

ORDINANCE NO. \_\_\_\_\_-2012

AN ORDINANCE AMENDING ARTICLE 15-4(B) AND CREATING ARTICLE 15-4(C) OF THE ZONING ORDINANCE RELATING TO FENCES TO LIMIT THE ALLOWABLE HEIGHT OF FENCING ABUTTING PUBLIC OR PRIVATE STREETS AND PUBLIC PROPERTY.

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WHEREAS, the Lexington-Fayette Urban County Council has, in Resolution No. 77-2011, initiated an amendment to the Zoning Ordinance to limit the allowable height of fencing abutting public or private streets and public property; and

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered these proposed text amendments; and

WHEREAS, the Planning Commission did hold a public hearing on these proposed amendments on April 28, 2011; and

WHEREAS, the Planning Commission did recommend DISAPPROVAL of these proposed amendments by a vote of 8-0; and

WHEREAS, this Council disagrees 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 15-4(b) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

**15-4(b) HEIGHT** – The maximum height of walls and fences shall be regulated in accordance with the following table:

<u>ZONE</u>	<u>MAXIMUM HEIGHT</u>
1. Any residential or office zone; any business zone other than B-2, B-2A, B-2B or B-4.	a. Between any public or private street right-of-way and the front plane of the building, except an alley: <b>4 feet</b> , with the following exceptions: 1. Where the front or side street side yard abuts an alley: <b>8 feet</b> . 2. Where the property is a double-frontage lot, the frontage abutting an arterial highway or collector street where driveway access is prohibited (e.g., New Circle Road, Man o' War Boulevard, etc.): <b>8 feet</b> . b. Side or rear yard (behind the front plane of the building): <b>8 feet</b> . c. Any side street side yard abutting a street other than an alley, within 3 feet of the public or private right-of-way: <b>4 feet</b> ; greater than 3

	feet from the right-of-way: <b>6 feet</b> .
2. Any B-2, B-2A or B-2B zone	a. Front yard: <b>6 feet</b> b. Side or Rear Yard: <b>8 feet</b>
3. Any agricultural, B-4 or Industrial Zone	a. No limitation

For the purpose of this section, the height of a wall or fence shall be the vertical distance from the established grade at the fence or wall to the top of the fence or wall.

Section 2 – That Article 15-4(c) of the Zoning Ordinance of the Lexington-Fayette

Urban County Government is hereby created to read as follows:

**15-4(c) FENCE ORIENTATION ABUTTING PUBLIC PROPERTY** - In all zones other than agricultural zones, where fencing is located adjacent to a public street, park, or other publicly owned property the fencing shall be installed with the structural members or framing directed inward toward the property.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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Clerk of Urban County Council

PUBLISHED: