

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT**

**ZOTA 2015-1: MOBILE FOOD UNIT VENDORS AS ACCESSORY USES IN THE P-1 ZONE**

INITIATED BY: Urban County Council

PROPOSED TEXT: Underlined text indicates an addition to the current Zoning Ordinance.

**ARTICLE 8: SCHEDULE OF ZONES**

**8-15 PROFESSIONAL OFFICE (P-1) ZONE**

**8-15(o) Special Provisions**

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
- b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

**As a principal permitted use:**

1. Extended-Stay Hotels.
2. Mail Service Facilities.

**As accessory uses:**

1. