

ORDINANCE NO. _____-2013

AN ORDINANCE AMENDING ARTICLES 1, 3 AND 8 OF THE ZONING ORDINANCE TO REGULATE THE PARKING AND STORAGE OF BUSINESS VEHICLES, TRAILERS, EQUIPMENT AND ASSOCIATED MATERIALS IN RESIDENTIAL ZONES. (PLANNING COMMISSION).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered text amendments to Articles 1, 3 and 8 of the Zoning Ordinance to regulate the parking and storage of business vehicles, trailers, equipment and associated materials in residential zones; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on July 25, 2013; and

WHEREAS, the Planning Commission did recommend APPROVAL of the text amendment by a vote of 10-0; 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:

ARTICLE 1-11: Definitions

STORAGE - The keeping, either indoors or outdoors, of equipment, vehicles, materials or supplies used in the conduct of a trade, business, or profession.

Section 2 – That Article 3 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

ARTICLE 3: GENERAL REGULATIONS

- 3-9 Parking and Storage of Business Vehicles, Trailers, Equipment and Materials in Residential Zones
- a. One business vehicle per dwelling is permitted, provided it has no more than two (2) axles and a GVWR (gross vehicle weight rating) of no greater than 14,000 lbs. and is used for daily transportation to and from work. Such a vehicle must be parked on a permitted paved surface or on a legal nonconforming (existed prior to December 5, 2002) gravel surface. Dump trucks, box trucks, cube

vans, high-roof cargo vans (greater than 8' height, as measured from ground to top of roof), earth-moving machinery, tow trucks, transport wreckers, semi-trucks and tractor-trailers, concession trucks and vans, and flat bed trucks are specifically prohibited, even if they technically comply with the above limits.

- b. One business trailer per dwelling (open or closed), used in conjunction with an allowed business vehicle, may be parked or stored on a permitted paved surface or legal nonconforming gravel surface. Any such trailer is limited to a length of no greater than twelve (12) feet. Concession trailers are specifically excluded from this category of allowable trailers, even if they technically comply with axle and length limitations.
- c. Trailers, equipment or materials shall not be parked or stored on any public or private street.
- d. Construction materials (such as siding or brick) and salvaged items (such as used appliances or scrap metal) may not be stored.
- e. Business activities (e.g., selling of merchandise or customer visits) shall not take place on the premises, except as allowed by home office provisions or as authorized by a conditional use approved by the Board of Adjustment. Corollary business activities such as the storage of merchandise or having employees report to the property are also prohibited.

Section 3 –That Article 8 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

ARTICLE 8: SCHEDULE OF ZONES

8-1 Agricultural Rural (A-R) Zone

8-1(e) Prohibited Uses in the A-R Zone

- 13. Storage, except as permitted herein and by Article 3-9.

Section 4-That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

Clerk of Urban County Council
Published: