

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).

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.

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

ATTEST:


Clerk of Urban County Council
PUBLISHED: September 30, 2020 -1t

Recd by _____

Date: _____


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

IN RE: PLN-ZOTA-20-00002: ARTICLE 8 - FLOOR AREA RATIO (FAR) UPDATES FOR R-3, R-4, AND R-5 ZONES –a Zoning Ordinance text amendment to Article 8 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.

Having considered the above matter on **June 25, 2020**, at a Public Hearing and having voted **8-0** 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 this matter for the following reasons:

1. The proposed text amendment is in agreement with *Imagine Lexington*, the 2018 Comprehensive Plan.
 - a. The proposed text allows for additional flexibility for different multi-family housing types and provides for additional housing choice. (Theme A, Goals 1)
 - b. The proposed text supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goals 2) by aiding the development of smaller sites that come into conflict the current FAR and lot coverage limitations.
 - c. The proposed text expands options for mixed-type housing throughout Lexington-Fayette County by promoting the urbanized form of multi-family housing that is more consistent with Lexington's historic built environment prior to city and county merger. (Theme A, Goals 3)

ATTEST: This 31st day of July, 2020.


Secretary, Jim Duncan *by Traci Wade*

MIKE OWENS
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Chris Taylor, Administrative Officer, Division of Planning, Long Range Planning Section.**

OBJECTORS

- Amy Clark, 628 Kastle Road
- Concerned about increasing affordable housing, which should be accomplished via a zone map amendment, rather than a text amendment to the R-3 zone. Also concerned that this text amendment could allow development that is incompatible with the neighborhoods that have historically been used for single-family residences.

VOTES WERE AS FOLLOWS:

AYES: (8) Bell, deMovellan, Forester, Nicol, Owens, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (3) Brewer, Mundy, and Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval of the staff alternative text of PLN-ZOTA-20-00002** carried.

Enclosures: Comprehensive Plan summary
Staff Report
Recommended Text
Applicable excerpts of minutes of above meetings

Changes to Floor Area Ratio in Multi-Family Zones

What is Floor Area Ratio?

1. **Floor Area Ratio (FAR)** is the relationship between the square footage of the building and the square footage of the lot. FAR regulations tell you “how much” building you can create on a lot. For example, in the diagram an FAR of 0.25 would allow a total building square footage up to 25% of the size of the lot.



2. **Lot Coverage** is the relationship between the ground floor area of the building and the area of the lot. Development scenarios with the same FAR but different lot coverage will produce varying types of development: for example, low-rise or high-rise, as seen in the diagram.



What is changing?

Zone	Existing	Proposed
R-3 (Planned Neighborhood Residential)		
FAR	0.5	0.75
LOT COVERAGE	25%	25%
HEIGHT	35'	40'
R-4 (High Density Apartment)		
FAR	0.7	1.6
LOT COVERAGE	30%	40%
R-5 (High Rise Apartment)		
FAR	1.3	2.25
LOT COVERAGE	35%	45%

Why change it?

The current ordinance was created just prior to city/county merger in the early 1970's and there have been no changes to the allowable Floor Area Ratio (FAR) since. Land availability and resulting costs have changed dramatically since that time. Over the last decade, R-3 and R-4 are increasingly unable to accommodate even low density development, and as the average available parcel size decreases, the difficulties with R-3 and R-4 become even more exaggerated. The ordinance was drafted to facilitate development of larger parcels, but today, very few developments are large enough to make R-3 and R-4 work, in many cases making even the most compatible 3 and 4 story developments impossible. Under current conditions R-3 is virtually unusable for parcels of 3-5 acres, where the small multi-family housing or “missing middle housing” is often desired.

The proposed changes will permit a 3-story building in R-3, a 4-story building in R-4, and a 5-story building in R-5 in most situations, and will create a greater differentiation between the zones, and allow more room to work within an existing zone. This will negate the need for zone changes for small amounts of needed FAR that do not alter the fundamental character of the development.

Planning Commission Hearing Video:

http://lfucg.granicus.com/MediaPlayer.php?view_id=4&clip_id=5162

In the continued effort to examine and modernize the Zoning Ordinance following the adoption of the 2018 Comprehensive Plan, Planning staff is currently bringing forward Zoning Ordinance Text Amendments to address a multitude of topics, as discussed in Theme E, Accountability Policy #2.

Imagine Lexington's adopted goals and objectives have a strong focus on expanding housing choices and supporting infill efforts. Over the past 20 years, updates have been made to the Zoning Ordinance to accommodate more dense urban development, especially within the designated Infill and Development Area. The underlying FAR and lot coverage requirements in the R-3, R-4, and R-5 zones, however, have remained unchanged since those zoning categories were created in the 1970s, prior to the city and county merger.

Adding housing options in varying formats is supported within the Comprehensive Plan by the following Goals, Themes, and Policies:

Policies:

Theme A, Design Policy #8: Provide varied housing choice.

Theme A, Density Policy #2: Infill residential can and should aim to increase density while enhancing existing neighborhoods through context sensitive design.

Theme A, Equity Policy #1: Meet the demand for housing across all income levels.

Theme E, Growth Policy #9: Support the "Missing Middle Housing" types throughout Lexington.

Theme D, Connectivity Policy #3: Provide equitable multi-modal access for those who do not drive due to age, disability, expense, or choice.

Goals and Objectives:

Theme A, Goal 1: Expand housing choices.

Objective A: Pursue incentives and regulatory approaches that encourage creativity and sustainability in housing development.

Objective B: Accommodate the demand for housing in Lexington responsibly, prioritizing higher density and mixture of housing types.

Objective D: Create and implement housing incentives that strengthen the opportunities for higher density and housing affordability.

Theme A, Goal 2: Support infill & redevelopment throughout the Urban Service Area as a strategic component of growth.

Theme A, Goal 3a: Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County.

Timeline:

June 4: Planning Commission Zoning Committee meeting

June 25: Planning Commission public hearing

July 31: Final report sent to Council



STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

PLN-ZOTA-20-00002: AMENDMENT TO ARTICLE 8 OF THE ZONING ORDINANCE TO MODIFY THE ALLOWABLE FLOOR AREA RATIO (F.A.R) AND LOT COVERAGE IN THE PLANNED NEIGHBORHOOD RESIDENTIAL (R-3), HIGH DENSITY RESIDENTIAL APARTMENT (R-4), AND THE HIGH RISE APARTMENT (R-5) ZONES

REQUESTED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: See attached

(Note: Text underlined indicates an addition to the existing Zoning Ordinance; text ~~stricken through~~ indicates a deletion.)

STAFF REVIEW:

Through the adoption of the 2018 Comprehensive Plan, the Urban County Planning Commission initiated a text amendment to portions of Article 8 of the Zoning Ordinance in order to increase the Floor Area Ratio (FAR) and maximum height in the Planned Neighborhood Residential (R-3) zone, as well as increase the FAR and lot coverage in the High Density Apartment (R-4) and High Rise Apartment (R-5) zones.

Since the adoption of *Imagine Lexington*, the 2018 Comprehensive Plan, staff has begun implementation efforts to update the Zoning Ordinance. The plan's adopted goals and objectives have a strong focus on expanding housing choices and supporting infill efforts. While much work was completed through previous comprehensive plans and small area plans, the Infill and Redevelopment Steering Committee also recommended updates to the Zoning Ordinance, which have been implemented over the past 20 years to accommodate more dense urban development, especially within the designated Infill and Redevelopment Area.

However, the underlying FAR and lot coverage requirements in the R-3, R-4 and R-5 zones have remained unchanged since the zoning categories were created in the 1970s, prior to the city and county merger. These categories were established to facilitate Lexington's suburban growth. As evidenced through the work of the Steering Committee in the mid to late 2000s, redevelopment under regulations designed for the suburbs required the creation of numerous special provisions. As the community enters another decade, the cost of land in Lexington-Fayette County continues to exacerbate the fact that the underlying zoning regulations are making higher density development increasingly difficult.

There are five primary factors that determine the scale of development in the higher density residential zones: FAR, lot coverage, open space, parking, and yard requirements (setbacks). The very first requirement that nearly every small lot development project encounters is the FAR limit. Increasing the minimum FAR would not enable every development to build at the new maximum,



because in the majority of scenarios, one of the other requirements would serve as the new limiting regulation. Some of those other requirements; like open space and yard requirements, can be varied by the Board of Adjustment or already have some flexible provisions within the Zoning Ordinance. However, there is no variance or relief available to a multi-family development as it pertains to lot coverage or FAR, short of seeking a zone change.

Imagine Lexington is a plan focused on adding housing options in varying formats. Theme A, Goal #1 explicitly calls for expanding housing choices. Theme A, Goal #2 aims to “support infill & redevelopment throughout the urban service area as a strategic component of growth.” Finally, Theme A, Goal #3.a encourages expanding “options for mixed-use and mixed-type housing throughout Lexington-Fayette County.” For Lexington to grow responsibly and equitably for both the current and future residents, the entire community must incorporate context-sensitive housing development into existing neighborhoods.

Staff is recommending a slight modification to the language that was originally presented to the Planning Commission, which is indicated below.

8-13(m) Maximum Height of Building – 2:1 height to yard ratio, except that buildings under 3540’ may have side and rear yards as required in the R-3 zone.

The Staff Recommends: Approval of the staff alternative, for the following reasons:

1. The proposed text amendment is in agreement with *Imagine Lexington*, the 2018 Comprehensive Plan.
 - a) The proposed text allows for additional flexibility for different multi-family housing types and provides for additional housing choice. (Theme A, Goals 1)
 - b) The proposed text supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goals 2) by aiding the development of smaller sites that come into conflict the current FAR and lot coverage limitations.
 - c) The proposed text expands options for mixed-type housing throughout Lexington-Fayette County by promoting the urbanized form of multi-family housing that is more consistent with Lexington’s historic built environment prior to city and county merger. (Theme A, Goals 3)

CT/CW/HBB/TLW/dw

3/2/20

Planning Services/Staff Reports/ZOTA/2020/ZOTA 2020-1.doc



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.

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 0.50.75.

8-12(m) Maximum Height of Building -- Three (3) stories up to 35'40'.

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.

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 - 30-40% and a floor area ratio of 0.7-1.6.

8-13(m) Maximum Height of Building - 2:1 height-to-yard ratio, except that buildings under 35-40' 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.

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 - 35.45% and a floor area ratio of 1:32.25.

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.

2. **PLN- ZOTA-20-00002: ARTICLE 8 - FLOOR AREA RATIO (FAR) UPDATES FOR R-3, R-4, AND R-5 ZONES (9/4/20)***– a petition for a Zoning Ordinance text amendment to update Article 8 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.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, of the staff alternative text for the following reasons:

1. The proposed text amendment is in agreement with *Imagine Lexington*, the 2018 Comprehensive Plan.
 - a) The proposed text allows for additional flexibility for different multi-family housing types and provides for additional housing choice. (Theme A, Goals 1).
 - b) The proposed text supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goals 2) by aiding the development of smaller sites that come into conflict the current FAR and lot coverage limitations.
 - c) The proposed text expands options for mixed-type housing throughout Lexington-Fayette County by promoting the urbanized form of multi-family housing that is more consistent with Lexington's historic built environment prior to city and county merger. (Theme A, Goals 3).

Staff Presentation: Chris Taylor, Administrative Officer for Long Range Planning, began the staff's presentation by outlining the history of the multi-family zoning categories. He explained that, throughout the 1990s, most single-family zoning was in one of the R-1 zones; multi-family was typically limited to the R-3, R-4, and R-5 zones. During that time, 122 zone changes were requested for the R-3, R-4, or R-5 zones; nearly 70% of those were for R-3 zoning. In the 2000s, 117 zone changes requested R-3, R-4, or R-5 zoning, with 77% requested for R-3 zoning. The R-3 zone eventually became the dominant single-family zone, primarily for its flexibility and ability to accommodate all housing types. However, in the last decade, there was a large decline in the number of requests to rezone to R-3, and a corollary increase in R-4 zone and R-5 zone applications. As infill and redevelopment projects became more common, staff noticed that the R-3 zone was "struggling to keep up."

Mr. Taylor stated that, through discussions and pre-application conferences with zone change applicants, the staff has found that the R-3 zone does not function well for applications that include any type of dwelling unit other than single-family detached, or for projects smaller than 10 to 15 acres in size. Each proposed development project must meet the Zoning Ordinance requirements for floor area ratio (FAR), open space, and parking. But, for nearly every rezoning to R-3, applicants indicated that their projects would require a higher FAR than what is currently allowed in the Zoning Ordinance.

