

## **Sec. 8-16. - Neighborhood Business (B-1) Zone.**

(a) *Intent.* The intent of this zone is to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be oriented to support and enhance a residential neighborhood. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

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

1. Retail sales (except as prohibited herein) and production of goods, provided such goods are only for retail sale on the premises and where there is no generation of dust, odors, noise, vibration, or electrical interference or fluctuation perceptible beyond the property line.
2. Professional services (except as prohibited herein).
3. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations, including, but not limited to, real estate sales offices.
4. Schools for academic instruction, business colleges, technical or trade schools or institutions, and studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
5. Libraries, museums, art galleries and reading rooms.
6. Funeral services (excluding crematorium services).
7. Medical and dental offices, clinics and laboratories.
8. Community centers and private clubs.
9. Nursing homes, personal care facilities, rehabilitation homes, and assisted living facilities.
10. Kindergartens, nursery schools and childcare centers for four (4) or more children. An outdoor fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
11. 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.
12. Eating and drinking establishments, neighborhood breweries, and brew-pubs, except as prohibited under Subsection (e)(14) and (15) of this section, which offer no live entertainment.
13. 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.
14. Automobile service stations, provided such use conforms to all requirements of Article 16, which:
  - a. Had on file with the Lexington-Fayette Urban County Government an application for a business license or certificate of occupancy prior to June 27,

2024; and

b. Shall not expand the number of vehicular locations for refueling beyond eight (8), unless previously approved for a greater number.

15. Parking structures; provided such use conforms to the conditions of Article 16, and provided that at least twenty-five percent (25%) of the first floor is occupied by another permitted use or uses in the B-1 zone.

16. Miniature golf or putting courses.

17. Carnivals, special events, festivals, or concerts on a temporary basis; and upon issuance of a permit by the Divisions of Planning and Building Inspection, which may restrict the permit in terms of time, parking, access, or in other ways to protect public health, safety, or welfare; or deny such if public health, safety, or welfare is adversely affected.

18. Television and radio studios, and indoor theaters, limited to three (3) screens or stages.

19. Rental of equipment whose retail sale would be permitted in the B-1 zone.

20. Dwelling units, provided a portion of the building is occupied by another permitted use or uses in the B-1 zone.

21. Arcades, including pinball and electronic games.

22. Pawnshops, which:

a. 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

b. 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.

23. Athletic club facilities.

24. Banquet facilities.

25. Adult day care centers.

26. Form-based neighborhood business project, as per Subsection (o)3. of this section.

27. Day shelters.

28. Urban agriculture, commercial farm markets and market gardens.

29. Establishments primarily engaged in agricultural sales and services, but only when located within five hundred (500) feet of an Agricultural Rural (A-R) zone.

30. Ecotourism activities to include hiking , bicycling and equine trails; recreational outfitters, and canoeing and kayaking launch sites.

31. Places of religious assembly.

32. Offices of veterinarians, animal hospitals or clinics, animal grooming and/or training, provided that:

a. All exterior walls are completely soundproofed;

b. Animal pens are located completely within the principal building; and

c. Boarding is limited to only animals receiving medical treatment.

33. Artisan manufacturing.

34. Parks.

35. Un-hosted short-term rentals, as regulated in Section 3-13 of the Zoning Ordinance.

36. Medicinal cannabis dispensaries.

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

1. Parking areas or structures.

2. 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.

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

4. Satellite dish antennas, as further regulated by Section 15-8.

5. Sidewalk cafes, when accessory to any permitted restaurant.

6. Retail sale of liquid propane (limited to twenty-pound (20 lb.) containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Subsection (b) of this section.

7. 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. Drive-up window for the sale of goods or products, or the provision of services otherwise permitted herein, when the parcel has lot frontage along an arterial roadway.

9. Drive-through facilities for the sale of goods or products, or provision of services otherwise permitted herein, which:

a. Were in operation or had a certified final development or a site plan approved by the Board of Adjustment prior to June 27, 2024 and shall be subject to the conditions established by the Board of Adjustment or Planning Commission at the time of the most recent approval.

b. Modification of existing drive-through facilities as described in Section 8-16(c)9.a. shall be allowed, subject to a final development plan.

