

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2012-17: AUTOMOBILE & REFUELING STATIONS FOR THE DISPENSING OF COMPRESSED NATURAL GAS OR LIQUEFIED PETROLEUM

INITIATED BY: Urban County Council

PROPOSED TEXT: See Attached

STAFF REVIEW:

The Urban County Council has recently initiated a text amendment to multiple sections of Article 8, and Articles 1-11, 11-2, 12-4 and 16-8 of the Zoning Ordinance. The purpose of the amendment is to define “automobile and refueling stations” and allow for the dispensing of compressed natural gas (CNG) or liquefied petroleum (LNG) in the community’s business and industrial zones. The Council initiated this text amendment proposal in October 2012 after the Planning and Public Works Committee considered the topic earlier in the year. The Planning Commission must review the proposed changes to the Zoning Ordinance and make a recommendation to the Urban County Council within 60 days of receiving the proposal, which in this case is by December 20th.

The Planning and Public Works Committee expressed a desire to permit the dispensing of compressed natural gas or liquefied petroleum within our community because it is a more efficient, cleaner-burning fuel for large truck, buses, fleet and personal vehicles. CNG and LNG dispensing locations could be beneficial to over-the-road truck drivers as they travel through the state, and also to local businesses that have larger fleets of vehicles which may wish to share the cost of a dispensing location for this type of fuel.

Currently, the Zoning Ordinance defines “automobile service station” rather broadly and permits the retail sale and dispensing of fuel for vehicles in most of the business zones; however, the Ordinance also prohibits the “above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas” in all of the business zones. These two regulations clearly work against each other if the goal is to permit the commercial dispensing of CNG and/or LNG. For that reason, the Planning and Public Works Committee recommended a text amendment to define an “automobile & vehicle refueling station” (a new use, different from automobile service station) specifically for CNG and LNG, to regulate the new land use as a principal use in the B-3, B-4, I-1, I-2 and B-5P zones and as a conditional use in the B-1, B-2, B-2A, B-6P and P-2 zones, and to create appropriate restrictions on the new land use.

The zones proposed for this new principal use, as listed above, are either geographically linked to arterials, expressways, and interstates, or are industrial in nature. This will allow the dispensing stations to be co-located with automobile service stations along our major arterials or expressways, such as Richmond Road and New Circle Road, and also be permitted in the industrial areas of our community where large fleet vehicles are more common, such as buses or delivery trucks. Additionally, the zones where this proposed new land use would be a conditional use, with Board of Adjustment approval, are typically closer to neighborhoods, such as the Neighborhood Business (B-1) zone or the central downtown core, and thus, should be considered on a case-by-case basis.

Additional restrictions are proposed within an existing section of Article 16-8 of the Zoning Ordinance, which regulated special locational requirements for garages, parking lots, automobile services stations and vehicle sales lots. Any place where CNG and/or LNG is being dispensed would need to meet the setbacks and Kentucky Fire Prevention Codes for automobile service stations, as well as five other restrictions. This section proposes creating setbacks for any stationary dispensing equipment as follows: (1) 10-foot from any sidewalk, walkway, parking lot or property line; (2) 15-foot from any electrical source or overhead electric utility line; (3) 50-foot from a right-of-way line, a building on another lot, or the nearest rail of any railroad line; (4) 65-foot from a residential zone; and (5) not less than 50-foot from a fire hydrant. Setbacks of this type are found throughout the country to protect or buffer the above-ground containers from being struck or ignited; and spacing the dispensing from incompatible uses such railroads or residential uses. During staff review of this portion of the proposed text amendment, it was noticed that several times the word “and”

should be changed to the word “or” in order to be clear that the list is all inclusive, thus, those modifications are addressed within the recommended staff alternative text below.

Staff Alternative Text:

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 **and or** property line;
- (2) fifteen (15) feet of any electrical source **and or** any overhead electric utility line;
- (3) fifty (50) feet of a right-of-way line, a building on another lot, **and or** the nearest rail of any railroad line;
- (4) sixty-five (65) feet of a residential zone;
- (5) not less than fifty (50) feet of a fire hydrant.

The Staff Recommends: **Approval, of the Staff Alternative Text**, for the following reason:

1. The proposed text amendments to the Zoning Ordinance will define and permit (either as a principal or conditional use) compressed natural gas (CNG) or liquefied petroleum (LNG) dispensing and refueling stations, which are currently not permitted in Lexington-Fayette County. CNG and LNG are more efficient and cleaner fuel options for personal or fleet vehicles, and providing for such dispensing stations for a broader range of fuel is environmentally friendly. These changes are a timely and necessary update to the Zoning Ordinance.

TLW/JWE/CDK
12/3/12

Planning Services/Staff Reports/ZOTA/ 2012/ZOTA 2012-17.doc