursery or greenhouse products, or agricultural produce.
- ~~14. 13.~~ Hotels or motels.
- ~~15. 14.~~ Any type of residential use.
- ~~16. 15.~~ Antique shops.
- ~~17. 16.~~ Establishments for the display, rental or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats; provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
- ~~18. 17.~~ Amusement enterprises, such as circuses; carnivals; horse racing or automobile racing, provided such activity is operated on a temporary basis of a duration not exceeding two weeks.
- ~~19. 18.~~ Establishments engaged in blueprinting, printing, publishing, and lithography; interior decoration and upholstery; repair of household appliances.
- ~~20. 19.~~ Bookstores, except as prohibited under Section 8-19(e).
- ~~21. 20.~~ Indoor amusement enterprises, such as motion picture theaters, except as prohibited under Section 8-19(e); billiard or pool halls; bowling alleys; dance halls, skating rinks; and arcades.
- ~~22. 21.~~ Computer and data processing centers.
- ~~23. 22.~~ Telephone exchanges, radio and television studios.
- ~~24. 23.~~ Cable television system signal distribution centers and studios.
- ~~25. 24.~~ Private clubs, except as prohibited under Section 8-19(e)(7, 8 and 9).
- ~~26. 25.~~ Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
- ~~27. 26.~~ 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.

8-19(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Storage area for delivery vehicles of a permitted use.
2. Sidewalk café, when accessory to any permitted restaurant.
3. Health clubs, athletic clubs and spas, when operated solely for the use of occupants of residential uses, employees, tenants and owners of office uses, or registered guests of hotels and motels.

4. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
5. Parking lots and parking structures, when accessory to principal permitted uses.
6. Satellite dish antennas, as further regulated by Article 15-8.
7. 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.

8-19(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Automobile service stations at which only minor automobile and truck repair is performed, and provided such use conforms to all requirements of Article 16.
2. Automobile rental facilities; parking lots and parking structures, when not accessory to a principal permitted use, provided such uses conform to all requirements of Article 16.
3. Secondhand shops.
4. 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.
5. Helistops, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
6. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
7. Health clubs, athletic clubs and spas, except as a permitted in 8-19(c)(3).
8. Recycling drop-off centers for aluminum; steel; plastic; glass; newspapers; cardboard and other paper products; oil and other household recyclable waste, provided that such an establishment shall be located at least two hundred (200) feet from any residential zone. Any appeal for a conditional use permit to operate a recycling drop-off center shall include as part of the application: Reasons for the location of the proposed use at a specific site, description of equipment to be used, physical arrangement, and operation of the proposed center. The Board of Adjustment shall consider the necessity of screening, if needed.
9. 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.
10. 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.

8-19(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 equipment sales and services.
2. Warehouse, 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; electrical; sign painting; tile, mosaic and terrazzo work; electroplating; drilling; excavating; wrecking; construction, and paving. This is not intended to prohibit administrative offices of such.
4. Manufacturing, compounding, assembling, bottling, processing and packaging, and other industrial uses for sale or distribution other than as retail on the premises.
5. Truck terminals and freight yards.
6. Drive-in restaurants or drive-in theaters.

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7. Establishments offering live entertainment 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.
8. 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.
9. 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.
10. Animal kennels, hospitals, clinics, outdoor runways or pens, and animal grooming facilities.
11. The above- or below-ground storage of any flammable material in gaseous form including compressed natural gas.
12. Pawnshops, except as permitted herein.
13. Tattoo parlors.

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

8-19(f) Minimum Lot Size - No limitation.

8-19(g) Minimum Lot Frontage - No limitation.

8-19(h) Minimum Front Yard - No limitation.

8-19(i) Minimum Each Side Yard - No limitation.

8-19(j) Minimum Rear Yard - No limitation.

8-19(k) Minimum Usable Open Space - No limitation, except that 10% shall be required for any residential area.

8-19(l) Maximum Lot Coverage - No limitation.

8-19(m) Maximum Height of Building - No limitation.

8-19(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units: then one (1) space for every two thousand (2,000) square feet of residential floor area.

Hotels or Motels - One (1) space per suite, with a minimum of five (5) spaces.

8-19(o) Special Provisions:

1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2B zone where such provisions are more restrictive than those set in this zone.
2. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.

8-20 HIGHWAY SERVICE BUSINESS (B-3) ZONE

8-20(a) Intent - This zone is intended to provide for retail and other uses, which are necessary to the economic vitality of the community but may be inappropriate in other zones. The Comprehensive Plan should be used to determine the locations for this zone. Special 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.

8-20(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. 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.
2. Automobile service stations, subject to the conditions of Article 16.
3. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing, and/or sale of alcoholic beverages.
4. 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.
5. Motel or hotel.
6. Indoor amusements, such as billiard or pool halls; dancing halls; skating rinks; miniature golf or putting courses; theaters, or bowling alleys.
7. Self-service laundry, or laundry pick-up station, or clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
8. Garden centers.
9. 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.
10. 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 Section 8-20(e).
12. Minor automobile and truck repair.
13. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
14. ~~Barber shops, beauty shops.~~ Beauty shops, and barber shops.
15. Shoe repair, clothing alteration, tailoring services, and tattoo parlors.
- ~~16.-15.~~ Circuses and 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.
- ~~17.-16.~~ Offices and medical clinics.
- ~~18.-17.~~ Taxidermy establishments.
- ~~19.-18.~~ Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
- ~~20.-19.~~ Business colleges, technical or trade schools or institutions.
- ~~21.-20.~~ Schools for academic instruction.
- ~~22.-21.~~ Kindergartens, nursery schools and child care centers, where enrollment of children is sponsored and licensed by established churches 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 child care facility. A 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.-22.~~ 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.
- ~~24.-23.~~ Athletic club facilities.
- ~~25.-24.~~ Parking lots and structures.
- ~~26.-25.~~ 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 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.

~~27.-26.~~ Commissaries.

8-20(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.
6. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
7. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
8. Satellite dish antennas, as further regulated by Article 15-8.
9. 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.
10. 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.
11. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Article 8-16(b).

8-20(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

Required conditions for any conditional use permitted herein shall be as follows:

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.

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.

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. Indoor and outdoor athletic facilities that may also require buildings which, as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Highway Service Business (B-3) zone, such as a field house; gymnasium; football stadium; tennis courts; soccer field or polo field, and baseball field.
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, residential use, school, church, hospital, nursing home, or rest home.
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, church, hospital, nursing home, or rest home; 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.
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 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
- 9. Churches and Sunday schools.
- 10. The above- or below-ground storage of any flammable material in gaseous form, except as permitted herein, including compressed natural gas, except in conformance with the Kentucky Building Code and all applicable fire safety codes. Total above-ground storage of gas is limited to 600 square feet. There may be no filling or re-filling of gas containers in this zone.

8-20(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 5.
- 2. Automobile race tracks.
- 3. Establishments for cleaning, dyeing, and the like, except as permitted herein.
- 4. Dwellings, except as accessory uses herein.
- 5. Major automobile and truck repair, except as permitted herein.
- 6. Boarding houses.
- 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.

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

8-20(f) Minimum Lot Size - No limitation.

8-20(g) Minimum Lot Frontage - 40'.

8-20(h) Minimum Front Yard - 20'.

8-20(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-20(o).

8-20(j) Minimum Rear Yard - No limitation, except as provided in Section 8-20(o).

8-20(k) Minimum Useable Open Space - No limitation.

8-20(l) Maximum Lot Coverage - No limitation.

8-20(m) Maximum Height of Building - 75', except where a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height to yard ratio.

8-20(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for B-1.

Establishments for display, rental, sale, service or repair of farm implements, contractor equipment, automobiles, motorcycles, boats, travel trailers, mobile homes, or supplies for such items - One (1) space for every six hundred (600) square feet of floor area, with a minimum of five (5) spaces.

Car Washing Establishments with Two (2) or More Stalls - Two (2) spaces for each stall, plus one (1) space for each vacuum unit.

Motels and Hotels - One (1) space per suite with a minimum of five (5) spaces.

Bowling Alleys - Four (4) spaces per alley; however, snack bars and food service provided primarily to patrons shall not require additional parking.

Offices of Veterinarians, Animal Hospitals or Clinics, and Kennels - One (1) space for every two hundred (200) square feet of floor area.

Billiard or Pool Halls, Arcades, Dance Halls, Indoor Athletic Facilities, and other amusement places without fixed seats - One (1) space for every one hundred (100) square feet of floor area, plus one space for every three (3) employees.

Skating Rinks - One (1) space for each four hundred (400) square feet of floor area, plus one (1) space for every employee.

Theaters - One (1) space for every five (5) seats.

Indoor and Outdoor Athletic Facilities, Horse Race Tracks, and other amusement places with fixed seats - One (1) space for every five (5) seats, plus one (1) space for every three (3) employees.

Miniature Golf or Putting Course - One and one-half (1½) spaces per hole.

Garden Centers - One (1) space for every four hundred (400) square feet of floor area; plus one (1) space for each employee, with a minimum of five (5) spaces.

Adult Arcades and Massage Parlors - As for retail uses in the B-1 zone (with a minimum of three (3) spaces) or one (1) space for every five (5) seats, whichever is greater.

Adult Bookstores or Adult Video Stores - As for retail uses in the B-1 zone (with a minimum of three (3) spaces.)

Adult Cabarets, Adult Dancing Establishments, Adult Entertainment Establishments, and Sexual Entertainment Centers - As for retail uses in the B-1 zone (with a minimum of three (3) spaces), or one (1) space for every three (3) seats, whichever is greater.

Conditional Uses - Parking requirements for conditional uses shall be minimum requirements; the Board of Adjustment may require additional parking, as needed.

Combinations - Combined uses shall provide parking equal to the sum of individual requirements.

8-20(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 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 (Article 12-8), unless specific guidelines are waived by the Planning Commission through its approval of a final development plan.

8-21 WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE

8-21(a) Intent - This zone is intended primarily for wholesaling, warehousing, storage operations and establishments whose activity is of the same general character as the above. To a lesser extent, this zone is also intended to provide for the mixture of professional offices and warehouses that promote reuse and redevelopment of older warehouses, allowing businesses to combine their entire operation in one building, as recommended for the Office/Warehouse land use category in the Comprehensive Plan. This zone is also intended to encourage the adaptive reuse of older structures in or adjoining the Infill and Redevelopment Area to promote revitalization of these buildings. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs.

8-21(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Wholesale establishment, wholesale establishment with warehouses, storage, and ware- housing.
2. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; painting; plastering; metal work; printing; publishing; lithographing; engraving; electrical; major automobile and truck repairing; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; interior decorating.
3. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop.
4. Ice plant.
5. Tire re-treading and recapping.
6. Parking lots and structures.
7. Machine shop.
8. Kennels, animal hospitals, animal grooming facilities or clinics, provided that such structures or areas used, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.
9. Offices of purchasers, processors and handlers of agricultural products, limited to administrative uses only.
10. Sales of feed, grain, or other agricultural supplies.
11. Garden centers.
12. Establishments and lots for the display, rental, sale, and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.
13. Truck terminals and freight yards.
14. Automobile service stations, subject to the conditions of Article 16.
15. Major or minor automobile and truck repair.
16. Establishments for the display and sale of precut, prefabricated, or shell homes.
17. Circuses and 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 other ways to protect public health, safety, or welfare; or deny such if public health, safety or welfare are adversely affected.
18. Retail sale of building materials and lumber.
19. 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.
20. Mail order business.
21. Office uses, limited to a maximum square footage of 60% of the floor area in the building in which the use is located.
22. Office/warehouse mixed-use project, as further regulated by Article 8-21(o)(3).
23. Adaptive Reuse Projects, as further regulated in 8-21(o)4.

8-21(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.

1. Parking areas and structures, and loading areas.

2. Financial and insurance offices, the principal activities of which are oriented towards agricultural loans and farm insurance.
3. Laundry pick-up station, when accessory to a laundry or dry-cleaning establishment.
4. Retail sale of hardware-related items, when accessory to the sale of building materials and/or lumber.
5. Satellite dish antennas, as further regulated by Article 15-8.
6. Sale of manufactured products, goods, merchandise and finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than 30% of the total floor and storage area.
7. The retail sale of groceries; dairy products; bakery goods; meat; beer; health and beauty items; stationery; and similar convenience-type merchandise, when accessory to an automobile service station.
8. Beauty salons, where accessory to an athletic club facility, provided that the area of the salon shall not constitute more than 10% of the total floor area, that the salon has no separate external entrance, nor separate business signage.
9. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to retail sale of building materials and lumber permitted under Sections 8-21(b)(18).

8-21(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Indoor recreational activities, except as provided as a part of an adaptive reuse project that require buildings which, as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Wholesale and Warehouse Business (B-4) zone, including indoor tennis courts; skating rinks; athletic club facilities and bowling alleys. Also included would be any outdoor recreational facilities that are customarily accessory, clearly incidental and subordinate to such indoor recreational activities.
2. 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.
3. Churches, Sunday schools, and church-related schools for academic instruction, except as provided as part of an adaptive reuse project.
4. Retail sale (except as provided as part of an adaptive reuse project) of furniture and household-related items, such as antiques; fabrics; fixtures; furnishings; glassware and china; when accessory to its storage, refinishing, repairing or upholstery on the same premises.

8-21(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. Heavy manufacturing, heavy assembling, com- pounding, packaging, bottling, processing, and other industrial uses, except as permitted herein.
2. Storage of commodities, the storage of which is permitted for the first time in the industrial zones.
3. Amusement enterprises, such as indoor theaters; drive-in theaters; horse race tracks; pool halls; billiard halls; dancing halls and amusement parks.
4. Retail sales and offices, except as permitted herein.
5. Motels and hotels, boarding houses.
6. Personal service establishments, except as permitted herein.
7. Dwellings, except as permitted in an office/ warehouse project herein.
8. Schools and colleges for academic instruction, except as permitted herein.
9. Restaurants, cocktail lounges, and nightclubs, except as permitted herein.
10. Car washing establishments.
11. Refuse dumps, landfills, transfer stations, and incinerators.
12. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural

gas.

13. Pawnshops, except as permitted herein.

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

8-21(f) Minimum Lot Size - No limitation.

8-21(g) Minimum Lot Frontage - No limitation.

8-21(h) Minimum Front Yard - No limitation, except as provided in Section 8-21(o).

8-21(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-21(o).

8-21(j) Minimum Rear Yard - No limitation, except as provided in Section 8-21(o).

8-21(k) Minimum Useable Open Space - No limitation.

8-21(l) Maximum Lot Coverage - No limitation.

8-21(m) Maximum Height of Building - 75', except when a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height-to-yard ratio.

8-21(n) Off-Street Parking - (See Article 16 for additional parking regulations.)

Wholesale business, warehousing, storage; Establishments for special trade and general contractors; Machine shops; Sale of feed, grain or other agricultural supplies; Garden centers; and Establishments for the rental, sale, service and repair of farm equipment, contractor equipment, trucks, travel trailers and mobile homes - One (1) space for every six hundred (600) square feet of floor area, with a minimum of five (5) spaces.

Tire re-treading or recapping; Truck terminals and Ice plants - One (1) space for each two (2) employees on a maximum working shift; plus one (1) space for each vehicle owned or operated by the use, with a minimum of five (5) spaces total.

Offices, as permitted herein; Animal Hospitals or Clinics; Laundry, clothes cleaning or dyeing shop - One (1) space for every two hundred (200) square feet of floor area, with a minimum of five (5) spaces.

Animal Grooming Facilities – One (1) space for every two hundred (200) square feet, with a minimum of three (3) spaces.

Kennels - One (1) space for every six hundred (600) square feet of floor area, plus one (1) space per two (2) employees on the maximum shift, with a minimum of five (5) spaces.

Office/Warehouse mixed-use project - One (1) space for every five hundred (500) square feet of parking floor area, with a minimum of five (5) spaces.

Skating Rinks - One (1) space for every four hundred (400) square feet of floor area, plus one (1) space for each employee.

Bowling Alleys - Five (5) spaces for each alley, plus one (1) space for each employee. Four (4) spaces per alley; however, snack bars and food service provided primarily to patrons shall not require additional parking.

Tennis Courts and other similar indoor recreational uses - One (1) space for every two (2) participants, plus one (1) space for every three (3) spectator seats, plus one (1) space for each employee.

Mail Order Business - One (1) for every two (2) employees on a maximum working shift, with a minimum of five (5) spaces; plus one (1) space for every four hundred (400) square feet of accessory retail sales area.

Retail Sales, Bulk Merchandise - One (1) space for every 250 square feet of floor area.

Conditional Uses - Parking requirements for conditional uses are minimum requirements; the Board of Adjustment may require additional parking, as needed.

Combinations - Combined uses shall provide parking equal to the sum of individual requirements.

8-21(o) Special Provisions:

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

In addition to the uses permitted in Article 8-21(b), the following uses shall also be permitted in an Office/Warehouse Project:

As principal permitted uses:

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

As accessory uses:

- a. Drive-through facilities for the provision of services allowed in an Office/Warehouse mixed-use project;
 - b. Dwelling units for on-site security personnel.
4. Adaptive Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
 - a. The property must be located in or adjacent to, or across a public right-of-way from, the defined Infill and Redevelopment Area. The area of the Project will be defined by the development plan and may include noncontiguous properties that can function together as an interrelated development.
 - b. The Project must include at least one existing building that will be adaptively reused as a principal structure.
 - c. The applicant shall provide documentation demonstrating that the Project meets at least three of the following criteria:
 1. It will incorporate sustainable features such as LEED Certification, "green" infrastructure, alternative energy or other innovative design or system.
 2. It will include a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or is over 50 years old.
 3. It is in a district that has applied for, or has obtained, special funding such as tax increment financing or similar government incentives.
 4. It will provide residential housing, at least 10% of which will be set aside for affordable housing.
 5. It will provide a high degree of innovative accommodation for non-vehicular transportation.
 6. It is in an area specified in the Comprehensive Plan for adaptive reuse or revitalization.
 7. It is within an area that is a brownfields recovery site.
 8. Public art is provided by the development that will be publicly displayed in an accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.
 9. It has a single building of over 30,000 square feet that is over 50 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 50 years old. A single building may not be used to meet both criteria #2 and #9.
 - d. Principal uses in Adaptive Reuse Projects:
 1. Any of the principal uses permitted in the underlying zone.

2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance drama or theater; theaters, including movie theaters and other indoor amusements, except as prohibited under Section 8-19(e), including billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
3. Community centers, churches and private clubs.
4. Restaurants, with or without outdoor seating and with or without live entertainment.
5. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics and similar items.
6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
7. Banquet facilities or private clubs with live entertainment, brew pubs, bars, cocktail lounges and nightclubs.
8. Offices, banks or clinics.
9. Hotels or motels.
10. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
11. Quick copy services not using offset printing methods.
12. Residences of any kind.
13. Health clubs, athletic clubs and spas.
14. Parking lots and structures.
15. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods.
16. Indoor recreational facilities.
17. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least 25 square feet per child.
18. Indoor or outdoor amusement or entertainment enterprises such as circuses, carnivals, rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two weeks.
19. Passenger transportation terminals.
- e. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
- f. Conditional uses:
 1. Drive-through facilities.
- g. Prohibited uses:
 1. All adult uses, as listed in Section 8-16(e)(14 through 17).
- h. Parking
 1. **Dwelling Units** - One (1) space for every two (2) units.
 2. **Non-Residential Uses** - Fifty percent (50%) of the least parking required in any zone other than the B-2, B-2A or B-2B zone, which permits the use or a similar use.
 3. **Allowable Reductions in Parking:**
 - a. **Bicycle Reduction** - Sites having fifty (50) or more parking spaces may reduce the total minimum automobile parking space requirement by one (1) parking space for every one (1) bicycle space provided in a permanent, constructed bicycle locker. The maximum reduction of required parking spaces, based on provision of bicycle parking, shall not be reduced less than five percent (5%) of the otherwise required amount.
 - b. **Allowable Transit Stop Reductions** - Sites located within 300 feet of a transit stop with a shelter may be allowed a ten percent (10%) reduction of the minimum required parking. Sites located within 300 feet of a transit stop without a shelter shall be allowed a five percent (5%) reduction of the minimum required parking. If the site is located within 300 feet of more than one transit stop, the maximum reduction allowed will be ten percent (10%) for this specific parking reduction.
 - c. Reductions in required off-street parking for transit stops and bicycle lockers may be combined for the same property, but in any event may not reduce the total amount of required off-street parking by more than 15 percent (15%).
- i. Signage - Shall be as permitted under Article 17-7(o) for an MU-2 zone.
- j. Lot and Yard Requirements - No minimum.
- k. Height - No maximum height for adaptive reuse of existing buildings. New buildings shall not be more than 12 feet taller than the tallest structure that is being adaptively re-used, or 48 feet, whichever is greater.
- l. The applicant shall submit a compliance statement with the development plan that shall specify how the project will further the Goals and Objectives and other elements of the Comprehensive Plan.
- m. Prior to holding a hearing on the development plan, the applicant shall post a sign, with dimensions set out

in Article 23B-5(b), at a visible location on the property at least 14 days prior to the hearing, informing the public of the location, date and time of the hearing. Evidence of the sign having been posted shall be submitted to the Planning Commission at the hearing.

- n. The Planning Commission shall have the power to approve, modify or disapprove the development plan, as set out in Article 21. In addition, if the Planning Commission approves the development plan, it must adopt a finding that the development plan furthers the Goals and Objectives or other elements of the Comprehensive Plan.

8-22 LIGHT INDUSTRIAL (I-1) ZONE

8-22(a) Intent - This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Industrial Mixed-Use projects and Adaptive Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone and for Industrial Mixed-Use Projects. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

8-22(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-4 zone.
2. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of articles of merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious and semi-precious metals, precious and semi-precious stones, rubber, sheet metal (excluding large stampings), shell, textiles, tobacco, wax, wire, wood (excluding sawmills, planing mills), and yarn.
3. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of such products as: bakery goods; billboards; candy; ceramics; cosmetics; drafting instruments; electrical parts; appliances; electric or neon signs; electronic instruments; food products; meat packaging; ice cream; medical and dental instruments; musical instruments; pharmaceuticals; pottery, china, or figurines; radios; record players; rubber and metal stamps; rubber products; scientific instruments and equipment; shoes; television receivers; toiletries, soaps and detergents; toys; and watches and clocks.
4. Other industrial and manufacturing uses, such as auto parts rebuilding; battery manufacturing; beverage manufacturing; micro-brewery as regulated by KRS 243.157 and KRS 243.150; dairy and non-dairy and food and non-food product bottling plants; box and crate assembly; building materials sales; rental storage yard; bag, carpet and rug cleaning and dyeing; cabinet shop; cannery; cooperage; crematory; dextrine and starch manufacturing; enameling, lacquering, and japanning; felt manufacturing; electric foundry; furniture manufacturing; heating equipment manufacturing; inflammable under-ground liquid storage; iron works (ornamental), and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; radium extraction; railway or truck terminal; stone monument works; tool manufacturing; vehicle storage yards for which occupancy permits were issued prior to May 1, 1985; welding, and other metal working shops.
5. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, sorting, baling and processing of paper scrap and storage of waste paper shall be permitted only when wholly conducted in a completely enclosed building.
6. Industrial Mixed-Use Projects, as further regulated by Article 8-22(o).
7. Adaptive Reuse Projects, as set out in Section 8-21(b)23 and Section 8-21(o)4.

8-22(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Off-street parking areas and structures, and loading facilities.
2. Dwelling units for watchmen or caretakers, provided that such facilities shall be located on the same premises as the permitted use.
3. Outdoor storage of products manufactured on the premises or materials to be used in manufacture on the premises.
4. Facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building.
5. Offices.
6. Recreational facilities.
7. Sale of manufactured goods.
8. Sale of finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than thirty percent (30%) of the total floor and storage area.
9. Satellite dish antennas, as further regulated by Article 15-8.
10. Beauty salons where accessory to an athletic club facility, provided that the area of the salon shall not

constitute more than 10% of the total floor area, that the salon has no separate external entrance, nor separate business signage.

11. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to retail sale of building materials and lumber permitted under Article 8-21(b)(18).

8-22(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Automobile race tracks.
2. Public utilities and public service uses and structures.
3. Columbariums and crematories.
4. Penal or correctional institutions.
5. Indoor recreational activities, except as provided as part of an Adaptive Reuse Project, that require buildings, which as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Light Industrial (I-1) zone, including indoor tennis courts; skating rinks; athletic club facilities and bowling alleys.
6. Grain drying, when operated in a fully enclosed building at least three hundred (300) feet from the nearest residential, business, or professional office zone.
7. The above- or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form, the storage of any empty container which contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless limited by 8-22(e); and provided such operations conform to the standards prescribed by the National Fire Protection Association, the Kentucky Occupational Safety and Health Standards for General Industry, and any requirements of the Fire Marshall. Such conformance shall be certified in writing by the Fire Marshall, and any required protective measures for the containers shall be met in all ways.
8. Banks, with or without drive-through facilities, except as provided as part of an Industrial Mixed-Use Project or an Adaptive Reuse Project, provided:
 - a. The site lies within the area of a development plan approved by the Planning Commission, having a minimum one hundred (100) acres zoned industrial;
 - b. There shall be an on-site stacking capacity of a minimum of twenty (20) cars for each bank having drive-through facilities;
 - c. The site shall not have direct access to an arterial street;
 - d. There exists, within the development plan area, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least five hundred (500) employees;
 - e. There exists, within a one-mile radius of the property boundaries of the proposed site, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least twenty-five hundred (2,500) employees;
 - f. A site development plan is submitted to, and approved by, the Board of Adjustment and the Planning Commission.
9. Concrete mixing and concrete products, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:
 - a. That no concrete mixing operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.
 - b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Article 20: Soil Erosion Controls.
 - c. Development Plan - The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, storm water and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.
 - d. Drainage and Erosion Control - All operations shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event that adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
 - e. Roads - All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.
 - f. Screening - Screening shall be provided as defined in accordance with LFUCG Article 18 of the Zoning Ordinance.

Text approved by the Planning Commission – 1/31/13
 ARTICLE 8: SCHEDULE OF ZONES

- g. Transportation Plan - A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
 - 1) Product shipping and deliveries;
 - 2) Mode of transportation;
 - 3) Route(s) to and from the site;
 - 4) Schedule and frequency of shipments;
 - 5) Delivery and shipping spillage control methods;
 - 6) Employee parking.
- h. Storage - Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
- i. Excess Product and Waste - Excess product and waste, when disposed of on site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
- 10. Cable television system facilities, including transmitting towers; antennas; earth stations; microwave dishes; relays; business offices; television studios; and storage facilities.
- 11. Vehicle storage yards, for which occupancy permits were applied for on or after May 1, 1985.
- ~~12. Offices, except as provided as part of an Adaptive Reuse Project, other than as accessory uses under Section 8-22(c)(5), provided that the following requirements are met:~~
 - ~~a. That no more than fifty percent (50%) of the total floor area of any structure may be used for office purposes, not counting as accessory uses under Section 8-22(c)(5).~~
 - ~~b. That minimum parking requirements shall be met as under the P-1 zone.~~
 - ~~c. The office use would be located in a structure that would qualify for designation as a landmark under the provisions of Article 13: Historic Preservation herein.~~
- ~~12.~~ 13. Commercial composting, provided that the following requirements are met:
 - a. That all such composting shall be conducted in a fully enclosed building.
 - b. That a permit-by-rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
 - c. That a development plan, indicating access points and circulation routes; proposed signage; screening and landscaping; fencing and other significant geological or physical features of the property, be submitted as part of any application.
 - d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.
- ~~13.~~ 14. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
- ~~14.~~ 15. 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.
- ~~15.~~ 16. Churches, Sunday schools, and church-related schools for academic instruction, except as provided as part of an Adaptive Reuse Project.
- ~~16.~~ 17. Retail sale, except as provided as part of an Adaptive Reuse Project, of furniture and household-related items, such as antiques; fabrics; fixtures; furnishings; glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.
- ~~17.~~ 18. Community centers, except as provided as part of an Adaptive Reuse Project.
- ~~18.~~ 19. Child care centers, except as provided as part of an Adaptive Reuse Project.

19. 20.—Agricultural market.

8-22(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the B-4 zone, items 3 through 11.
2. All uses first permitted in the I-2 zone, except as specifically permitted herein.
3. A facility for the storage and distribution of gas by railroad tank cars, through gas piping, or by tank trucks, which each have a water capacity in excess of 4,000 gallons.
4. Slaughterhouses.

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

8-22(f) Minimum Lot Size - No limitation.

8-22(g) Minimum Lot Frontage - No limitation.

8-22(h) Minimum Front Yard - 20'.

8-22(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-22(o).

8-22(j) Minimum Rear Yard - No limitation, except as provided in Section 8-22(o).

8-22(k) Minimum Useable Open Space - No limitation.

8-22(l) Maximum Lot Coverage - No limitation.

8-22(m) Maximum Height of Building - 75', except when a side or rear yard abuts a Professional Office or Residential zone, then a 3:1 height to yard ratio.

8-22(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for B-4.

Manufacturing or Industrial Uses - One (1) space for every two (2) employees on a maximum working shift, with a minimum of five (5) spaces.

Automobile Race Tracks - One (1) space for every five (5) seats.

Correctional or Penal Institutions - One (1) space for each employee.

Accessory Dwelling Units - One (1) space per dwelling unit.

Retail Sales Facility for manufactured goods - One (1) space for every four hundred (400) square feet of floor area.

Industrial Mixed Use Projects - As for MU-3, except that off-site parking may be provided in conformity with Article 16-1(d).

Conditional Uses - Parking requirements for conditional uses are minimum requirements; the Board of Adjustment may require additional parking, as needed.

Combinations - Combined uses shall provide parking equal to the sum of individual requirements.

8-22(o) Special Provisions:

1. All industrial uses shall be conducted in a completely enclosed building, except for outdoor storage uses, which shall be enclosed on all sides by a solid wall or fence not less than six (6) feet in height.
2. Except for Industrial Mixed Use Projects, all buildings and structures shall be at least one hundred (100) feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors which are designed and intended solely for pedestrian access.
3. Landscape buffer areas shall be required as set forth in Article 18.
4. An Industrial Mixed Use Project may be permitted by the Planning Commission upon the approval of a development plan, subject to the following requirements:
 - a. The property must be in a location recommended in the Comprehensive Plan for Industrial Mixed Use, and should not displace an existing agriculture-related use permitted in the I-1 zone.
 - b. At least twenty percent (20%) of the total floor area shall be devoted to residential use, at least ten percent (10%) shall be devoted to a principal permitted use in this zone or the Wholesale and Warehouse Business (B-4) zone, and no more than forty percent (40%) of the total floor area shall be occupied by retail uses.
 - c. At least forty percent (40%) of the front building wall(s) of new buildings proposed for an Industrial Mixed Use Project shall be required to be built at the 20-foot setback.
 - d. In addition to the uses otherwise permitted in the Light Industrial (I-1) zone, the following uses shall be permitted in an Industrial Mixed Use Project:

As Principal Permitted uses:

1. Dwelling units.
2. Uses permitted in the Professional Office (P-1) zone, excluding a Professional Office Project.
3. Uses permitted in the Neighborhood Business (B-1) zone.

As Conditional uses:

1. Restaurants, without live entertainment or dancing, which devote more than twenty percent (20%) of the public floor area exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.
2. Restaurants or nightclubs offering live entertainment and/or dancing, brew-pubs, cocktail lounges or nightclubs, wine or spirit-tasting rooms [unless prohibited under Section 8-16(e)(14) and (15)]. 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 or other emissions not creating a nuisance to the surrounding neighborhood.

As Prohibited uses:

1. All adult uses listed in Section 8-16(e)(14) through (17) of the Zoning Ordinance.
- e. The minimum and maximum mix of uses shall be calculated based on the overall Industrial Mixed Use Project shown on the development plan. Each building within the Industrial Mixed Use Project shall not be required to contain a mixture of uses, provided that at least one structure shall contain a mixture of uses.

ARTICLE 12

12-3 **PRINCIPAL PERMITTED USES** - The principal uses permitted in a B-6P zone shall be as follows:

- a. ~~The~~these principal and accessory uses as permitted uses in the B-1 and P-1 zones, except as restricted herein.
- b. Indoor theaters.
- d. Parking lots and structures.

12-4 **ACCESSORY USES** – The accessory uses permitted in a B-6P zone shall be as follows:

- a. The accessory uses in the B-1 and P-1 zones.
- b. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

~~12-5~~ **12-4—CONDITIONAL USES**

- a. Restaurants, 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.
- b. 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.
- c. Recycling drop-off centers for aluminum, steel, glass, newspapers, cardboard and other paper products, oil, and other household recyclable waste, provided that such establishment shall be located at least two hundred (200) feet from any residential zone. Any appeal for a conditional use permit to operate a recycling drop-off center shall include as part of the application:
 - 1. Reasons for the location of the use at a specific site; description of equipment to be used; physical arrangement; and operation of the proposed center. The Board of Adjustment shall consider the necessity of screening, if needed.
- d. 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. 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:
 - 1. 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;
 - 2. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - 3. 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.
- f. ~~Assisted living facilities and r~~Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.
- g. Drive-through facilities for the sale of goods or products or provision of services otherwise permitted herein, except as accessory uses herein.

Re-number remaining sections as necessary

- A. **ZONING ORDINANCE TEXT AMENDMENT INITIATION** – The staff will request that the Planning Commission initiate a text amendment to Articles 8 and 12 for various modifications to the Neighborhood Business (B-1) zone. Following notification to registered neighborhood associations, and review by the Commission's Zoning Committee, the required public hearing could be scheduled next year.

Mr. Sallee stated that the staff had distributed a memorandum concerning the proposed modifications to the B-1 zone to the Commission members at their meeting one week ago. He explained that, should the Commission choose to initiate the text amendment, it would likely not be heard for several months; and they could also request more time to discuss the issue at their January work session, if desired.

Commission Question: Mr. Penn asked if there would be a down side to initiating the proposed text amendment at this meeting. Ms. Wade answered that there was no down side. Mr. Penn stated that he would be in favor of initiating a text amendment at this meeting, in order to allow the staff time to begin work on the text amendment.

Action: A motion was made by Mr. Penn, seconded by Mr. Owens, and carried 9-0 (Beatty and Brewer absent) to initiate the text amendment to the B-1 zone as proposed by staff.

- B. **MODIFIED T.I.F. APPLICATION – RED MILE MIXED-USE DEVELOPMENT** – a review of a revised (expanded) Tax Increment Financing application for property located at 843 South Broadway, 476-478 Curry Avenue, and 1200 Red Mile Road (a portion of).

Ms. Rackers stated that the original Red Mile Tax Increment Financing (T.I.F.) application was approved by the Urban County Council in 2010, following the required review by the Planning Commission in December, 2009. At that time, the Commission found the requested T.I.F. to be in compliance with the 2007 Comprehensive Plan. Ms. Rackers displayed the approved Red Mile development plan, noting that the portion of the property along the racetrack is currently zoned A-U. The former Tattersalls facility was recently approved by the Planning Commission for a rezoning to R-5, in order to construct an apartment complex, clubhouse, and parking. All of the parcels included in the T.I.F. application are currently functionally vacant and available for development.

Ms. Rackers stated that the 2007 Comprehensive Plan recommends Office/Warehouse use for the properties on Curry Avenue; Semi-Public Facilities use for the rear portion of the Red Mile property; and Commercial/Residential mixed-use development for the South Broadway property. The area originally proposed for the T.I.F. contained 83 acres, and included the entire Red Mile complex, with the exception of the racetrack; the Tattersalls building; the stables near South Broadway; and the structure known as the Stable of Memories. The T.I.F. site plan reviewed by the Council was for a mixed-use development, to contain commercial and residential uses, as well as improvements to the Red Mile facility to extend from the racetrack to Versailles Road. Ms. Rackers explained that this proposed modification to the T.I.F. application would not change the affected areas. It would, however, expand the T.I.F. boundary to include the expanded residential use and a proposed connection to Curry Avenue. The apartment complex is proposed to be constructed by Hallmark Development at a cost of approximately \$28,000,000, and it should take approximately 15 months to complete. The development is projected to create approximately 200 construction jobs; the apartment complex itself will have seven to nine full-time employees, and will use local companies for services such as landscaping.

Ms. Rackers said that the addition of the Tattersalls property will not increase the amount of money that has been allocated by the state and local governments for this T.I.F. project. It would, however, allow the proposed apartment complex development to count against the initial \$20,000,000 that is required to activate the T.I.F., and allow reimbursement of part of the construction costs for the desired Curry Avenue connection.

Ms. Rackers concluded by saying that the staff finds the proposed modification to the T.I.F. to be in compliance with the recommendations of the 2007 Comprehensive Plan because the original application was in compliance with the Plan, and the modification proposed would involve only a small increase to the size of the T.I.F. area. In addition, it will provide connectivity and accessibility in the area via the connection of Curry Avenue, which has long been desired by the Urban County Government.

Commission Questions: Ms. Copeland asked if a "down payment" is required for the activation of the T.I.F. Ms. Rackers answered that \$20,000,000 is required in order to activate the T.I.F. Ms. Copeland asked how much money the Tattersalls property would contribute to that requirement. Casey Bolton, T.I.F. representative, stated that the apartment development is projected to cost \$28,000,000, which would cross the threshold and allow the activation of the T.I.F. within the two-year period allowed by the statutes. Ms. Copeland asked if the \$20,000,000 would be required to be spent prior to the T.I.F. activation. Mr. Bolton answered that, before the developer can recover any costs, they will have to prove that they have spent \$20,000,000. Ms. Copeland asked if the Mr. Bolton or the applicant intended to make a presentation. Mr. Bolton responded in the negative. Bruce Simpson, attorney for the applicant, responded that he did not have a formal presentation. He explained that the Planning Commission's responsibility with regard to T.I.F. applications is to determine if the request is in compliance with the Comprehensive Plan recommendations. Mr. Simpson said that the petitioner would rely upon the staff's determination that the requested T.I.F. modification is in compliance with the Comprehensive Plan, rather than make a presentation.

ARTICLE 1: GENERAL PROVISIONS AND DEFINITIONS

(Note: Text underlined is an addition, while text ~~stricken through~~ is a deletion to the current Zoning Ordinance.)

ARTICLE 1: GENERAL PROVISIONS AND DEFINITIONS

ANIMAL GROOMING FACILITY – An establishment where domestic animals are bathed, clipped, or combed for the purpose of enhancing their appearance or health, and for which a fee is charged, but not including overnight boarding of animals.

COCKTAIL LOUNGE – A commercial establishment dispensing and serving alcoholic beverages for consumption on the premises and in which live entertainment, exclusive of dancing, is permitted.

MAIL SERVICE FACILITY – A commercial establishment that conducts the retail sale of stationery products, provides packaging and mail services to retail customers, and provides mailboxes for lease.

NIGHTCLUB – A commercial establishment for dancing and live entertainment, which may or may not include dispensing and serving alcoholic beverages for consumption on the premises.

PRIMARY ENTRANCE – The place of ingress and egress for a structure used most frequency by the public.

TATTOO PARLOR – A commercial establishment whose principal business activity is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin using needles or other instruments designed to contact or puncture the skin.

ZONE, BUSINESS - B-1, B-2, B-2A, B-2B, B-3, B-4, B-5P, ~~or~~ B-6P, or CC zone.

ZONE, INDUSTRIAL - An I-1, ~~or~~ I-2 or ED zone.

ZONE, RESIDENTIAL - An R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3 or PUD-1 zone.

ARTICLE 8: SCHEDULE OF ZONES

(Note: Text underlined is an addition, while text ~~stricken through~~ is a deletion to the current Zoning Ordinance.)

ARTICLE 8: SCHEDULE OF ZONES

8-15 PROFESSIONAL OFFICE (P-1) ZONE

8-15(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

11. Hospitals, nursing homes, ~~and rest homes~~, and assisted living facilities.
19. Beauty shops and barber shops not exceeding 2,000 square feet in floor area, which employ not more than five licensed cosmetologists, with all service provided only by licensed cosmetologists and/or barbers.
20. ~~Assisted living facilities and r~~Rehabilitation homes, but only when more than five hundred (500) feet from a residential zone.

8-15(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

9. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-15(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

2. Drive-through facilities for sale of goods or products or the provision of services otherwise permitted herein, except as accessory uses herein.
5. ~~Assisted living facilities and r~~Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.
7. Mail service facilities, except as permitted in a Professional Office Project.

8-15(e) Prohibited Uses

7. Tattoo parlors.

8-15(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Professional Office Project — ~~One (1) space for every four hundred (400) square feet of floor area.~~

Beauty Shops or Barber Shops — One (1) space for every two hundred (200) square feet, with a minimum of three (3) spaces.

Mail Service Facilities — One (1) space for each two hundred (200) square feet of floor area.

8-15(o) Special Provisions

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

a. As a principal permitted use:

1. Extended-Stay Hotels.
2. Mail service facilities.

b. As accessory uses:

1. Receiving, shipping, and storage of new fixtures, equipment and other non-perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.

c. As a conditional use:

ARTICLE 8: SCHEDULE OF ZONES

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.

8-16 NEIGHBORHOOD BUSINESS (B-1) ZONE

8-16(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. 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.
5. Libraries, museums, art galleries, and reading rooms.
6. Funeral parlors.
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.
10. Community centers and private clubs, churches, and Sunday schools.
11. Nursing homes, rest homes, and assisted living facilities.
12. Computer and data processing centers.
13. Ticket and travel agencies.
14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain 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.
- ~~1. The principal permitted uses in the P-1 zone, not including a Professional Office Project.~~
- ~~17.-2.~~ 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.
- ~~18.-3.~~ Restaurants and brew-pubs, except as prohibited under Section 8-16(e)(14) and (15), which offer no live entertainment or dancing.
- ~~19.-4.~~ Establishments for the retail sale of merchandise, including: clothing, shoes, fabrics, yard goods; fixtures, furnishings, and appliances, such as floor covering, radios, TV, phonograph products and other visual and sound reproduction or transmitting equipment; furniture; kitchen and laundry equipment; glassware and china; and other establishments for the retail sale of hardware and wallpaper, lawn care products, paint and other interior or exterior care products, hobby items, toys, gifts, antiques, newspapers and magazines, stationery and books, flowers, music, cameras, jewelry and luggage, business supplies and machines; prescription and non-prescription medicines and medical supplies.
- ~~20.-5.~~ Beauty shops, and barber shops.
- ~~21.~~ S, shoe repair, clothing alterations and tailoring services.
- ~~22.~~ Sself service laundry, or laundry pick-up stations, including clothes cleaning establishments of not more than 40 pounds capacity and using a closed-system process.
- ~~23.-6.~~ Automobile service stations, provided such use conforms to all requirements of Article 16.
- ~~24.-7.~~ Parking lots and 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.-8.~~ Repair of household appliances.
- ~~26.-9.~~ Retail sale of plant nursery or greenhouse products, except as prohibited herein.
- ~~10. Outdoor miniature golf or putting courses.~~
- ~~27.-11.~~ Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
- ~~28.-12.~~ Circuses and 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.
- ~~29.-13.~~ Indoor theaters, limited to three screens or stages.
- ~~30.-14.~~ Rental of equipment whose retail sale would be permitted in the B-1 zone.
- ~~31.-15.~~ Dwelling units, provided 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, not to exceed thirty-five (35) feet in height.
- ~~32.-16.~~ Arcades, including pinball and electronic games.

ARTICLE 8: SCHEDULE OF ZONES

- ~~33.-17.~~ 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.
- ~~34.-18.~~ Athletic club facilities.
- ~~35.-19.~~ Banquet facility.
- 36. Animal grooming facilities.
- 37. Mail service facilities.
- 38. Tattoo parlors.
- 39. Form-based neighborhood business project as per 8-16(o)(4).

8-16(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

- ~~4. The rental of trucks (single rear axle - 28' maximum overall length); trailers, and related items in conjunction with the operation of an automobile service station, provided the service station abuts a state or federal highway and does not abut a residential zone. 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 Division of Building Inspection for the control of such activities and shall show the entire property, signs, parking and location of the proposed storage area.~~
- ~~4.-5.~~ The sale of malt beverages, wine, or alcoholic beverages, when accessory to a restaurant permitted under Section 8-16(b)(3). Such accessory use shall not devote more than twenty-five percent (25%) of its public floor area exclusively primarily to the preparation and service of such beverages, nor provide any separate outside entrances or separate identification signs for those areas.
- ~~6. Drive through facilities for the sale of goods or products or the provision of services otherwise permitted herein.~~
- ~~5.-7.~~ Satellite dish antennas, as further regulated by Article 15-8.
- ~~6.-8.~~ One (1) or two (2) pool or billiard tables within an establishment.
- 7. Sidewalk cafés, when accessory to any permitted restaurant.
- 8. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Article 8-16(b).
- 9. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-16(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

- 3. The rental of trucks (single rear axle - 28' 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 ~~when abutting a residential zone~~. 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.
- 4. ~~A-Restaurants and brew-pubs~~, without live entertainment or dancing, which devotes more than twenty-five percent (25%) of the establishments' public floor area exclusively primarily to the preparation and service of malt beverages, wine or alcoholic beverages.
- 5. ~~Restaurants and brew-pubs~~ offering live entertainment and/or dancing, cocktail lounges, ~~brew-pubs~~ or nightclubs [unless prohibited under Section 8-16(e)(14) and (15)]. Such uses shall be located at least one hundred (100) feet from any residential zone and 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.
- 6. ~~A combination business, office and residential project, provided the following conditions and requirements are met:~~
 - a. ~~The maximum residential density shall be twenty (20) units per net acre.~~
 - b. ~~The minimum lot size shall be one acre and shall be located in a B-1 area with a minimum of twenty (20) contiguous acres, which must have any part thereof being within one and one half (1½) miles of the center of Lexington-Fayette Urban County, as measured from the Courthouse Block bounded by Main, Cheapside, Short and Upper Streets, and shall be within an Urban Activity Center.~~
 - c. ~~The minimum lot frontage shall be one hundred fifty (150) feet.~~
 - d. ~~The minimum front yard shall be an average of ten (10) feet, but shall be not less than 5 feet at any point. In addition, for every story in excess of three stories, two percent (2%) of the total area shall be added to the otherwise required front yard, or such area shall be provided as ground level open space on land adjoining the right of way.~~
 - e. ~~The minimum side street side yard shall be an average of ten (10) feet, but shall be not less than five (5) feet at any point. In addition, for every story in excess of three stories, two percent (2%) of the total area shall be added to the otherwise required side street side yard, or such area shall be provided as ground level open space on land adjoining the right of way.~~

ARTICLE 8: SCHEDULE OF ZONES

- ~~f. The minimum usable open space shall be twenty percent (20%).~~
- ~~g. The maximum lot (building) coverage shall be eighty five percent (85%).~~
- ~~h. The maximum floor area ratio shall be 1.6.~~
- ~~i. The maximum height shall be five (5) stories or sixty five (65) feet, whichever is less. For all stories above twenty five (25), feet there shall be an average minimum setback ratio of three to one (3:1) from the front wall of the first two floors, measured from the top of the front wall of the second floor.~~
- ~~j. The project must be located at least five hundred (500) feet from any other such project, measured from property line to property line.~~
- ~~k. The project must be located at least one hundred (100) feet from any historic district or from any residential zone, except R-4 or R-5, measured from property line to property line.~~
- ~~l. Minimum parking for business uses shall be as required in the B-1 zone; minimum parking for office uses shall be as required in the P-1 zone; and minimum parking for residential uses shall be as required in the R-3 zone, with all parking to be provided on site. The provisions of Article 16-3 shall not be applicable.~~
- ~~m. The first floor of the structure must be occupied by a business or office use with no business or office use located above the third floor, and with no mixing of dwelling units and other permitted uses on any floor. No more than fifty percent (50%) of the floor area may be used for residential uses, and no more than fifty percent (50%) of the floor area may be used for office purposes.~~
- ~~n. The permitted conditional uses shall be those principal and accessory uses in the B-1 zone, with the exception that no drive-through windows shall be permitted. The petitioner shall submit to the Board of Adjustment a list of proposed uses, and the Board may further limit the uses that are allowed.~~
- ~~o. Signs shall be as otherwise permitted in the B-1 zone, with the exception that no free standing sign shall be permitted.~~
- ~~p. The total land area for the project shall not exceed two (2) acres in size, or ten percent (10%) of the gross land area within the designated B-1 zone, whichever is the greater acreage.~~
- ~~q. A development plan shall be submitted with the appeal containing sufficient information to determine compliance with the B-1 zone and the requirements and conditions of this conditional use.~~
- ~~r. Before voting upon any application for a conditional use permit for a combination business, office and residential project, in addition to all other notice required by law or regulation, notice of the time, place and reason for holding a public hearing shall be given by first class letter at least forty five (45) days in advance of the hearing to: the owners of all property within one thousand (1,000) feet of the subject property; the officers of all neighborhood associations, registered with the Planning Commission, having any part of their boundaries within one thousand (1,000) feet of the subject property and the County Government, Mayor and Council.~~
- ~~s. The Board of Adjustment may approve the conditional use only if the proposal complies with the requirements of the B-1 zone and the additional requirements as set forth in this section, and provided the Board finds the following:~~
 - ~~1) The proposal will not have an adverse effect on existing or future development of the subject property or surrounding neighborhood.~~
 - ~~2) The proposal will not alter the essential character of the surrounding neighborhood.~~
 - ~~3) The proposed site is located in a declining or transitional business area, and the proposed development will encourage needed rehabilitation in the surrounding area.~~
 - ~~4) Traffic that is anticipated, based on the proposed uses, will not have a material adverse effect on the traffic on adjoining streets.~~
 - ~~5) The proposed design and use of materials will be compatible with existing development on surrounding properties.~~
 - ~~6) All business and office uses within the project shall comply with the stated intent for the B-1 zone.~~
 - ~~7) The project is in accordance with the Comprehensive Plan.~~

Re-number remaining sections as necessary

- ~~9.—10. Assisted living facilities and r~~Rehabilitation homes, but only when located closer more than five hundred (500) feet from a residential zone.
- 10. Extended-stay hotels.
- 11. Parking lots, provided such use conforms to the conditions of Article 16.
- 12. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, except as accessory uses herein.

8-16(e) Prohibited Uses

- 21. Hospitals.
- 22. Outdoor miniature golf or putting course.

ARTICLE 8: SCHEDULE OF ZONES

8-16(h) Minimum and Maximum Front Yard –

- a. Minimum – 10 feet.
- b. Maximum – 20 feet.

8-16(m) Maximum Height of Building - ~~25 feet for business uses; 35 feet for residential uses, as permitted herein; and 65 feet as a conditional use, as established in Section 8-16(d)(6).~~ 35 feet, except as permitted in Section 8-16(o)(3).

8-16(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Beauty Shops, Barber Shops, and Shoe Repair Shops, Clothing Alterations, Tailoring Services and Tattoo Parlors - One space for every two hundred (200) square feet, with a minimum of three (3) spaces.

Restaurants and Brew-Pubs with no live entertainment or dancing - One (1) space for every two hundred (200) square feet of floor area; or one (1) space for every four (4) indoor seats plus one (1) for every eight (8) outdoor seats, whichever is greater.

Cocktail Lounges, Night Clubs, Banquet Facilities or Restaurants and Brew-Pubs with live entertainment or dancing - One (1) space for every one hundred fifty (150) square feet; or one (1) space for every three (3) indoor seats plus one (1) for every six (6) outdoor seats, whichever is greater.

Outdoor Miniature Golf or Putting Course - ~~One and one-half (1½) spaces per hole.~~

Arcades, with or without accessory billiard or pool tables - One (1) space for every two hundred fifty (250) ~~one hundred (100)~~ square feet of floor area, ~~plus one (1) space for every three (3) employees.~~

Animal Grooming Facilities - One (1) space for every two hundred (200) square feet, with a minimum of three (3) spaces.

8-16(o) Special Provisions:

1. No building to be used principally as a single use or establishment ~~store selling food, produce, grocery items or general merchandise~~ shall exceed ~~40,000~~50,000 square feet in floor area unless approved by the Planning Commission prior to [DATE OF ORDINANCE] ~~April 27, 2000~~ for at least 40,000 square feet in size. No such ~~building structure~~ may exceed 60,000 square feet in size, in any event.
3. A form-based neighborhood business project may be approved by the Planning Commission on any site over one (1) acre 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 and urban design character of the area. It shall demonstrate, through the use of renderings, elevations and similar graphic materials, how the proposed project will enhance and complement the area's character. It will also show its integration with the surrounding neighborhood by using positive design features such as supplemental landscaping, provision of public space and open space buffers, and improved pedestrian accommodations. These drawings shall be made a part of the Commission's approval, and building permits shall comply with the approved drawings. A form-based neighborhood business project shall not be subject to the square footage limitation of 8-16(o)(1) above.

8-17 DOWNTOWN BUSINESS (B-2) ZONE

8-17(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-1 ~~(and P-1)~~ zone.
2. Amusement enterprises, such as indoor billiard or pool halls; indoor theaters; bowling alleys; dance halls; skating rinks.
5. Establishments engaged in blueprinting, printing, publishing, and lithographing, interior decorating; upholstering; laundering; clothes cleaning and dyeing; ~~dressmaking~~ clothing alterations and tailoring services.
14. Telephone exchanges, radio and television studios.

ARTICLE 8: SCHEDULE OF ZONES

15. Cable television system signal distribution centers and studios.

Re-number remaining sections as necessary

19. Parking lots and structures, provided such use conforms to the conditions of Article 16.

8-17(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

7. Parking areas or structures.

8-17(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

~~6. Assisted living facilities and rehabilitation homes,~~ when located closer than five hundred (500) feet from a residential zone.

8-17(e) Prohibited Uses

5. Hospitals.

6. Outdoor miniature golf or putting course.

8-19 LEXINGTON CENTER BUSINESS (B-2B) ZONE

8-19(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

11. Beauty shops, ~~and~~ barber shops.

12. Shoe repair, dressmaking clothing alterations or tailoring services.

Re-number remaining sections as necessary

8-19(e) Prohibited Uses

10. Animal kennels, hospitals, clinics, outdoor runways or pens, and animal grooming facilities.

13. Tattoo parlors.

8-20 HIGHWAY SERVICE BUSINESS (B-3) ZONE

8-20(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

14. ~~Barber shops, beauty shops.~~ Beauty shops, and barber shops.

15. Shoe repair, clothing alteration, tailoring services, and tattoo parlors.

Re-number remaining sections as necessary

8-20(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

11. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Article 8-16(b).

8-20(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Indoor and outdoor athletic facilities that may also require buildings which, as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Highway Service Business (B-3) zone, such as a field house; gymnasium; football stadium; tennis courts; soccer field or polo field, ~~and~~ baseball field; and miniature golf or putting course.

10. The above- or below-ground storage of any flammable material in gaseous form, except as permitted herein, including

ARTICLE 8: SCHEDULE OF ZONES

compressed natural gas, except in conformance with the Kentucky Building Code and all applicable fire safety codes. Total above-ground storage of gas is limited to 600 square feet. There may be no filling or re-filling of gas containers in this zone.

8-20(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Car Washing Establishments with Two (2) or More Stalls - Two (2) spaces for each stall, plus one (1) space for each vacuum unit.

Outdoor Miniature Golf or Putting Course - One and one-half (1½) spaces per hole.

8-21 WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE

8-21(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

8. Kennels, animal hospitals, animal grooming facilities or clinics, provided that such structures or areas used, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.

8-21(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.

9. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to retail sale of building materials and lumber permitted under Sections 8-21(b)(18).

8-21(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.)

9. Restaurants, cocktail lounges, and nightclubs, except as permitted herein.

8-21(n) Off-Street Parking - (See Article 16 for additional parking regulations.)

Animal Grooming Facilities – One (1) space for every two hundred (200) square feet, with a minimum of three (3) spaces.

Bowling Alleys - Five (5) spaces for each alley, plus one (1) space for each employee. ~~Four (4) spaces per alley;~~ however, snack bars and food service provided primarily to patrons shall not require additional parking.

8-22 LIGHT INDUSTRIAL (I-1) ZONE

8-22(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

11. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to retail sale of building materials and lumber permitted under Article 8-21(b)(18).

8-22(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

12. ~~Offices, except as provided as part of an Adaptive Reuse Project, other than as accessory uses under Section 8-22(e)(5), provided that the following requirements are met:~~
 - a. ~~That no more than fifty percent (50%) of the total floor area of any structure may be used for office purposes, not counting as accessory uses under Section 8-22(e)(5).~~
 - b. ~~That minimum parking requirements shall be met as under the P-1 zone.~~
 - e. ~~The office use would be located in a structure that would qualify for designation as a landmark under the provisions of Article 13: Historic Preservation herein.~~

Re-number remaining sections as necessary

ARTICLE 12: PLANNED SHOPPING CENTER (B-6P) ZONE

(Note: Text underlined is an addition, while text ~~stricken through~~ is a deletion to the current Zoning Ordinance.)

ARTICLE 12: PLANNED SHOPPING CENTER (B-6P) ZONE

12-3 PRINCIPAL PERMITTED USES - The principal uses permitted in a B-6P zone shall be as follows:

- a. ~~The~~these principal and accessory uses as permitted uses in the B-1 and P-1 zones, except as restricted herein.
- b. Indoor theaters.
- d. Parking lots and structures.

12-4 ACCESSORY USES - The accessory uses permitted in a B-6P zone shall be as follows:

- a. The accessory uses in the B-1 and P-1 zones.
- b. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

12-5 ~~12-4~~ CONDITIONAL USES

- f. ~~Assisted living facilities and r~~Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.
- g. Outdoor miniature golf or putting course.
- h. Drive-through facilities for the sale of goods or products or provision of services otherwise permitted herein, except as accessory uses herein.

Re-number remaining sections as necessary

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

**ZOTA 2012-9: AMENDMENT TO ARTICLE 1, 8 & 12 FOR MODIFICATIONS TO THE
NEIGHBORHOOD BUSINESS (B-1) ZONE**

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: (See attached document)

STAFF REVIEW:

The staff of the Division of Planning requested that the Planning Commission initiate a text amendment for various modifications to update the Neighborhood Business (B-1) zone. The proposed text amendment includes changes to Article 1-11 to add and modify definitions; to several sections of Article 8 to modify the list of uses, propose a new “form-based neighborhood business project,” and alter the height and building setback requirements in the B-1 zone; and to Article 12 to modify the list of uses in the Planned Shopping Center (B-6P) zone. The Planning Commission initiated this extensive text amendment in December 2011.

The 2007 Comprehensive Plan's Implementation Element includes an “implementation table” of plans, projects, programs, studies and other action tasks “designed to carry out the community vision espoused” by the Plan. This table has proven to be an excellent way to keep the community on track during the five-year period between major community plan review and update. The “neighborhood business zone rewrite” was identified as a task following the completion of the *Non-Residential Infill Study*. This Study was substantially completed in 2009, and the drafting of the proposed changes to the text of the B-1 zone began in 2010. The detailed recommendations of this Study were used as a starting point in drafting revisions to the B-1 zone; additional information was gathered from previous redevelopment decisions (opportunities and constraints), the Downtown Development Authority (primary public facilitator of new development downtown), and the Division of Building Inspection (previously responsible for all zoning enforcement duties). Opportunities were also given to the Divisions of Engineering and Traffic Engineering for input. This data gathering resulted in developing a draft text amendment for further review and discussion.

The Zoning Ordinance has been established with a tiered approach, where the least intensive commercial zone, the Professional Office (P-1) zone, is at the core of all of the business zones. In essence, they build upon each other – the B-1 zone carries forward the allowable uses of the P-1 zone with some additional uses; the B-2 zones carry forward the allowable uses of the B-1 zone with some additional uses, etc. For this reason, when altering the principal, accessory, conditional and prohibited uses within one business zone, there needs to be a thorough assessment of the impact on all of the other related zones.

Collectively, these proposed text changes are aimed to improve the type and character of development in the areas of our community that are in closest proximity to residential neighborhoods, the neighborhood business areas. Some of the land uses currently permitted in the B-1 zone are now considered to be out of scale with a neighborhood business area or even inappropriate. These include multi-screen movie theaters, hospitals, miniature golf courses, cable television system signal distribution studios and studios, and big-box retail establishments over 40,000 square feet in size.

The proposed B-1 zone rewrite also includes a new avenue for flexibility by creating the “form-based neighborhood business project” within the “Special Provisions” section of the B-1 zone. This special use would be reviewed by the Planning Commission as part of a development plan submission, and would follow an area character and context study, renderings (or other graphic materials), and elements that would propose to integrate the development project with the surrounding neighborhood.

The front yard setback and height limits established for the B-1 zone are also proposed for modification. The current front yard setback is suburban in scale, and the staff would suggest utilizing a minimum front yard and a maximum front yard to create a “build-to” range. Basically, a new structure would be required to be located between 10 and 20 feet from the right-of-way or front property line. The current building height limit for commercial uses is 25 feet; however, when residential uses are included on the property, the height limit

increases to 35 feet. The proposed text amendment would adjust the height limit to 35 feet for all B-1 structures and uses.

The changes proposed with this text amendment are most thoroughly described below, separated by Articles of the Zoning Ordinance as follows:

➤ **Article 1: Definitions**

- Define the following new terms:
 1. Animal Grooming Facility
 2. Cocktail Lounge
 3. Mail Service Facility
 4. Nightclub
 5. Primary Entrance
 6. Tattoo Parlor
- Amend the following terms to include the Expansion Area zoning categories:
 1. Zone, Business
 2. Zone, Industrial
 3. Zone, Residential

➤ **Article 8: Schedule of Zones**

- Professional Office (P-1) Zone
 - Change assisted living facilities from conditional uses or a principal use with a distance restriction to principal uses (without restriction).
 - Acknowledge barbers and barber shops; regulate as per beauty shops.
 - Allow drive-through facilities as accessory uses if approved by the Planning Commission on a development plan, and conditional uses if not on a development plan.
 - Allow mail service facilities as a conditional use.
 - Prohibit tattoo parlors.
 - Add parking regulations for beauty and barber shops, and mail service facilities.
 - Adjust uses in Professional Office Projects – mail service facilities (principal); shoe repair, clothing alterations, and tailoring services (accessory); and beauty and barber shops without restrictions (conditional).
- Neighborhood Business (B-1) Zone
 - Change hospitals; outdoor miniature golf or putting courses; and surface parking lots from principal uses to prohibited uses.
 - Allow brew-pubs, clothing repair and tailoring services, animal grooming facilities, mail service facilities, and form-based neighborhood business projects as principal uses.
 - Require a parking garage to have at least 25% of the first floor occupied by another B-1 use.
 - Limit indoor theaters to three screens or stages.
 - Allow drive-through facilities as accessory uses if approved by the Planning Commission on a development plan, and conditional uses if not on a development plan.
 - Adjust the percentage of public floor area in a restaurant dedicated to sale of malt beverages, wine and liquor from 20% to 25%.
 - Adjust truck rental regulations – all proposed to be conditional uses.
 - Allow sidewalk cafes and retail sale of propane tanks (20 lbs.) as accessory uses.
 - Delete combination business, office and residential projects as a conditional use (replaced by form-based neighborhood business projects).
 - Allow extended-stay hotels as conditional uses.
 - Adjust the minimum front yard from 20' to 10' and create a maximum front yard of 20' (creates a build-to zone).
 - Adjust building height maximum to 35'.
 - Add parking regulations for brew-pubs, animal grooming facilities and adjust parking for arcades.
 - Amend the special provision that limits the size of grocery stores to limit the size of all single-use establishments.
 - Create a new special provision for a form-based neighborhood business project, to be approved by the Planning Commission.

- Downtown Business (B-2) Zone
 - Adjust uses to ensure that all current uses remain permitted without restriction.
 - Prohibit hospitals and outdoor miniature golf or putting courses.
- Lexington Center Business (B-2B) Zone
 - Prohibit tattoo parlors and animal grooming facilities.
- Highway Service Business (B-3) Zone
 - Adjust uses to ensure that all current uses remain permitted without restriction.
 - Allow retail sale of propane tanks (20 lbs.) as accessory uses, and outdoor miniature golf and putting courses as conditional uses.
 - Add parking regulations for car washing establishments and outdoor miniature golf.
- Wholesale & Warehouse Business (B-4) Zone
 - Allow animal grooming facilities as principal uses, and retail sale of propane tanks (20 lbs.) as accessory uses.
 - Add parking regulations for animal grooming facilities and adjust parking for bowling alleys.
- Light Industrial (I-1) Zone
 - Allow retail sale of propane tanks (20 lbs.) as accessory uses.
 - Remove offices as a conditional use (#12) (a more restrictive duplication of #21 under principal uses in the B-4 zone).

➤ **Article 12: Planned Shopping Center (B-6P) Zone**

- Change assisted living facilities from conditional uses or a principal use with a distance restriction to principal uses (without restriction).
- Adjust uses to ensure that theaters and surface parking lots remain permitted without restriction.
- Allow drive-through facilities as accessory uses if approved by the Planning Commission on a development plan, and conditional uses if not on a development plan.
- Change outdoor miniature golf and putting courses from principal uses to conditional uses.

In addition to the text amendment initiated by the Planning Commission last December, the staff would suggest one additional change to how live entertainment is regulated. A recent text amendment to modify the definition of “banquet facility” (ZOTA 2012-4) highlighted a need to adjust the current regulations within the B-1 zone to address outdoor live entertainment. The term “live entertainment” does not distinguish between indoor and outdoor entertainment, although the definition of “banquet facility” permits indoor live entertainment as an accessory use. This change to the B-1 zone would clarify that indoor entertainment would be permitted as accessory if the use is located more than 100 feet from a residential zone. If indoor live entertainment closer than 100 feet from a residential zone or any outdoor live entertainment were sought, a conditional use would still be required from the Board of Adjustment.

Staff Alternative Text:

8-16(c) Accessory Uses

10. 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.

8-16(d) Conditional Uses

5. ~~Restaurants and brew-pubs offering live entertainment and/or dancing. Outdoor live entertainment cocktail lounges, brew-pubs or nightclubs [unless prohibited under Section 8-16(e)(14) and (15)]. Such uses shall be located at least one hundred (100) feet from any residential zone and 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.~~
6. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub, or banquet facility, but only when located closer than one hundred (100) feet from a residential zone.

Re-number remaining sections

The Staff Recommends: **Approval including the Staff Alternative Text**, for the following reasons:

1. The text amendment will be in agreement with the Implementation Element and Table of the 2007 Comprehensive Plan, which identified the “neighborhood business zone rewrite” as a necessary task following the completion of the *Non-Residential Infill Study*. The Study suggested adjusting land uses permitted within the Neighborhood Business (B-1) zone and relaxing setbacks and height limitations.
2. The proposed amendment meets many of the recommendations of the *Non-Residential Infill Study*, and accomplishes other minor improvements to the B-1 zone to make it more compatible with residential neighborhoods.
3. The creation of a “form-based neighborhood business project” will provide added flexibility for redevelopment in the Infill and Redevelopment Area, and provide for more compatible development with the existing character of an area.

TLW/BJR/WLS

6/4/12

Planning Services/Staff Reports/ZOTA/ 2012/ZOTA 2012-9.doc

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

**ZOTA 2012-9: AMENDMENT TO ARTICLES 1, 8 & 12 FOR MODIFICATIONS TO THE
NEIGHBORHOOD BUSINESS (B-1) ZONE**

STAFF REVIEW:

Prior to the initial drafting of the staff report for this text amendment, there was a need to address how live entertainment is to be regulated in Fayette County. That need has been met by a recent text amendment that modified the definition of "banquet facility" (ZOTA 2012-4). Because the Planning Commission incorporated changes to the B-1 zone to address outdoor live entertainment associated with banquet facilities, restaurants and nightclubs, the original staff alternative text is no longer necessary. However, the staff had suggested that brew-pubs be considered principal uses in B-1 zones. As such, live entertainment associated with brew-pubs should be added to the newly adopted changes to Article 8 for banquet facilities, and renumbering is necessary to accommodate the newly adopted text changes to the B-1 zone.

Revised Staff Alternative Text:

8-16(c) Accessory Uses

1. Parking areas or structures.
2. One (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted uses.
3. Warehousing, wholesaling, and storage, excluding outdoor storage; and provided that no building for such accessory use shall have openings other than stationary windows or solid pedestrian doors within one hundred (100) feet of any residential zone.
- ~~4. The rental of trucks (single rear axle — 28' maximum overall length); trailers, and related items in conjunction with the operation of an automobile service station, provided the service station abuts a state or federal highway and does not abut a residential zone. 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 Division of Building Inspection for the control of such activities and shall show the entire property, signs, parking and location of the proposed storage area.~~
- ~~4.—5.~~ The sale of malt beverages, wine, or alcoholic beverages, when accessory to a restaurant permitted under Section 8-16(b)(3). Such accessory use shall not devote more than twenty-five percent (25%) of its public floor area ~~exclusively~~ primarily to the preparation and service of such beverages, nor provide any separate outside entrances or separate identification signs for those areas.
- ~~6. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein.~~
- ~~5.—7.~~ Satellite dish antennas, as further regulated by Article 15-8.
- ~~6.—8.~~ One (1) or two (2) pool or billiard tables within an establishment.
7. Sidewalk cafés, when accessory to any permitted restaurant.
8. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Article 8-16(b).
9. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility, but only when located more than one hundred (100) feet from a residential zone.
10. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-16(d) Conditional Uses

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. Animal hospital or clinic, provided that all exterior walls are completely soundproofed, and further provided that animal pens shall be completely within the principal building and used for the medical treatment of small animals.
3. The rental of trucks (single rear axle - 28' 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 ~~when abutting a residential zone~~. 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.

4. A restaurant or brew-pub, without live entertainment or dancing, which devotes more than twenty-five percent (25%) of the establishment's public floor area ~~exclusively primarily~~ to the preparation and service of malt beverages, wine or alcoholic beverages.
5. Outdoor live entertainment and/or dancing, cocktail lounges, ~~brew-pubs~~ or night clubs [unless prohibited under Sections 8-16(e)(14) and (15)]. Such uses shall be located at least one hundred (100) feet from any residential zone and 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.
6. ~~A combination business, office and residential project, provided the following conditions and requirements are met:~~
[including sub-sections a. – s. that follow]
- 6.—7. Upholstery shop.
- 7.—8. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
- 8.—9. 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.—10. ~~Assisted living facilities and r~~Rehabilitation homes, but only when located closer ~~more~~ than five hundred (500) feet from a residential zone.
10. Extended-stay hotels.
11. Parking lots, provided such uses conform to the conditions of Article 16.
12. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, except as accessory uses herein.

The Staff Recommends: **Approval, including the Staff Alternative Text**, for the following reasons:

1. The text amendment will be in agreement with the Implementation Element and Table of the 2007 Comprehensive Plan, which identified the “neighborhood business zone rewrite” as a necessary task following the completion of the *Non-Residential Infill Study*. The Study suggested adjusting land uses permitted within the Neighborhood Business (B-1) zone and relaxing setbacks and height limitations.
2. The proposed amendment meets many of the recommendations of the *Non-Residential Infill Study*, and accomplishes other minor improvements to the B-1 zone to make it more compatible with residential neighborhoods.
3. The creation of a “form-based neighborhood business project” will provide added flexibility for redevelopment in the Infill and Redevelopment Area, and will provide for more compatible development with the existing character of an area.

TLW/BJR/WLS

6/4/12, 12/3/12 supp.

Planning Services/Staff Reports/ZOTA/ 2012/ZOTA 2012-9 supp.doc

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

1. **ZOTA 2012-9: AMENDMENTS TO ARTICLES 1, 8 & 12 FOR MODIFICATIONS TO THE B-1 ZONE** – petition for a Zoning Ordinance text amendment to Articles 1, 8, and 12 to make various modifications to the B-1 zone, including the addition of several new definitions.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: *(Copies of the full proposed text are available upon request)*

Revised Staff Alternative Text:**8-16(c) Accessory Uses**

1. Parking areas or structures.
2. One (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted uses.
3. Warehousing, wholesaling, and storage, excluding outdoor storage; and provided that no building for such accessory use shall have openings other than stationary windows or solid pedestrian doors within one hundred (100) feet of any residential zone.
4. ~~The rental of trucks (single rear axle - 28' maximum overall length); trailers, and related items in conjunction with the operation of an automobile service station, provided the service station abuts a state or federal highway and does not abut a residential zone. 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 Division of Building Inspection for the control of such activities and shall show the entire property, signs, parking and location of the proposed storage area.~~
- 4.5. The sale of malt beverages, wine, or alcoholic beverages, when accessory to a restaurant permitted under Section 8-16(b)(3). Such accessory use shall not devote more than twenty-five percent (25%) of its public floor area exclusively primarily to the preparation and service of such beverages, nor provide any separate outside entrances or separate identification signs for those areas.
6. ~~Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein.~~
- 5.7. Satellite dish antennas, as further regulated by Article 15-8.
- 6.8. One (1) or two (2) pool or billiard tables within an establishment.
7. Sidewalk cafés, when accessory to any permitted restaurant.
8. Retail sale of liquid propane (limited to 20 lb. containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Article 8-16(b).
9. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility, but only when located more than one hundred (100) feet from a residential zone.
10. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-16(d) Conditional Uses

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. Animal hospital or clinic, provided that all exterior walls are completely soundproofed, and further provided that animal pens shall be completely within the principal building and used for the medical treatment of small animals.
3. The rental of trucks (single rear axle - 28' 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 ~~when abutting a residential zone~~. 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.
4. A restaurant or brew-pub, without live entertainment or dancing, which devotes more than twenty-five percent (25%) of the establishment's public floor area exclusively primarily to the preparation and service of malt beverages, wine or alcoholic beverages.
5. Outdoor live entertainment and/or dancing, cocktail lounges, ~~brew-pubs~~ or night clubs [unless prohibited under Sections 8-16(e)(14) and (15)]. Such uses shall be located at least one hundred (100) feet from any residential zone and 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.
6. ~~A combination business, office and residential project, provided the following conditions and requirements are met: [including deletion of sub-sections a. - s. that follow]~~
- 6.7. Upholstery shop.
- 7.8. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and

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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.
- 8.9. 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.
- 9.40. Assisted living facilities and Rehabilitation homes, but only when located closer more than five hundred (500) feet from a residential zone.
- 10. Extended-stay hotels.
- 11. Parking lots, provided such uses conform to the conditions of Article 16.
- 12. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, except as accessory uses herein.

The Zoning Committee Recommended: Approval, including the Staff Alternative Text, for the reasons provided by staff.

The Staff Recommends: Approval, including the Staff Alternative Text, for the following reasons:

1. The text amendment will be in agreement with the Implementation Element and Table of the 2007 Comprehensive Plan, which identified the "neighborhood business zone rewrite" as a necessary task following the completion of the *Non-Residential Infill Study*. The Study suggested adjusting land uses permitted within the Neighborhood Business (B-1) zone and relaxing setbacks and height limitations.
2. The proposed amendment meets many of the recommendations of the *Non-Residential Infill Study*, and accomplishes other minor improvements to the B-1 zone to make it more compatible with residential neighborhoods.
3. The creation of a "form-based neighborhood business project" will provide added flexibility for redevelopment in the Infill and Redevelopment Area, and will provide for more compatible development with the existing character of an area.

Staff Presentation: Ms. Wade presented the staff report for this proposed text amendment, explaining that the impetus behind it came from the 2007 Comprehensive Plan Implementation chapter. She said that the first step in the process toward initiation of this request was the Non-Residential Infill Study; the staff then analyzed the data from that study and used it to make adjustments to the B-1 zone.

Ms. Wade stated that, based on the Non-Residential Infill Study, along with input from the Downtown Development Authority, the Infill & Redevelopment Steering Committee, and the Divisions of Building Inspection and Planning, the staff is proposing four types of changes to the text of the B-1 zone: 1) yard and height requirements; 2) off-street parking requirements; 3) special provisions; and 4) principal, accessory, and conditional uses.

With regard to the proposed changes to the height and yard requirements in the B-1 zone, Ms. Wade said that, currently, the height of a building is limited to 25 feet, unless it has a top floor with a residential use. In that case, the height can extend to 35 feet. The yard restrictions are currently set at 20-foot minimum front yards, with provisions in the defined Infill & Redevelopment Area to allow a property to match the front yards on either side of it. There are no current restrictions for side and rear yards, unless the property is located adjacent to a more restrictive zone. Using a rendered graphic on the overhead, Ms. Wade explained that, if a typical urban B-1 parcel was surrounded by R-1C zoning, it would be required to adhere to an eight-foot side yard and 10-foot rear yard, with a minimum landscape buffer of five feet wherever the residential and business zones were adjoining. In a rural B-1 zone surrounded by A-R zoning, 25-foot side and rear yards would be required, with a landscape buffer of 15 feet.

Ms. Wade stated that the Non-Residential Infill Study made some general statements about encouraging higher allowances for building height, even near single-family residential areas. In addition, the I/R study promoted increasing site coverage, which would require minimizing yard requirements as much as possible. Given that direction, the staff is suggesting two different types of changes with regard to height and yard requirements. The first proposed change would create a "build to" range in the B-1 zone, so that the setback would be between 10 and 20 feet for all buildings. The result of this amendment would be an increase in buildable area to the rear of a property, and the location of parking to the side or rear, with the structure pushed closer to the front of the lot. The staff also recommended increasing the maximum height to 35 feet for all B-1 zones, with no changes to the side or rear yard, open space, or lot coverage, which all currently have no limitations.

Ms. Wade stated, with regard to off-street parking requirements, that they are found in each zone. The I/R Study recommended a re-evaluation of current parking requirements, which the staff performed, using the American Planning Association standards for parking. The staff found that most of the uses were in line with the recommended parking standards,

* - Denotes date by which Commission must either approve or disapprove request.

and needed only a few changes. The staff is recommending a reduction in parking for arcades; the addition of animal grooming facilities and mail service facilities as new uses, with parking standards for each; and the addition of clothing alterations, tailoring services, and tattoo parlors as new uses, to be grouped with shoe repair shops, which have a parking requirement of one space for every 200 square feet.

With regard to the proposed amendments to the special provisions section of the Zoning Ordinance, Ms. Wade said that the Non-Residential Infill Study suggested two major changes. She explained that, in many of the B-1 zones, there are uses that are out of scale with the surrounding neighborhood; there is an existing restriction to limit the structure size of a big-box store that sells grocery items. The staff is recommending that that limit be applied to any structure in the B-1 zone, which should address the scale issue that the I/R Study suggested be remedied by limiting uses in the B-1 zones. The second proposed change to the special provisions section would create a form-based neighborhood business project, which would allow a great deal of flexibility for developers and the Planning Commission to meet the needs of the community. A Form-Based Neighborhood Business Project would be required to be at least an acre in size; be approved by the Planning Commission; and have a Final Development Plan approved prior to the issuance of any building permit. The lot, yard, and height setbacks would also be flexible, based on the neighborhood setting and context. Each project would require the submission of an area character and context study, prepared by an architect or urban design professional, to include information documenting the architectural setting and character of the area, and how their project would be incorporated into the neighborhood. Those study submissions would also require the presentation of renderings or other graphic materials to the Planning Commission for their approval. Ms. Wade stated that the staff believes that a good existing example of this concept is the Chevy Chase Plaza, which respects the character of the neighborhood and is integrated into its existing fabric, although it does not meet the typical setbacks and other requirements of the B-1 zone.

Ms. Wade said, with regard to the proposed use changes, that this text amendment would add a few new uses; move some uses from conditional to principal; specifically name tattoo parlors, which have been considered as beauty shops; and make the Form-Based Neighborhood Business Project a principal use. With regard to accessory uses, the proposed text amendment would make sidewalk cafes and the retail sale of propane listed uses. For conditional uses, the staff is proposing to add extended-stay hotels and parking lots as conditional uses. Parking structures with a B-1 use on the first floor could be considered as a principal use, but such structures without 25% of the first floor dedicated to a B-1 use would become a conditional use. The staff is also proposing text to allow a drive-through facility as an accessory use when the Planning Commission approves it on a development plan, but a conditional use when not approved by the Commission. Ms. Wade explained that there are many existing banks with drive-through facilities that are zoned P-1, and each such facility requires the approval of the Board of Adjustment, so the same treatment of drive-throughs would apply in that zone as well.

Ms. Wade stated, with regard to the proposed deletions, that the staff is proposing to delete hospitals and combination business, office, and residential projects from the list of conditional uses. She noted that the combination business, office, and residential project concept has not been used since the development of Chevy Chase Plaza, and the staff believes that it is overly restrictive, since it is required to be at least 20 acres in size. In addition, indoor theaters would be limited in size to three screens or stages. Truck rentals would become a conditional use across the board, since the axle size of the truck is the current determining factor as to whether that use is conditional or accessory, and the staff believes that that restriction is awkward and difficult to apply.

Ms. Wade said that there are several additional changes proposed to Article 8, due to the "trickle-down" effect of making changes to the B-1 zone. In addition, the staff is proposing to add the following new definitions: animal grooming facility; mail service facility; tattoo parlor; primary entrance; cocktail lounge; and nightclub, and to add the Expansion Area zoning categories to the existing definition of "business zone," industrial zone," and "residential zone."

Ms. Wade stated that, since the proposed text amendment was first drafted a year ago, other text amendments have been approved that have affected the B-1 zone, one of which dealt with banquet facilities. The staff felt that one of the changes to the banquet facilities text, which refers to outdoor live entertainment, was still unclear; so they are proposing additional changes to clarify that language. In addition, they are proposing to add language to allow the Board of Adjustment to impose time restrictions on outdoor live entertainment venues in order to minimize nuisances to the surrounding neighborhoods.

Ms. Wade stated that the Zoning Committee recommended approval of this request at their meeting in August of 2012, but they also recommended a change to the text relating to miniature golf courses at the request of Richard Murphy, attorney. The staff had originally recommended removing "miniature golf course" from the B-1 zone and moving it to the B-3 zone, but the Zoning Committee recommended keeping the use in the B-1 zone. The staff made the necessary changes to the proposed text; but Mr. Murphy noted just prior to this hearing that the Zoning Committee recommended deleting the word "outdoor" from the section pertaining to miniature golf courses, so that one of his clients could construct a mixed, indoor/outdoor course. Ms. Wade noted that the staff is recommending that the Commission delete the word "outdoor" from the proposed text as included in their notebooks, per the Zoning Committee recommendation and make miniature golf courses a permitted use in the B-3 zone, where most other recreation and entertainment-type uses are

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permitted. She said that the staff is recommending approval of this request, with those changes, for the reasons as listed in the staff report and on the agenda.

Commission Questions: Ms. Plumlee thanked the staff for their diligent work on the proposed text amendment, but noted that she believed that there were still some principal uses in the B-1 zone that might not be appropriate for neighborhood-oriented businesses, including: research, development, or testing laboratories; radio and tv studios; and business colleges, technical or trade schools, or institutions. She added that she is not in favor of tattoo parlors.

Ms. Plumlee opined that it is important to consider how the B-1 uses could impact the rural B-1 areas, outside the Urban Service Area boundary. She was concerned that "establishments primarily engaged in agriculture sales and services," greenhouses, nurseries, and hatcheries are prohibited uses in the B-1 zone, since rural area B-1 locations would be ideal for those types of uses.

Ms. Wade stated, with regard to the uses to which Ms. Plumlee referred as possibly inappropriate for the B-1 zone, that the staff researched those uses and determined that deleting them might create a large number of non-conformities, so they attempted to avoid deleting uses whenever possible. With regard to rural B-1 sites, she said that the staff has been working on a text amendment for recreational uses in the agricultural zones, and they believe that it will address some of Ms. Plumlee's concerns. Ms. Wade noted that many of the existing rural B-1 sites are not large enough to accommodate a nursery or greenhouse; but, since those uses are permitted in the agricultural zones, they could locate on a parcel adjacent to a B-1 parcel. She added that the staff is not sure that it would be appropriate to permit those uses in the urban B-1 areas, which comprise nearly 90% of all of the B-1-zoned land in the County.

Mr. Owens stated that, at first, it seemed that agricultural sales and services would be appropriate in the B-1 zone, because of how well they would fit in the rural B-1 areas. However, he does not believe that that type of use would be appropriate in the urban B-1 areas. He added that the recreational ZOTA group did not discuss greenhouses and agricultural sales as part of that process, but he believed that it might be appropriate to address those uses as part of that text amendment. Mr. Owens added that he did agree with Ms. Plumlee's comment that laboratories and research centers might not be appropriate uses in the B-1 zone.

Ms. Roche-Phillips stated that requiring existing B-1 areas to adhere to a form-based code could result in "robbing them of their inherent character." She said that she believes that the B-1 zone is intended for smaller-scale business areas, and suggested that form-based code development might be more appropriate for the larger-scale, more intense B-2B zone.

With regard to the proposed additions to the permitted uses, Ms. Roche-Phillips stated that she did not agree that some of those uses would be appropriate in the rural B-1 areas, including brewpubs. She noted that a recent article in the *Lexington Herald-Leader* had indicated that the rural areas support a large number of jobs, and she did not believe the Planning Commission should allow "incremental uses to encroach on" a regional economic engine. Ms. Roche-Phillips added that she believed that the Commission should carefully consider the compatibility of the urban and rural areas, including the proposed changes to setbacks. She opined that, although the B-1 zone has needed revision for some time, the proposed text amendment might be too ambitious.

Mr. Berkley asked if someone who wished to locate an agricultural sales business in one of the agricultural zones would be forced to have the property rezoned in order to do so, since the recreational ZOTA would apply only to the agricultural zones. Ms. Wade answered that the agricultural zones are being reviewed for recreational uses, and, in some cases, some of the agricultural/recreational uses suggested might encourage related retail sales of some sort, such as selling pumpkins. Mr. Berkley asked if it would be more appropriate to make those types of retail sales a conditional use in the agricultural zones. Ms. Wade responded that that was possible.

Mr. Owens stated that, since there are B-1 zones located both within and outside of the Urban Service Area, some uses, such as greenhouses and agricultural sales, might not fit in both situations.

Mr. Berkley said that one recently approved project, The Apiary, is proposing to have a greenhouse in the B-1 zone. Ms. Wade answered that that property is actually zoned B-4, and she was unsure if it would actually be considered a greenhouse.

Mr. Cravens asked if the Form-Based Neighborhood Business Project would be optional, and if a developer could choose to meet the regular requirements of the B-1 zone instead. Ms. Wade responded that that was correct, and noted that the use of the Form-Based Neighborhood Business Project would be the only way that the 40,000 square-foot restriction could be exceeded. She added that the staff has had some discussions with the Kroger company with regard to their existing store on Euclid Avenue, which is zoned B-1. The only way that facility could be expanded would be via the form-based option, or if the property was rezoned. Mr. Cravens opined that the form-based option is a good tool for use in the Infill & Redevelopment Area, since those redevelopment projects often need require greater flexibility.

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Ms. Plumlee stated that, despite the proposed recreational ZOTA, she was still concerned about rural B-1 areas, since that ZOTA will address only the agricultural zones. Ms. Wade responded that the text of that ZOTA has not yet been drafted, since the summary report has not been filed. Mr. Sallee opined that, after attending many of the recreational ZOTA meetings, the first prohibited use currently listed in the B-1 zone might be a section that this future text amendment would address.

Mr. Owens asked if the proposed text amendment would permit buildings of 35 feet in height, without the existing stipulation that the third floor of the building must be residential. Ms. Wade said that that was correct, and noted that it was intended to provide more flexibility. Mr. Owens asked if the staff was proposing to delete Business Office & Residential Projects as a conditional use. Ms. Wade answered that the staff is proposing to delete that use, if the Commission chooses to add the Form-Based Neighborhood Business Project. With regard to the proposed change to parking requirements, Mr. Owens asked if it was necessary to maintain a minimum number of three parking spaces in areas where the requirement is one space for every two hundred square feet. He said that he would prefer to see the requirement for a minimum number of parking spaces eliminated, given the importance of limiting the amount of impervious surface on a property.

Audience Comment: Richard Murphy, attorney, stated that he had spoken to the Zoning Committee in August of 2012 on behalf of Collins Bowling Center, who had a plan approved to construct a miniature golf course in conjunction with their bowling facility. He said that the original staff report on this request recommended removing miniature golf as a permitted use in the B-1 zone, but, following the discussion with the Zoning Committee, the Committee decided to recommend that it be added back to the B-1 zone; and permitted indoors or outdoors. Mr. Murphy said that he had spoken with the staff prior to this hearing, and the staff was agreeable to removing the word "outdoor," since that was an oversight in the revised staff report.

Discussion: Mr. Owens asked, with regard to Ms. Wade's comment about the creation of non-conformities if some of the principal uses were removed from the B-1 zone, if the staff knew approximately how many such non-conforming uses would be created. Ms. Wade answered that the staff had not researched exactly how many non-conformities would be created.

Ms. Plumlee stated that she believed that the proposed text amendment needed additional "tweaking" prior to the Commission making a decision.

Ms. Blanton stated that she believed that it would be appropriate for the Commission to vote on this request today, with the knowledge that some of their concerns would be resolved with the drafting of the recreational ZOTA. Mr. Owens opined that that text amendment should address those issues, and it could be expected to be completed within the next four to six months.

Director Comments: Mr. King agreed with Mr. Owens' assessment, noting that the staff would have to wait for the final report from the committee prior to drafting their work into a specific text.

Mr. Berkley asked if the prohibited uses related to agricultural sales and greenhouses should be moved to conditional uses, until such time as the recreational ZOTA is completed. Mr. Owens responded that, since urban and rural B-1 areas must be considered, he believed that the proposed text should be left as it is at this time, and it will be addressed by the upcoming text amendment.

Motion: A motion was made by Mr. Cravens and seconded by Ms. Blanton to approve ZOTA 2012-9, for the reasons provided by staff, with the changes recommended by staff with regard to miniature golf courses

Discussion of Motion: Ms. Roche-Phillips stated that she did not believe that the Form-Based Neighborhood Business Project was appropriate for the B-1 zone, and she did not believe that this proposed text amendment should go forward without further revisions.

Mr. Cravens asked if the Form-Based Neighborhood Business Project had been part of the proposed text amendment from the outset. Ms. Wade answered that it had. Mr. Sallee added that the concept was presented to the Commission at one of their work sessions in 2012. Mr. Cravens stated that he believed that it was a good idea, and he supported it. Ms. Roche-Phillips stated that she supported the concept of form-based codes, but did not believe that the B-1 zone was the appropriate location for it. Ms. Wade noted that a task force was currently considering the creation of form-based codes for the downtown zones. Mr. King added that that task force elected not to pursue a form-based code, but rather a Design Excellence program with architectural guidelines, etc. Ms. Roche-Phillips asked if that program would be restricted to a particular district. Mr. King answered that phase one of the program would apply to all of the B-2 zones.

Action: Mr. Cravens' motion carried, 5-3 (Beatty, Brewer, and Penn absent; Owens, Plumlee, and Roche-Phillips opposed).

General Government Committee

November 5, 2013

Summary and Motions

Chair Steve Kay called the meeting to order at 11:06am. All Committee members were present except Lawless. Stinnett also attended as a non-voting member.

1. **Approval of Summary**

Motion by Myers to approve the summary. Seconded by Lane. Motion passed without dissent.

2. **Qualified Adult Benefits**

Gorton reviewed the material in the packet. She referenced the draft ordinance as well as the draft Chief Administrative Officer Memorandum and Policy.

Gorton thanked Administration and Legislative staff who drafted the CAO Policy.

Clarke asked how a joint liability was defined. In response Gorton stated that this would include a joint mortgage or lease. Tyler Scott referenced joint liabilities found in other Qualified Adult Benefits.

Clarke stated that the criterion was not specific enough. In response Kay stated that the intent was to make it broad.

Clarke asked about the affidavit. In response John Maxwell stated that they will verify that the criteria are met.

In response to a question from Clarke, Maxwell provided a definition of the Summary Plan Description.

Lane asked about premiums and impact to LFUCG. In response it was stated that LFUCG contributes about \$ 4700 per year per member and the employee is responsible for dependant coverage. Lane stated that this program should not financially burden LFUCG.

Akers asked about the criteria for the qualified adult not having any group health insurance. She asked if this was a requirement for married couples now. In response Maxwell said that was not a present criterion. Akers stated that the criteria was non equitable and should be removed. Maxwell concurred.

Stinnett asked about the stipulation that the qualified adult must reside with the employee for at least 12 months prior to enrollment. In response Maxwell stated that there was a reporting requirement for the employee. Maxwell also stated that the 12 month residency requirement was common.

Lawless asked for a comparison with the University of Kentucky requirement. In response Scott stated that UK includes both opposite and same sex qualified adult. He also stated that UK requires a 6 month residency with the employee. Jenifer Benningfield stated that the Best Practice was a 12 month requirement but that they identified other options as well.

Lane stated that he supported the coverage but that some of the criteria were weak. He stated that a joint utility bill should not satisfy the financial interdependent criteria.

In response Gorton stated the weakness that Lane identified was the reason that the criterion was changed to 2 conditions must be met to be eligible for qualified adult benefits.

Gorton stated that she would support removing the requirement that the qualified adult does not have any group health insurance.

Gorton stated that there will be a discussion of an audit of health benefits later.

Motion by Gorton to remove the language “does not have any group health insurance” requirement. Seconded by Akers. Motion passed without dissent.

Myers asked about the previous draft requirement that the qualified adult cannot currently be married. In response Janet Graham stated this was removed based on the opinion of the Attorney General.

Myers stated potentially a qualified adult may not have coverage with a separated spouse. In response Glenda George stated that the requirement could be re-inserted. Graham stated that she was not comfortable with the marriage language because of the Attorney General opinion.

Motion by Myers to insert language requiring the qualified adult to be unmarried. Seconded by Gorton. Motion passed on an 8-1 vote, Clarke-No).

In response to a question from Clarke, Maxwell discussed the definition of a qualifying event.

Lawless discussed her interest in changing the 12 month requirement to a shorter time period.

Motion by Gorton, second by Akers to recommend approval of the Qualified Adult Benefits, as amended passed unanimously.

3. Dependant Audit

Gorton discussed a new item the proposed health care plan audit for dependents.

Maxwell stated that he met with Benji Marrs of Benefit Insurance Marketing (BIM) to discuss the parameters of the audit to be conducted during calendar year 2014.

He stated that most organizations perform periodic audits. Maxwell recommended that all plans be included in the audit. He stated based on BIM experience between 3-4% of the dependants are found to not be eligible for the benefits. In response to a question Maxwell stated that the audit would cost between \$ 19,000- \$ 30,000. Maxwell stated that the audit would require verification of birth certificates and marriage licenses.

Myers asked about penalties. In response Maxwell stated that the penalties have not yet been finalized. Maxwell stated that he hoped the audit would take place summer/fall 2014.

Maxwell discussed the cost of the audit, and the issuance of a Request for Proposals (RFP). In response to a question from Myers, Maxwell stated that all employees would not be required to submit proof of dependants, such as birth certificates and marriage licenses. Maxwell stated that that type of information is required for qualifying events but not during open enrollment.

Motion by Gorton, second by Akers to authorize the audit on employee dependants passed unanimously.

4. Procedure for Underwriting or Sponsoring Parks

Roger Daman highlighted the changes to the policy since the last meeting.

Gorton asked about donor signage. She stated that parks should not be cluttered with corporate signage. In response Benningfield stated that the Administration is drafting language to address that issue.

Lane stated that current sponsoring rates should be posted and revised as needed.

Lawless stated that the policy needs to be flexible to take advantages of various opportunities.

Scutchfield discussed the maintenance of parks and land that has not been deeded to the City.

Myers discussed the role of the Council and the need to be consistent and fair. He discussed the differences between gifts and contracts for services.

Myers requested a change to the policy. He stated that the present draft includes the phrase "the Division of Parks and Recreation retains..." Myers asked that it be amended to state "The Lexington Fayette Urban County Government retains the right to accept or deny any donations."

Geoff Reed discussed the need for consistency but also the need for flexibility. He stated that the endowment needs to be expanded and more resources need to be earmarked to improve the parks system.

Lane suggested that LFUCG auction naming rights to various assets.

In response to a question from Gorton, Reed will provide information about other facility usage agreements not just baseball and softball agreements.

5. Building Security

Jamshid Baradaran discussed potential building security options for the Government Center campus. He discussed eliminating entry points, the use of metal detectors, and use of access cards to limit access.

Janet Graham responded to questions about weapons in the building. She stated that LFUCG is prohibited from limiting open carry weapons by KRS 65.870. She stated that LFUCG can and does restrict concealed and carry weapons into the buildings.

In response to a question from Gorton, Baradaran recommended that LFUCG move to a single point of entry and every visitor should be subject to metal detectors. He indicated that this could be accomplished without Council action as it's an operational change.

Kay asked about access to the loading dock area. Kay discussed the security measures as an illusion of security but didn't provide the public with sufficient security.

Myers stated that the Council and Administration have a responsibility to the public to take these actions.

Lawless discussed lobbying the General Assembly about regulation of weapons in a public building.

6. Items in Committee

Motion by Gorton, second by Clarke to remove the Qualified Adult Benefits item from the General Government referral list passed unanimously.

The meeting adjourned at 3:08 PM.



The Lexington Jobs Fund

Presentation to Council
November 19, 2013

Lexington Jobs Fund - Purpose

- Increases Lexington's economic development competitiveness with peer cities and leverages select Federal and State resources.
- Allows the city to encourage job growth and respond quickly to opportunities with a focused approach – building on our economic strength.

Lexington Jobs Fund - Key Highlights

- Targeted grant and loan incentive offerings that focus on high priority industries to create high wage jobs.
- Transparent three tiered approval process.
- Accountability and protection incorporated with legal framework connecting the city's investments with specific job creation goals.

Lexington Jobs Fund - Structure

One Goal:
Job Creation

Two Basic Programs:

1. Grants up to \$100,000
2. Loans up to \$250,000

Lexington Jobs Fund - Structure

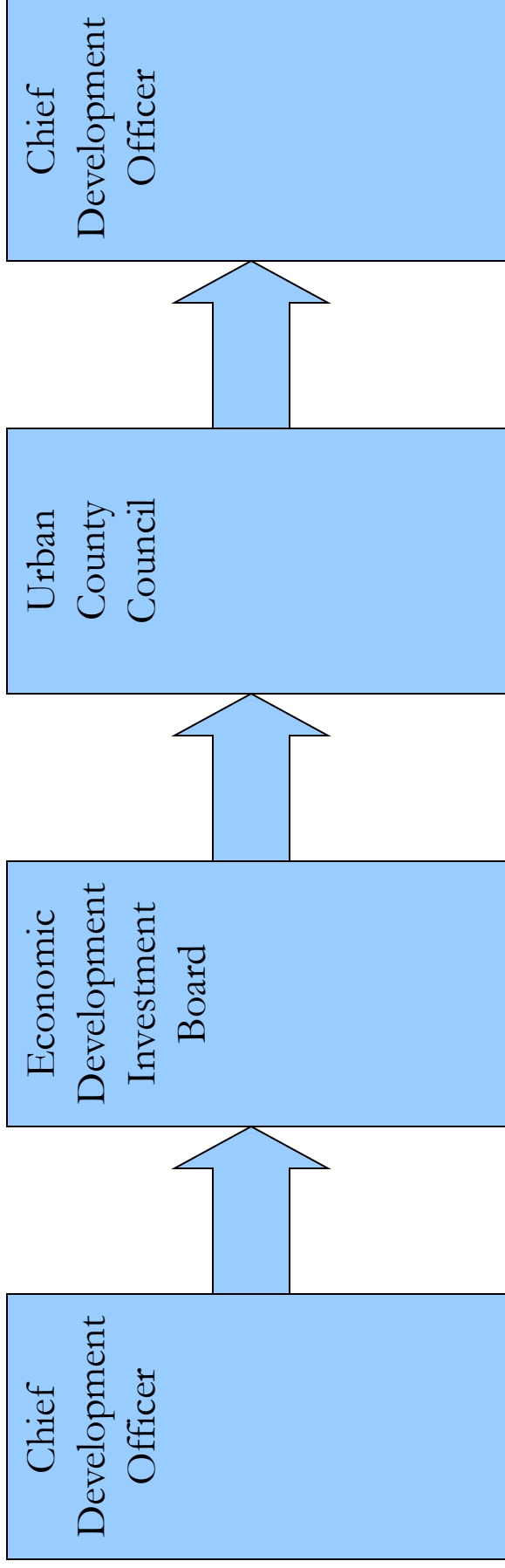
Two Main Tools for Business Expansion and Attraction:

1. Gap Incentives
2. Deal Closing Investments

Lexington Jobs Fund – Priority Sectors

- Advanced manufacturing
- Corporate Headquarters
- Healthcare
- Innovative focused companies receiving competitive Federal or State grants
- Professional services including shared service centers
- Technology

Lexington Jobs Fund – Process & Management



Economic Development Investment Board

Current IRB Committee Structure Proposed Board Structure

Affiliation - Industry	Affiliation - Industry
LFUCG – Council Member	Chief Development Officer - Chair
At-Large Designee	LFUCG – Council Member
At-Large Designee	At-Large Designee
At-Large Designee	At-Large Designee
At-Large Designee	At-Large Designee
Commerce Lexington	Commerce Lexington
Housing	Housing
Housing	Investment Community
Lexington Industrial Foundation	Lexington Industrial Foundation
	Private Equity/Venture Capital
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Lexington Jobs Fund – Protecting Public Investment

- Clawback provisions will be required as part of any incentive package.
- Intended to protect the taxpayer dollars in the event that a company is not able to grow or retain the jobs indicated in their agreement.

Questions?

