

## ARTICLE 12

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### PLANNED SHOPPING CENTER (B-6P) ZONE

12-1 INTENT - The intent of the Planned Shopping Center (B-6P) zone is to encourage the logical and timely development of land for commercial purposes and the expansion of existing shopping centers in accordance with the Comprehensive Plan. The protective standards contained in this provision are intended to:

Assure convenience by providing commercial areas of sufficient size and in the proper location to serve conveniently the people of the area in relation to their purchasing power and their needs and demands for goods and services;

Assure traffic safety and provide for the improvement of major thoroughfare traffic capacities by properly locating and grouping commercial areas and by designing such commercial areas so as to provide safe and convenient access thereto and adequate off-street parking for automotive vehicles and by effectively separating vehicular from pedestrian traffic both within the commercial area and on adjacent public rights-of-way;

Provide for service vehicles by including convenient access and loading facilities in the design of commercial areas;

Protect adjacent residential neighborhoods from depreciation of property values resulting from commercial over-zoning, from the over-development or intrusion of undesirable commercial uses, and from the possible blighting effect of failed "big-box" retail establishments;

Promote community attractiveness by encouraging the design of commercial areas and "big-box" retail establishments which will integrate with residential areas by utilizing effectively topographic features, transitional areas, and the liberal application of landscaping and screening devices, thus minimizing any adverse effect of any such commercial area upon adjacent land uses and providing a pleasant environment for the shopping and working experience;

Improve the economic base and tax structure of the Lexington metropolitan area by encouraging the development of stable, economically sound commercial concentrations;

Protect the investments of existing and future commercial concentrations by providing the basis for convenient and stable commercial development through the application of sound planning principles.

12-2 TYPES OF SHOPPING CENTERS - The types of shopping centers provided for in this section may be generally described as follows:

A neighborhood shopping center is one which provides for the sale of convenience goods such as food, drugs, hardware and personal services, and has a minimum area of three (3) acres.

A community shopping center provides not only convenience goods, but a range of facilities for the sale of "shopping goods" such as apparel and home furnishings, as well as banking, professional services, and recreation. A community shopping center shall have a minimum area of ten (10) acres.

A regional shopping center generally provides more and larger facilities than the community shopping center. A regional shopping center shall have a minimum area of thirty (30) acres.

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

- a. The principal permitted uses in the B-1 and P-1 zones.
- b. Indoor theaters.
- c. Parking lots and structures.

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 CONDITIONAL USES - Shall be as follows:

- 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 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 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 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. Rehabilitation homes, when located closer than 500 feet from a residential zone; school for academic instruction or a child care center.
- g. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
- h. Drive-through facilities for the sale of goods or products or provision of services otherwise permitted herein, except as accessory uses herein.

12-6 PROHIBITED USES - In a B-6P zone, all uses other than as permitted herein are prohibited.

12-7 LOCATIONAL STANDARDS - A neighborhood or community shopping center shall abut, front on and have its principal access to and from a street designated by the Commission as an arterial or collector street, as deemed to be appropriate by the Commission. A regional shopping center shall abut, front on and have its principal access to and from a street designated by the Commission as an arterial.

The proposed shopping center shall be at a location where traffic congestion does not exist at present on the streets to be utilized for access to the proposed shopping center, and where such congestion will be minimized by provision in the plan for proper entrances and exits, and by internal provisions for traffic circulation and parking.

The need for the proposed center at the proposed location, to provide adequate shopping facilities or service to the surrounding neighborhood or community, as the case may be, shall be demonstrated by the applicant by means of market

studies or such other evidence as the Commission may require.

The proposed shopping center shall be of sufficient, but not excessive, size to provide adequate shopping facilities for the population which reasonably may be expected to be served by such shopping facilities.

12-8 MINIMUM DESIGN STANDARDS - The following minimum standards shall be met in the design of a planned shopping center:

12-8(a) HEIGHT REQUIREMENT - There shall be no height limitation.

12-8(b) REQUIRED SETBACK - All buildings shall be at least fifty (50) feet from the perimeter boundary of the B-6P zone. However, no more than 100 feet of exterior walls may be established at the same setback. A variation of at least three (3) feet shall be required where a break in setback occurs. Buildings may penetrate up to three (3) feet over the building line into the required setback, but the average setback shall be at least as great as the required setback.

12-8(c) SCREENING - Landscaping and screening shall be provided as required by Article 18 herein.

12-8(d) LOT COVERAGE - The ground area occupied by all the buildings shall not exceed, in the aggregate, thirty-five percent (35%) of the total area of the B-6P zone. Parking structures shall not be considered as a building for the purposes of this section.

12-8(e) REQUIRED PARKING - Notwithstanding any other requirements of this Zoning Ordinance:

1. For a neighborhood shopping center, two square feet of off-street parking area, including driveways, shall be provided for every square foot of parking floor area.
2. For a community or regional shopping center after May 29, 2003, one parking space shall be provided for every 250 square feet of gross floor area.
3. For community or regional shopping centers before May 29, 2003, three square feet of off-street parking, including driveways, shall be provided for every square foot of parking floor area.
4. For any shopping center containing residential use(s), the residential use(s) shall require 0.5 parking space per dwelling unit.

12-8(f) LOADING AREAS - Notwithstanding any other requirements of this Zoning Ordinance, there shall be provided one off-street loading space for each 20,000 square feet, or fraction thereof, of aggregate floor space of all buildings in the center. At least one-third of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type. Such loading facilities shall be permanently and fully screened. The exact type and nature of such screening shall be determined by

Article 18.

12-8(g) LIGHTING - Access ways and parking areas shall be lighted adequately by lighting fixtures, which shall be so installed as to reflect light away from adjoining properties. Cut-off shields, or equivalent lighting design, shall be utilized to prevent spillover of light from the shopping center to adjoining properties under different zoning. Security lighting and lighting located on the side and rear of buildings must also reflect light away from adjoining properties.

12-9 DESIGN GUIDELINES FOR “BIG-BOX” RETAIL ESTABLISHMENTS - It is in the best interest of Lexington-Fayette County to minimize the possible “blighting” effect that abandoned shopping centers and large retail establishments can have on the larger area or neighborhood in which they are located. By imposing additional standards in the form of design guidelines for such centers, these effects can be minimized, and future redevelopment and reuse of vacant retail buildings encouraged through proper facility design, without expenditure of public funds. For this reason, the Planning Commission has adopted design guidelines for shopping centers containing a single “big-box” establishment larger than 80,000 square feet in size. These additional standards are listed in “Design Guidelines for ‘Big-Box’ Establishments” incorporated by reference, and are consistent with guidelines which have been established in other cities and counties across the United States for such facilities. These design guidelines are intended to provide professional designers and the Planning Commission with direction for improved development plans which address the following issues:

- (a) Variation in building heights and identifiable customer service entrances and pedestrian entryways;
- (b) Uninterrupted facades, windows, allowance for smaller stores or departments having exterior entrances, and back or side facades;
- (c) Landscaping and/or screening of outdoor display of building materials or other similar bulky products, and of trash collection and loading areas;
- (d) Pedestrian circulation in relation to vehicular movement and common open spaces for pedestrians;
- (e) Parking lot orientation adjacent to public streets.

The guidelines are to be met in the design of a planned shopping center containing a single “big-box” establishment larger than 80,000 square feet in size, unless waived by the Planning Commission through its approval of a final development plan for a property in a B-6P zone.

12-10 PROCEDURE - The procedure for obtaining a zoning map amendment to the B-6P zone shall be the same as provided in Article 6 herein above, in addition, as follows:

12-10(a) PRELIMINARY DEVELOPMENT PLAN REQUIRED - A preliminary development plan shall be submitted with the application for a Zoning Map Amendment,

with the information as specified in Article 21; and, in addition, approximate total gross floor area of anticipated retail facilities; the approximate total gross floor area of anticipated office and service facilities; the approximate number of anticipated off-street parking spaces; and the stages which will be followed in the construction of the proposed shopping center.

12-10(b) FINAL DEVELOPMENT PLAN REQUIRED - Within two (2) years of final approval by the Urban County Council of any B-6P Zoning Map Amendment, unless an extension is granted by the Commission, the applicant shall submit a final development plan to the Commission for its review and action; otherwise, an application to change the B-6P zone to its previous zone or other appropriate zone may be filed by the Commission as provided under Article 6 herein above.

The final development plan shall show the information as specified by Article 21: Development Plans. The Commission shall approve, conditionally approve, or disapprove a final development plan within ninety (90) days after the applicant submits his development plan.

12-10(c) BUILDING PERMIT REQUIRED - No building permit shall be issued until a final development plan has been approved by the Commission and certified to the Division of Planning, after which a permit for construction may be issued by the Division of Building Inspection. The approved final development plan shall limit and control the issuance of all building and occupancy permits, and shall restrict the construction, location, and use of all land and structures to all conditions set forth in the plan. Amendments to the plan can be made only as permitted in Article 21: Development Plans.

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