

AN ORDINANCE AMENDING ARTICLES 1, 8, 11, 12 AND 16 OF THE ZONING ORDINANCE TO DEFINE "AUTOMOBILE AND REFUELING STATIONS" AND ALLOW FOR THE DISPENSING OF COMPRESSED NATURAL GAS AND ANY LIQUEFIED PETROLEUM IN BUSINESS AND INDUSTRIAL ZONES, EITHER AS A PRINCIPAL USE OR AS A CONDITIONAL USE. (URBAN COUNTY COUNCIL).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Articles 1, 8, 11, 12 and 16 of the Zoning Ordinance to define "automobile and refueling stations" and allow for the dispensing of compressed natural gas and any liquefied petroleum in business and industrial zones, either as a principal use or as a conditional use; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on December 13, 2012; and

WHEREAS, the Planning Commission did recommend APPROVAL of the staff alternative text amendment by a vote of 9-0; 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 1 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

1-11 GENERAL PROVISIONS & DEFINITIONS

AUTOMOBILE & VEHICLE REFUELING STATION - A building, structure or lot used for dispensing of compressed natural gas or any liquefied petroleum gas from a storage vessel by means of a compressor or pressure booster into motor fuel cylinders in automobiles and motor vehicles. This use does not include a bulk distribution plant, but may be part of an automobile service station.

Section 2 – That Article 8 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

8-16 NEIGHBORHOOD BUSINESS (B-1) ZONE

8-16(d) Conditional Uses

13. Automobile & vehicle refueling stations, provided such use conforms to all requirements of Article 16.

8-17 DOWNTOWN BUSINESS (B-2) ZONE

8-17(d) Conditional Uses

9. Automobile & vehicle refueling stations, provided such use conforms to all requirements of Article 16.

8-18 DOWNTOWN FRAME BUSINESS (B-2A) ZONE

8-18(d) Conditional Uses

1. The permitted conditional uses in the B-2 zone.

8-20 HIGHWAY SERVICE BUSINESS (B-3) ZONE

8-20(b) Principal Uses

28. Automobile & vehicle refueling stations, provided such use conforms to all requirements of Article 16.

8-20(d) Conditional Uses

10. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas, except as permitted herein, or except in conformance with the Kentucky Building Code and all applicable fire safety codes. Except in association with an automobile & vehicle refueling station, the total above-ground storage of gas is limited to 600 square feet. There may be no filling or re-filling of gas containers in this zone.

8-21 WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE

8-21(b) Principal Uses

25. Automobile & vehicle refueling stations, provided such use conforms to all requirements of Article 16.

8-21(e) Prohibited Uses

12. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas, except in association with an automobile & vehicle refueling station.

8-22 LIGHT INDUSTRIAL (I-1) ZONE

8-22(b) Principal Uses

1. The principal permitted uses in the B-4 zone.

8-22(d) Conditional Uses

7. The above- or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form, the storage of any empty container which contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile & vehicle refueling station or limited by 8-22(e); and provided such operations conform to the standards prescribed by the National Fire Protection Association, the Kentucky Occupational Safety and Health Standards for General Industry, and any requirements of the Fire Marshall. Such conformance shall be certified in writing by the Fire Marshall, and any required protective measures for the containers shall be met in all ways.

8-23 HEAVY INDUSTRIAL (I-2) ZONE

8-23(b) Principal Uses

1. The principal permitted uses in the I-1 zone, provided that all provisions outlined therein shall apply for said uses in this zone.

8-24 OFFICE, INDUSTRY AND RESEARCH PARK (P-2) ZONE

8-24(d) Conditional Uses

5. Automobile & vehicle refueling stations, provided such use conforms to all requirements of Article 16.

Section 3-That Article 11 of the Zoning Ordinance of the Lexington-Fayette

Urban County Government is hereby amended to read as follows:

11 INTERCHANGE SERVICE BUSINESS (B-5P) ZONE

11-2 PRINCIPAL USES PERMITTED - The following are principal permitted uses in an Interchange Service Business (B-5P) zone:

- a. Automobile Service Stations and automobile & vehicle refueling stations providing full service, self service, or a combination thereof, including the sale of convenience type merchandise in conjunction therewith in an enclosed building not exceeding three thousand (3,000) square feet in floor area. Such uses shall conform to all requirements of Article 16.

