

AN ORDINANCE AMENDING ARTICLE 23A-10 OF THE ZONING ORDINANCE SO AS TO EXPAND THE PERMITTED, ACCESSORY, CONDITIONAL AND PROHIBITED USES IN THE ECONOMIC DEVELOPMENT (ED) ZONE; TO ADD, AS PRINCIPAL USES: COMPUTER AND DATA PROCESSING CENTERS; MEDICAL AND DENTAL OFFICES, CLINICS, AND LABORATORIES; REGIONAL MEDICAL CAMPUS, SUBJECT TO CERTAIN CONDITIONS; COLLEGES, UNIVERSITIES, BUSINESS COLLEGES, TECHNICAL OR TRADE SCHOOLS, AND OTHER SCHOOLS AND INSTITUTIONS FOR ACADEMIC INSTRUCTION; AND OFFICES OF PURCHASERS, PROCESSORS, AND HANDLERS OF AGRICULTURAL PRODUCTS, LIMITED TO ADMINISTRATIVE USES; TO ADD, AS ACCESSORY USES: LIBRARIES, MUSEUMS, AND READING ROOMS; MEETING AND CONFERENCE CENTERS; ESTABLISHMENTS LIMITED TO FILLING OF PRESCRIPTIONS AND RETAIL SALE OF PHARMACEUTICAL AND MEDICAL SUPPLIES WITH A DRIVE-THROUGH WINDOW, SUBJECT TO CERTAIN CONDITIONS; SATELLITE DISH ANTENNAS; AND RESTAURANTS, SUBJECT TO CERTAIN CONDITIONS; TO ADD, AS CONDITIONAL USES: CERTAIN KINDERGARTENS, NURSERY SCHOOLS AND CHILD CARE CENTERS; TO ADD, AS PROHIBITED USES: RADIO, TELEPHONE OR TELEVISION TRANSMITTING OR RELAY FACILITIES AND DORMITORIES; TO INCREASE THE MAXIMUM BUILDING HEIGHT TO 90 FEET OR A 1:2 HEIGHT-TO-YARD RATIO, WHICHEVER IS LESS, WITH A MAXIMUM AVERAGE HEIGHT OF 48 FEET; TO INCREASE THE FLOOR AREA RATIO TO 0.75; TO DECREASE BY HALF THE LIMIT ON OFF-STREET PARKING LOCATED BETWEEN A BUILDING AND A COLLECTOR STREET; TO REQUIRE FREE-STANDING IDENTIFICATION AND BUSINESS SIGNS TO BE MONUMENT TYPE; TO PROHIBIT OUTDOOR LOUD SPEAKERS; TO PROHIBIT ANY PORTION OF A REGIONAL MEDICAL CAMPUS WITHIN 1,000 FEET OF THE URBAN SERVICE AREA BOUNDARY; TO ALLOW ONE EXTENDED-STAY HOTEL IN A REGIONAL MEDICAL CAMPUS OF 100 ACRES OR LESS AND A SECOND EXTENDED-STAY HOTEL IN A REGIONAL MEDICAL CAMPUS OF MORE THAN 100 ACRES; AND TO ESTABLISH DESIGN AND SIGNAGE REQUIREMENTS FOR EXTENDED-STAY HOTELS WITHIN A REGIONAL MEDICAL CAMPUS.

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment proposed to it so as to add "Regional Medical Campus" as a principal use in the Economic Development (ED) zone; and

WHEREAS, the Planning Commission did hold a public hearing on the proposed text amendment on November 30, 2006; and

WHEREAS, the Planning Commission recommended APPROVAL of an amended alternative text by a vote of 8-0; and

WHEREAS, the Council AGREES with the recommendation of the Planning Commission; and

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

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

Section 1—That subsections (b) through (g) and (j) of Article 23A-10 of the Zoning Ordinance be and hereby are hereby amended to read as follows:

23A-10(b) PRINCIPAL USES

1. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations.
2. Computer and data processing centers.
3. Medical and dental offices, clinics, and laboratories.
4. Research development and testing laboratories or centers.
5. Mail order businesses.
6. 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.
7. 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.
8. Other industrial and manufacturing uses such as auto parts rebuilding; battery manufacturing, beverage manufacturing, 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, caterers, cooperage, crematory, dextrine and starch manufacturing, enameling, lacquering, and japanning, felt manufacturing, electric foundry, furniture manufacturing, heating equipment manufacturing, inflammable underground liquid storage, iron works (ornamental), and wire drawing, parcel delivery stations, phonograph record manufacturing, public utility service yard, radium extraction, stone monument works, tool manufacturing, welding, and other metal working shops.
9. Regional medical campus consisting of an integrated complex of medical service providers and related support facilities on a campus of not less than fifty (50) gross acres governed by a single development plan. The development plan must demonstrate that the regional medical campus will contain hospitals and similar in-patient treatment facilities, which may

include accessory cafeterias, pharmacies, and gift shops. In addition, the following uses shall be considered part of a regional medical campus: outpatient clinics and treatment facilities; surgery centers; nursing homes; medically-supervised assisted living facilities; and extended-stay hotels.

10. Colleges, universities, business colleges, technical or trade schools, and other schools and institutions for academic instruction.
11. Offices of purchasers, processors, and handlers of agricultural products limited to administrative uses only.

23A-10(c) ACCESSORY USES

1. Off-street parking areas and structures, and loading facilities.
2. A dwelling unit for watchmen or caretakers, provided that such facilities shall be located on the same premises as the permitted use.
3. Facilities for serving food only for employees and visitors and having no direct access to the exterior and having no signs visible from the exterior of the building.
4. Offices.
5. Recreational facilities.
6. 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 five percent (5%) of the total floor and storage area.
7. Storage and warehousing.
8. Libraries, museums, and reading rooms.
9. Meeting and conference centers.
10. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies with a drive-through window, provided it meets the following conditions:
 - a. Establishments limited to the filling of prescriptions shall be located in a building the primary use of which is for medical uses including but not limited to hospitals, in-patient treatment facilities, outpatient facilities, surgery centers, medical and dental offices, clinics or laboratories.
 - b. Establishments principally used for the retail sale of pharmaceutical and medical supplies shall be internally-oriented to the site (e.g., not located on adjoining arterial streets).

- c. It shall have no more than one public entrance and one service entrance directly to the outside of the building.
 - d. Signage for such establishments may be directly, indirectly or internally illuminated; there shall be no more than one (1) wall-mounted business sign per such establishment not to exceed thirty-two square feet in area and no more than one (1) freestanding monument type business sign, eight (8) feet in height with a maximum size of thirty-two (32) square feet.
11. Satellite dish antennas, as further regulated by Article 15-8. When located within 200 feet of the Urban Service Area boundary, satellite dish antennas shall be limited to:
- a. A maximum height of four (4) feet above the highest point of the principal building on the lot;
 - b. If located on the ground, satellite dish antennas shall not be visible from the road, and shall be screened with landscape material.
12. Restaurants, provided it meets the following conditions:
- a. It shall be located in an office building or extended-stay hotel 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 or extended-stay hotel, 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.

23A-10(d) CONDITIONAL USES

- 1. 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 within the contiguous ED zone 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.

2. Helistops and heliports, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
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.

23A-10(e) PROHIBITED USES

1. All uses listed as permitted or prohibited within the B-4, I-1 and I-2 zones, except as expressly permitted herein.
2. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers.
3. Dormitories.

LOT, YARD, HEIGHT AND DENSITY REQUIREMENTS

23A-10(f) MAXIMUM HEIGHT OF BUILDING - 90 feet, exclusive of mechanical equipment, or a 1:2 height-to-yard ratio, whichever is less, as measured from the contiguous ED zone boundary, provided that the average height of all buildings within the contiguous ED zone shall not exceed 48 feet.

23A-10(g) FLOOR AREA RATIO - A maximum of 0.75.

23A-10(j) SPECIAL PROVISIONS

1. At least 25% of the net developable acreage of any development within an ED zone shall be open space.
2. No structures other than sidewalks, transparent fences, or stone fences shall be located within 5' of

any public street right-of-way.

3. No more than half of the required off-street parking area shall be located between a building and any collector street.
4. Each parcel in an ED zone shall have direct access to a pedestrian accessway.
5. The development shall be screened from adjoining zones and arterial highways as for an industrial zone under Article 18-3(a)(1).
6. Signage shall be as for P-1 zones as specifically regulated under Article 17 of the Zoning Ordinance, or as otherwise provided herein. Project entrance identification signs shall be as for Professional Office Parks, as specifically regulated under Article 17. All free standing identification or business signs shall be monument type.
7. All 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 feet (6') in height.
8. 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.
9. No buildings or structures in the ED zone, other than driveways, transparent fences and stone fences, shall be located in a Scenic Resource Area; however, the Scenic Resource Area may be used to calculate the required floor area ratio.
10. No outdoor loud speakers shall be permitted.
11. No portion of a regional medical campus shall be located within 1,000 feet of the boundary of the Urban Service Area.
12. There shall be no more than one extended-stay hotel for a regional medical campus which contains 100 acres or less; a second extended-stay hotel is permitted for a regional medical campus which contains more than 100 acres provided that there shall be no more than two (2) extended-stay hotels in a regional medical campus. The extended-stay hotel shall be: (i) a part of a building which also contains medical facilities permitted on the campus; or (ii) physically connected by interior accessways to facilities containing medical services permitted on the campus. Extended-stay hotels shall be internally-oriented to the site (e.g. not located on adjoining arterial streets). Signage for extended-stay hotels may be directly, indirectly or internally illuminated; there shall be no more than one (1) wall-mounted business sign per each extended-stay hotel not to exceed thirty-two square feet in area and no more than one free standing monument type business sign,

eight (8) feet in height with a maximum size of thirty-two (32) square feet.

Section 2—That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: January 25, 2007

/s/ Jim Newberry
MAYOR

ATTEST:

/s/ Liz Damrell
CLERK OF URBAN COUNTY COUNCIL

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