Valerie Friedmann, Senior Planner for Long Range Planning, explained to the Planning Commission that FAR refers to the relationship between the square footage of the building, and the square footage of the lot; those regulations determine "how much" building can be placed on a lot. FAR is calculated by dividing the total floor area (total square feet of all floors in a building) by the lot area (the total square feet of the lot). The maximum FAR for each zone is regulated by the Zoning Ordinance.

Ms. Friedmann referred to several visual examples of how FAR relates to total lot area, as well as lot coverage, which is the relationship between the ground floor area of the building and the area of the lot. She explained that scenarios with the same FAR, but different lot coverage, can produce varying types of development with regard to whether the buildings are low-rise or high-rise. These principles, working in concert with established setback requirements, are what determine the building density of a development.

Mr. Taylor stated the 2018 Comprehensive Plan, through The Placebuilder development criteria, emphasizes that a three-story development can be contextually sensitive in nearly any neighborhood. Ms. Friedmann's visual examples demonstrate how the limitations on FAR, lot coverage, and setbacks combine to render the R-3 zone an essentially "non-functional" zone for smaller sites and infill development.

Mr. Taylor stated that the Comprehensive Plan also emphasizes housing, density and equity, through several policies. He stated that, if the community wants to support "missing middle" housing types, the only way to do so is through updates to the Zoning Ordinance: lifting FAR barriers to allow for three-story development in the R-3 zone, four-story in the R-4 zone, and five-story in the R-5 zone is the first step in that strategy. The proposed text amendment will create a linear relationship between the FAR and the lot coverage in the R-3, R-4, and R-5 zones. The result is that the allowable FAR is be three times the lot coverage for the R-3 zone, four times the lot coverage for the R-4 zone, and five times for the R-5 zone. In many cases, there are other restrictions that will apply which could constrain a development, but the staff believes that the proposed text amendment will eliminate FAR as a limiting factor.

Mr. Taylor noted that adjusting the allowable FAR is a very important first step toward achieving the goals of the Comprehensive Plan; other future text amendments will consider various aspects of development, including context sensitivity (setbacks and height), open space requirements, and parking. He explained that the FAR and lot coverage requirements have not changed since the early 1970s,

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

while the cost of land has increased exponentially. As land becomes increasingly constrained and development costs continue to rise, staff contends that the R-3 zone, in particular, will become less and less usable, and that the proposed text amendment is timely and necessary.

Commission Questions: Mr. Owens stated that he appreciated the staff's clear examples of FAR, which he now understands much better.

Citizen Opposition: Amy Clark, 628 Kastle Road, stated that, although she appreciated the staff's concern about increasing affordable housing, she believes that it should be accomplished via a zone map amendment, rather than a text amendment to the R-3 zone. She contends that, because of the prevalence of R-3 and R-4 zoning in the downtown core area, the proposed text amendment could allow development that is incompatible with the neighborhoods that have historically been used for single-family residences. In addition, Ms. Clark believes that the proposed increase in FAR for the R-3 zone could effectively "upzone" that category, making it no longer suitable for low-density multi-family developments, which are essential to truly varied housing.

Ms. Clark stated that she believes that the proposed text amendment might also be premature, given the staff's ongoing work on several other text amendments that affect density. She urged the Planning Commission to recommend disapproval of the proposed text amendment. In addition, she contends, drastically increasing the allowable density could have negative effects on the work of the Neighborhoods in Transition task force, by creating "instability in zoning." Ms. Clark asked the Planning Commission to instead consider this issue via a zone map amendment to the Infill and Redevelopment area.

Citizen Support: Brittany Roethemeier, Director of Fayette Alliance, stated that her organization had submitted a letter in support of the proposed text amendment. She said that Fayette Alliance believes that this text amendment will work to help developers eliminate barriers to quality infill and redevelopment projects, while creating the type of opportunities for density and growth that were envisioned by the Comprehensive Plan. Ms. Roethemeier applauded the Planning staff for attempting to strategically update the Zoning Ordinance, which is not always easy, noting that "we can't allow the perfect to be the enemy of the good." She asked that the Planning Commission recommend approval of the proposed text amendment.

Richard Murphy, attorney, stated that he and his partner, Chris Clendenen, are in full support of the proposed text amendment, which they believe will help to accommodate the community's expected population growth.

Action: A motion was made by Mr. Nicol, seconded by Mr. deMovellan, and carried 8-0 (Brewer, Mundy, and Pohl absent) to approve PLN-ZOTA-20-00002, for the reasons provided by staff.