

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

Note: The following item was continued from the June 28, 2012, Planning Commission public hearing.

- ZOTA 2012-12: OFF-STREET PARKING REQUIREMENTS IN A "PEDESTRIAN-ORIENTED BUSINESS DISTRICT"** – petition for a Zoning Ordinance text amendment to Article 16 to clarify off-street parking requirements when the Urban County Council designates a "Pedestrian-Oriented Business District."

INITIATED BY: Urban County Council

PROPOSED TEXT: Text underlined indicates an addition to the current Zoning Ordinance.

**ARTICLE 16: GENERAL REGULATIONS FOR PARKING,
LOADING AREAS, GARAGES, AUTOMOBILE SERVICE STATIONS,
VEHICLE SALES LOTS AND STACKING AREAS**

16-11 EFFECT OF PEDESTRIAN-ORIENTED BUSINESS DISTRICT – For any such district created under Code of Ordinances Article 18, Chapter XIII, the provisions of the district will take precedence over any off-street parking requirements or related provisions contained in the Zoning Ordinance.

The Zoning Committee Recommended: **Approval**, for the reason provided by staff.

The Staff Recommends: **Approval**, for the following reason:

- The text amendment to Article 16 will clarify that a designation of the new "Pedestrian-Oriented Business District" and the modification of off-street parking requirements as established by the Urban County Council will take precedence over the Zoning Ordinance. The amendment will minimize confusion and will likely reduce staff and administrative time spent in enforcement actions in the future.

Staff Presentation: Ms. Wade presented the staff report for this proposed amendment to Article 16 of the Zoning Ordinance, noting that the staff had received one letter of support, from the Fayette Alliance. This text amendment would add a new section to Article 16 to clarify that off-street parking requirements in Council-designated Pedestrian-Oriented Business Districts would fall within the purview of the Urban County Council and the Code of Ordinances, rather than the Planning Commission and the Zoning Ordinance. Ms. Wade explained that the Ordinance creating the Pedestrian-Oriented Business District designation was approved by the Council in April of 2012. This proposed text amendment would provide a clarifying statement in the Zoning Ordinance to denote that the Code of Ordinances takes precedence in those areas, rather than the Zoning Ordinance.

Ms. Wade said that the staff believes that this would be a more efficient way of addressing parking requirements in older commercial areas such as the Jefferson Street, South Limestone Street, or the Woodland triangle areas. Currently, the Board of Adjustment is required to consider individual variances to parking requirements in some instances, while in others parking requirements are met by way of lease agreements, which can be cumbersome to track and maintain. The staff also believes that this proposed text amendment could reduce staff administrative time spent in enforcement actions, and minimize confusion about which set of standards might apply in a given situation. Ms. Wade stated that the staff and the Zoning Committee are recommending approval of this text amendment, for the reasons as listed in the staff report and on the agenda.

Citizen Comment: Diane Lawless, Third District Councilmember, stated that she had been working on the proposed text amendment with the staff and the Department of Law for some time, beginning with conversations about the commercial area on South Limestone Street between Avenue of Champions and South Maxwell Street. She said that some of the businesses in that area do not have parking requirements because they have been grandfathered, but others have metered parking along Jersey and South Limestone Streets. In addition, some of the businesses, even with a parking reduction by the Board of Adjustment, pay hundreds of dollars each month to lease spaces in the Jersey Street parking lot from the University of Kentucky. Because of those high parking costs, some new companies have been reluctant to locate in that area, particularly since pedestrians would provide the bulk of their business. Ms. Lawless stated that she contacted business owners and neighborhood associations in the vicinity of South Limestone Street, nearly all of whom were in favor of the proposed amendment to the parking restrictions. They then began the process to determine the best means by which to control parking requirements without actually rezoning the properties. Ms. Lawless said that she believes that the proposed text amendment will provide a more appropriate way to address parking in designated Pedestrian-Oriented Business Districts, and will aid in local economic development efforts by encouraging new businesses to locate in those areas.

Commission Questions: Mr. Penn asked if business owners in a given area would need to petition Council to designate a Pedestrian-Oriented Business District, and what would happen after such a district was designated. Ms. Wade answered that the Council could designate a specific parking requirement for that area. Mr. Penn asked if the Planning Commission would

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hear those requests. Ms. Wade responded that the Planning Commission would not be required to review the parking decisions of the Council, but any changes to the parking requirements would need to be denoted on a development plan, should such a district be created by the Council.

Director Comments: Mr. King added that the Council did outline a process for the designation of Pedestrian-Oriented Business Districts. Specific addresses must be proposed, and notification must be sent to surrounding property owners, in order to ensure that each proposal is properly vetted prior to the Council taking any action.

Discussion: Ms. Beatty asked if this procedure would take place at the time of a Final Development Plan for a property, or if it would be applied to properties with existing development. Ms. Wade responded that the staff anticipates that it is most likely to be sought for areas that do not have development plans, or are outside of the areas normally reviewed as part of the plan process. Mr. King added that most of the Pedestrian-Oriented Business Districts will be in areas that have historically been commercial in nature, and have been zoned as such for decades, so it is unlikely that the Planning Commission will review those requests. He emphasized that the designation will not be applied to single properties, but to entire districts, with crossing streets as boundaries. Ms. Wade added that there is a minimum size for each district, and that Council specified a specific number of linear feet of street frontage as one of the requirements.

Ms. Roche-Phillips asked if there was any way to incorporate Pedestrian-Oriented Business Districts as an overlay within the zoning regulations. Mr. King answered that that option was considered. However, since no issue other than parking was proposed to be addressed with this creation of a special district, the general consensus was that creating an overlay zone would overly complicate the issue. Mr. King added that the Department of Law was comfortable with Council having the ability to create a district in this manner, rather than via the creation of a new zone, which could have taken six months to a year.

Action: A motion was made by Ms. Beatty, seconded by Mr. Penn, and carried 9-0 (Berkley and Wilson absent) to approve ZOTA 2012-12.

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