10. Hosted short-term rentals, as regulated in Section 3-13 of the Zoning Ordinance.

(d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)

1. Outdoor live entertainment or nightclubs, unless prohibited under Subsections (e) (14) and (15) of this section. Such uses shall be located at least one hundred (100) feet from any residential zone; and indoor uses shall be sound-proofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a

nuisance to the surrounding neighborhood. The Board may also impose time restrictions to minimize nuisance to the surrounding neighborhood.

2. Indoor live entertainment, when accessory to an eating and drinking establishment, brew-pub, neighborhood brewery or banquet facility; but only when located closer than one hundred (100) feet from a residential zone.
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. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) days per twelve (12) month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
5. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, except as accessory uses herein, and meets the following requirements:
  - a. The parcel has lot frontage along an arterial roadway; or
  - b. The parcel is part of a project with an approved final development plan which has lot frontage along an arterial roadway; and
  - c. The parcel or project complies with Section 8-20 of the Zoning Ordinance.
6. Drive-up window for the sale of goods or products, or the provision of services otherwise permitted and the parcel has lot frontage along a local roadway.
7. Ecotourism activities to include zip line trails; tree canopy tours; fishing clubs; botanical gardens; nature preserves; and seasonal activities.
8. Country inns, but only when located within five hundred (500) feet of an Agricultural Rural (A-R) zone.
9. Micro-distilleries subject to the following requirements:
  - a. Production shall be limited to ten thousand (10,000) gallons of distillate annually;
  - b. Distilling operations shall occur within a structure; and
  - c. There shall be an associated retail component or eating and drinking establishment.

The Board of Adjustment shall consider the following:

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

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

1. Establishments primarily engaged in agricultural sales and services, except as permitted herein.
2. Warehouses, as well as storage uses, except as accessory uses herein.
3. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; plastering; painting; metal work; printing; electrical; sign painting; tile, mosaic, and terrazzo work; electroplating; drilling; excavating; wrecking; construction; and paving. This is not intended to prohibit the administrative offices of such.
4. Truck terminals and freight yards; transfer stations.
5. Manufacturing, compounding, assembling, bottling, processing, and packaging, and other industrial uses for sale or distribution other than as retail on the premises.
6. Amusement enterprises, such as outdoor theaters; automobile racing; horse racing.
7. Kennels, outdoor runways, or pens for animals.
8. Establishments engaged in the display, rental, sales, service and major repair of automobiles, repair of motorcycles, boats, trucks, travel trailers, farm implements, contractors' equipment, mobile homes, and establishments primarily engaged in the sale of supplies and parts for any of the abovementioned vehicles or equipment, except as permitted herein.
9. Establishments for cleaning, dyeing, laundering and the like, other than self-service and pickup stations, except for clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
10. Dwellings, except as permitted herein.
11. Hotel or motel, boardinghouse.
12. Wholesale establishments.
13. Nurseries and hatcheries.
14. Establishments offering live entertainment in which a person simulates any sexual act or in which a person is unclothed, or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola, the male or female genitalia, or the buttocks.
15. Establishments at which any employee is unclothed or in the attire, costume or clothing described above, or is clothed in such a manner as to simulate the breast, genitalia, buttocks, or any portion thereof.
16. Establishments having as a substantial or significant portion of their stock in trade for sale, rent or display: pictures, books, periodicals, magazines, appliances, and similar

material, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to such sexual activities as:

- a. Depiction of human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse, or sodomy; or
- c. Holding or other erotic touching of human genitals, pubic region, buttocks, or breasts.

17. Indoor motion picture theaters having as a substantial or significant portion of their use the presentation of material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing, or relating to such sexual activities as:

- a. Depiction of human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse, or sodomy; or
- c. Holding or other erotic touching of human genitals, pubic region, buttocks, or breasts.

18. Above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.

19. Pawnshops, except as permitted herein.

20. Hospitals.

21. Ecotourism activities, except as permitted herein.

22. Automobile service station, automobile and vehicle refueling, and gas pumps, except as permitted herein.

23. Outdoor storage.

24. Medicinal cannabis cultivators, processors, producers, and safety compliance facilities.

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

(f) *Minimum Lot Size*. No limitation.

(g) *Minimum Lot Frontage*. No limitation.

(h) *Minimum and Maximum Front Yard*.

a. Minimum: Five (5) feet.

b. Maximum: Twenty (20) feet.

(i) *Minimum Each Side Yard*. No limitation.

(j) *Minimum Rear Yard*. No limitation.

(k) *Minimum Open Space*. See Article 20 for open space regulations.

(l) *Maximum Lot Coverage*. No limitation.

(m) *Maximum Height of Building*. Four stories or sixty (60) feet, whichever is less, except as permitted in Subsection (o)3. of this section.

(n) *Off-Street Parking*. (See Articles 16 and 18 for additional parking regulations.)

No minimum requirements.

Conditional Uses: The Board of Adjustment may establish additional requirements, as needed.

(o) *Special Provisions.*

1. Except for the form-based neighborhood business project, no building to be used principally as a single use or establishment shall exceed forty thousand (40,000) square feet in floor area, excluding parking structures, unless approved by the Planning Commission prior to December 10, 2013 for at least forty thousand (40,000) square feet in size. No such structure may exceed sixty thousand (60,000) square feet in size, in any event.
2. A form-based neighborhood business project may be approved by the Planning Commission on any site over twenty thousand (20,000) square feet in size. For any such project, a final development plan shall be approved by the Planning Commission prior to issuance of any building permit. The lot, yard, height, and setback requirements will be those established by the Commission on the approved development plan, rather than those stated above. In addition to the development plan, an applicant seeking approval of a form-based neighborhood business project shall be required to submit an area character and context study prepared by an architect or urban design professional. The study will document the architectural style and urban design of the neighborhood. It shall demonstrate, through the use of renderings, elevations and similar graphic materials, how the proposed project will enhance and complement the architectural style, urban design features, building scale, and massing of the neighborhood. It will also show its integration with the surrounding neighborhood by using positive design features, such as transitional elements; enhanced landscaping; provision of public space and open space buffers; and improved pedestrian accommodations. These exhibits shall be made a part of the Commission's approval, and building permits shall comply with the approved exhibits. A form-based neighborhood business project shall not be subject to the square footage limitation of Subsection (o)1. above.

(Code 1983, 8-16; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 207-84, §§ 1—3, 11-15-1984; Ord. No. 241-85, §§ 1, 2, 11-21-1985; Ord. No. 89-86, § 16, 5-29-1986; Ord. No. 73-87, § 1, 4-30-1987; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 123-90, § 1, 6-14-1990; Ord. No. 152-91, §§ 2, 4, 7-18-1991; Ord. No. 30-92, § 9, 3-3-1992; Ord. No. 213-94, § 5, 1-20-1994; Ord. No. 30-95, § 1, 2-9-1995; Ord. No. 292-95, § 1, 12-7-1995; Ord. No. 85-96, § 3, 5-30-1996; Ord. No. 222-98, § 1, 8-27-1998; Ord. No. 226-98, § 1, 8-27-1998; Ord. No. 147-2000, § 1, 6-1-2000; Ord. No. 62-2003, § 1, 3-20-2003; Ord. No. 43-2004, § 1, 3-4-2004; Ord. No. 203-2004, § 1, 8-26-2004; Ord. No. 240-2007, §§ 2, 3, 11-1-2007; Ord. No. 129-2009, §§ 18—20, 7-2-2009; Ord. No. 99-2011, § 4, 8-25-2011; Ord. No. 100-2011, §§ 2, 3, 8-25-2011; Ord. No. 122-2011, § 16, 9-29-2011; Ord. No. 138-2012, § 2, 11-15-2012; Ord. No. 3-2013, § 1, 1-17-2013; Ord. No. 5-2013, § 2, 1-31-2013; Ord. No. 129-2013, § 2, 10-24-2013; Ord. No. 155-2013, § 2, 12-10-2013; Ord. No. 68-2015, § 1(8-16), 6-18-2015; Ord. No. 137-2016, § 2(8-16), 7-7-2016; Ord. No. 22-2017, § 3(8-16), 3-2-2017; Ord. No. 166-2017, § 3(8-16), 11-16-2017; Ord. No. [84-2020](#), § 2, 9-3-2020; Ord. No. [113-2022](#), §§ 3, 6, 10-27-2022; Ord. No. [004-2023](#), § 17, 1-31-2023; Ord. No. [020-2023](#), § 10, 3-9-2023; Ord. No. [074-2023](#), §§ 11, 12, 7-11-2023; Ord. No. [057-2024](#), § 10, 6-27-2024; Ord. No. [063-2024](#), § 6, 6-27-2024)