

AN ORDINANCE AMENDING ARTICLE 8-12, 8-13 AND 8-14 OF THE ZONING ORDINANCE TO MODIFY THE ALLOWABLE FLOOR AREA RATIO (FAR) AND LOT COVERAGE IN THE PLANNING NEIGHBORHOOD RESIDENTIAL (R-3), HIGH DENSITY APARTMENT (R-4) AND HIGH RISE APARTMENT (R-5) ZONES. (URBAN COUNTY PLANNING COMMISSION).

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 8-12, 8-13 AND 8-14 of the zoning ordinance to modify the allowable floor area ratio (FAR) and lot coverage in the Planned Neighborhood Residential (R-3), High Density Apartment (R-4) and High Rise Apartment (R-5) zones. Planning Commission did recommend APPROVAL of the Staff Alternative Text by a vote of 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

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

Section 1 – That Article 8-12 of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

**8-12 PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE**

8-12(a) Intent - This zone is primarily for multi-family dwellings and other residential uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-12(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

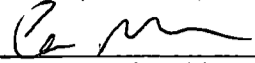
1. The principal permitted uses in the R-2 zone.
2. Multi-family dwellings.
3. Dormitories.
4. Boarding or lodging houses, assisted living facilities, and hospitality houses for up to eight (8) persons.
5. Community residences.
6. Group Residential Projects, as provided by Article 9.
7. Townhouses, except that no less than three (3) and no more than twelve (12) units shall be attached.

8-12(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Items 1 through 3 and 6 through 9 of the permitted accessory uses in the R-1A zone.
2. The keeping of not more than four (4) roomers or boarders per dwelling unit by a resident family for single family or two-family dwellings, except where a bed and breakfast facility is provided; then no roomers or boarders shall be permitted.
3. Non-commercial athletic club facilities, when accessory to another permitted or conditional use.

**CERTIFICATE**

I do hereby certify that the title to this enactment contains an accurate synopsis of the contents thereof and may be used to satisfy the reading and publication requirements of law.



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**DEPARTMENT OF LAW**

8-12(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-1A zone.
2. Hospitals, nursing homes, personal care facilities, and orphanages.
3. Community centers (such as YMCA, YWCA, etc.)
4. Community garages.
5. 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.
6. Parking, as permitted in Article 16-3.
7. Sorority and fraternity houses.
8. Boarding or lodging houses, assisted living facilities, and hospitality houses for more than eight (8) persons and rehabilitation homes, provided that no use permitted under this section shall be located less than five hundred (500) feet, as measured from the nearest property line, from another use permitted under this section. However, the Board may reduce the 500-foot spacing requirement if it can determine that a reduction will not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.
9. Bed and breakfast facilities, limited to the rental of not more than five (5) rooms. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
10. Day Shelters.

8-12(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the R-1A zone, except for multi-family, two-family and townhouse dwellings; boarding or lodging houses; dormitories; and sorority and fraternity houses.

Lot, Yard, and Height Requirements (See Articles 3, 8-12(o) below, and 15 for additional regulations.)

8-12(f) Minimum Lot Size - 6,000 square feet.

8-12(g) Minimum Lot Frontage - 50'.

8-12(h) Minimum Front Yard - 20'.

8-12(i) Minimum Each Side Yard - 5', unless required to be a minimum of 30 feet by Article 15-2(b)(3).

8-12(j) Minimum Rear Yard - 10'.

8-12(k) Minimum Usable Open Space - 20%.

8-12(l) Maximum Lot Coverage - 25% and a floor area ratio of 0.75.

8-12(m) Maximum Height of Building - Three (3) stories up to 40'.

8-12(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-1A, except as provided in Article 8-12(o)(4) below.

Multiple Family Dwellings (other than Elderly Housing) - Three (3) spaces for every two (2) dwelling units, or 0.9 spaces per bedroom in a multi-family dwelling, whichever is greater.

Elderly Housing - Three (3) spaces for every four (4) dwelling units.

Fraternity and Sorority Houses, Dormitories, Boarding and Lodging Houses and Hospitality Houses - Five (5) spaces, plus one (1) space for every five (5) beds.

Hospitals, Nursing Homes, Personal Care Facilities, Orphanages, and Rehabilitation Homes - One (1) space for every four (4) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

Community Centers - Five (5) spaces, plus one (1) space for each employee.

Bed and Breakfast Facilities - One space per room rented other than the first room.

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

Duplexes - Two (2) spaces per dwelling unit.

8-12(o) Special Provisions:

1. Lot, yard, and height requirements for townhouses shall be as required for R-1T.
2. Lot, yard, and height requirements for two-family dwellings shall be as required by R-2.
3. Lot, yard, and height requirements for Group Residential Projects shall be as required in Article 9.
4. Lot, yard, and height requirements for single family detached dwellings in defined Infill & Redevelopment areas are for existing lots as of December 5, 2002, and shall be as listed below. (Minimum lot sizes are listed below for the purpose of establishing minimum configurations that may be the result of consolidation among adjacent parcels.)
  - a. Where existing lot frontage is less than 24', the provisions of Article 15-7 and the following shall apply:
    1. Minimum lot size - 2,000 square feet.
    2. Minimum lot frontage - 20 feet.
    3. Minimum front yard - As per Article 8-12(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
    4. Maximum front yard - 40 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
    5. Minimum side yard - 3 feet. No wall, air-conditioning unit, structure, or other obstruction shall be located within the required side yard. Any fence located in a required side yard must be entirely to the rear of the principal structure on the lot.
    6. Minimum rear yard - 20 feet.
    7. Minimum usable open space - No limitation.
    8. Minimum lot coverage - No limitation.
    9. Maximum height of building - 24 feet.
    10. Maximum lot coverage - No limitation.
    11. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
    12. Minimum off-street parking - None required.
  - b. Where existing lot frontage is 24' but less than 35', the provisions of Article 15-7 and the following shall apply:
    1. Minimum lot size - 2,500 square feet.
    2. Minimum lot frontage - 24 feet.
    3. Minimum front yard - As per Article 8-12(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
    4. Maximum front yard - 40 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
    5. Minimum side yard - 3 feet. No wall, air-conditioning unit, structure, or other obstruction shall be located within the required side yard. Any fence located in a required side yard must be entirely to the rear of the principal structure on the lot.
    6. Minimum rear yard - 20% of the lot depth.
    7. Minimum usable open space - No limitation.
    8. Minimum lot coverage - No limitation.
    9. Maximum height of building - 28 feet and 2½ stories.
    10. Maximum lot coverage - No limitation.
    11. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
  - c. Where existing lot frontage is 35' but less than 50', the provisions of Article 15-7 and the following shall apply:
    1. Minimum lot size - 3,750 square feet.
    2. Minimum lot frontage - 35 feet.
    3. Minimum front yard - As per Article 8-12(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever

- is greater.
4. Maximum front yard - 40 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
  5. Minimum side yard - As per Article 8-12(i).
  6. Minimum rear yard - 20% of the lot depth.
  7. Minimum usable open space - No limitation.
  8. Minimum lot coverage - No limitation.
  9. Maximum height of building - 28 feet and 2½ stories.
  10. Maximum lot coverage - No limitation.
  11. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
- d. Where existing lot frontage is 50 feet or greater, the provisions of Article 15-7 and the following shall apply:
1. Minimum lot size - 8,000 square feet.
  2. Minimum lot frontage - 50 feet.
  3. Minimum front yard - As per Article 8-12(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
  4. Maximum front yard - 40 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
  5. Minimum side yard - 8 feet.
  6. Minimum rear yard - 20% of the lot depth.
  7. Minimum usable open space - No limitation.
  8. Minimum lot coverage - No limitation.
  9. Maximum height of building - As per Article 8-12(m).
  10. Maximum lot coverage - No limitation.
  11. Maximum floor area ratio - 0.7.
5. Lot, yard and height requirements for all other single family detached dwellings in the R-3 zone shall be as follows:
- (1) Minimum lot size - 2,500 square feet.
  - (2) Minimum lot frontage - 25 feet.
  - (3) Minimum front yard - 20 feet, as per Article 8-12(h).
  - (4) Minimum side yard - 3 feet. No wall, air-conditioning unit, structure, or other obstruction shall be located within the required side yard. Any fence located in a required side yard must be entirely to the rear of the principal structure on the lot.
  - (5) Minimum rear yard - 10 feet.
  - (6) Minimum usable open space - No limitation.
  - (7) Maximum lot coverage - No limitation.
  - (8) Maximum height of building - 35 feet.

Section 2 - That Article 8-13 of the Lexington Fayette Urban County Zoning

Ordinance is hereby amended as follows:

**8-13 HIGH DENSITY APARTMENT (R-4) ZONE**

8-13(a) Intent - This zone is primarily for multi-family dwellings, but at a higher density than the R-3 zone. The R-4 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-13(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the R-3 zone.

8-13(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the R-3 zone.

8-13(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-3 zone.

8-13(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall

be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the R-3 zone.
2. Equine trails.

Lot, Yard, and Height Requirements (See Articles 3, 8-13(o) below, and 15 for additional regulations.)

8-13(f) Minimum Lot Size - 6,000 square feet.

8-13(g) Minimum Lot Frontage - 50 feet.

8-13(h) Minimum Front Yard - 20 feet.

8-13(i) Minimum Each Side Yard - 5 feet.

8-13(j) Minimum Rear Yard - 10 feet.

8-13(k) Minimum Useable Open Space - 20%.

8-13(l) Maximum Lot Coverage - 40% and a floor area ratio of 1.6.

8-13(m) Maximum Height of Building - 2:1 height-to-yard ratio, except that buildings under 40' may have side and rear yards as required in the R-3 zone.

8-13(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-3.

8-13(o) Special Provisions

1. Lot, yard, and height requirements for townhouses shall be as required for R-1T.
2. Lot, yard, and height requirements for two-family dwellings shall be as required by R-2.
3. Lot, yard, and height requirements for Group Residential Projects shall be as provided in Article 9.
4. Lot, yard, and height requirements for single family detached dwellings shall be as provided in Section 8-12(o): Special Provisions of the R-3 zone.

Section 3 – That Article 8-14 the Lexington Fayette Urban County Zoning Ordinance is hereby amended as follows:

#### **8-14 HIGH RISE APARTMENT (R-5) ZONE**

8-14(a) Intent - This zone is primarily for multi-family dwellings and particularly for high rise apartments. The R-5 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-14(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Multi-family dwellings.
2. Dormitories.
3. Offices, limited to multi-family structures with six (6) or more stories, provided offices are limited to no more than the first two stories with no mixing of offices and apartments on the same floor.

8-14(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the R-1A zone, items 1 through 3, 6, 7 and 9.
2. Athletic club facilities, when operated solely for the use of occupants of residential units on the same property.

8-14(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-3 zone.
2. Incidental retail uses to any permitted use, but having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of 5,000 square

- feet.
3. Extended-stay hotels.
  4. Restaurants, without a cocktail lounge, live entertainment and/or dancing, provided it meets the following conditions:
    - a. It shall be located in a building containing a minimum of 100 dwelling units.
    - b. It shall occupy no more than ten percent (10%) of the gross floor area of the building it occupies.
    - c. It shall have no primary access to the exterior; however, one service entrance directly to the outside of the building may be permitted.
    - d. It shall have no drive-in or drive-through food service.
    - e. There shall be no more than two restaurants within a building, provided that the 10% limitation is not exceeded.
    - f. None of its public floor area may be devoted exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.
    - g. Signs permitted per multi-family residential building may be used to identify the restaurant.
    - h. This shall not apply to extended-stay hotels.

8-14(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

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

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

8-14(f) Minimum Lot Size - 6,000 square feet.

8-14(g) Minimum Lot Frontage - 50 feet.

8-14(h) Minimum Front Yard - 20 feet.

8-14(i) Minimum Each Side Yard - 10 feet.

8-14(j) Minimum Rear Yard - 10 feet.

8-14(k) Minimum Usable Open Space - 20%.

8-14(l) Maximum Lot Coverage - 45% and a floor area ratio of 2.25.

8-14(m) Maximum Height of Building - 4:1 height-to-yard ratio.

8-14(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-3

Accessory Offices - One (1) space for every two hundred (200) square feet of floor area, with a minimum of three (3) spaces per office tenant.

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

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

PASSED URBAN COUNTY COUNCIL: September 24, 2020

\_\_\_\_\_  
 MAYOR *Linda Gorton*

ATTEST:

*Adrian*  
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 Clerk of Urban County Council

PUBLISHED: September 30, 2020 -1t