Section 4- That Article 12 of the Zoning Ordinance of the Lexington-Fayette

Urban County Government is hereby amended to read as follows:

12 PLANNED SHOPPING CENTER (B-6P) ZONE

12-4 CONDITIONAL USES

- g. Automobile & vehicle refueling stations, provided such use conforms to all requirements of Article 16.

Section 5- That Article 16 of the Zoning Ordinance of the Lexington-Fayette

Urban County Government is hereby amended to read as follows:

16-8 SPECIAL ACCESS, SURFACE, AND LOCATION REQUIREMENTS FOR GARAGES, PARKING LOTS, AUTOMOBILE SERVICE STATIONS, AND VEHICLE SALES LOTS

16-8(a) REQUIRED DISTANCE BETWEEN SERVICE STATIONS / GARAGES / AUTOMOBILE REPAIR SHOPS/ AUTOMOBILE & VEHICLE REFUELING STATIONS AND RESIDENTIAL ZONES AND / OR INSTITUTIONAL USES -

No building, structure or premises intended or designed to be used as a community garage; an automobile repair shop; a service station; an automobile & vehicle refueling station or a parking lot or structure, whether a principal use or conditional use on a property, shall be used, erected or altered, which has an entrance or exit for vehicles in the same block front and within two hundred (200) feet of the property boundary of any school; public playground; church; hospital; public library; convalescent, nursing or rest home or orphanage. No such entrance or exit, except for a community garage, shall be located within twenty (20) feet of any residential zone; nor shall any structure used for an automobile repair shop or service station, or any part of a parking lot or structure, be located within one hundred (100) feet of any property boundary line of any of the aforesaid public or institutional uses. "Parking lot," as used herein, does not include off-street parking areas as otherwise required for the public or institutional uses listed above.

16-8(b) REQUIRED DISTANCE BETWEEN GASOLINE / OIL DISPENSING FACILITIES AND RESIDENTIAL ZONES / USES -

No gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within fifteen (15) feet of any right-of-way line, or within fifty (50) feet of a residential zone, except where such a pump, pit or appliance is within a completely enclosed building and distant at least fifteen (15) feet from any vehicular entrance or exit of such building. Notwithstanding the above provision, no gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within sixty-five (65) feet of a single family residential zone or within sixty-five (65) feet of a single family detached residential unit located in any residential zone. However, such 65-foot dimension shall not be applicable to the renovation, reconstruction, redevelopment, or construction of such a service station upon a tract used by such a facility within twelve (12) months prior to the application for a building permit. Except for gasoline service stations, no gasoline pump shall be permitted as an accessory use for another activity unless a site plan showing the following is submitted to, and approved by, the Division of Planning:

- (1) A safe traffic flow pattern shall exist at all times for vehicles to be serviced with gas, including a safe entrance and exit to the service area, and a traffic flow lane not impeded by parked vehicles or other objects.
- (2) A safe traffic pattern shall exist for pedestrians to insure that pedestrian flow for other purposes is not routed by the gasoline pumps, thereby exposing such pedestrians to unnecessary hazards.
- (3) The gasoline pumps shall be operated only by employees of the activity; or if others are permitted to operate them, the facility must comply with Chapter 28 of the Kentucky Fire Prevention Code, specifically Section F-2803.8.2 and Section F-2803.8.

16-8(c) REQUIRED DISTANCES BETWEEN AUTOMOBILE & VEHICLE REFUELING STATIONS DISPENSING COMPRESSED NATURAL GAS AND / OR LIQUID NATURAL GAS AND OTHER USES -

In addition to the requirements of this section (above), no stationary dispensing equipment for compressed natural gas or liquid natural gas associated with an automobile & vehicle refueling station may be located within:

- (1) ten (10) feet of any sidewalk, walkway, parking lot or property line;
- (2) fifteen (15) feet of any electrical source or any overhead electric utility line;

Section 6-That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

Clerk of Urban County Council

Published:

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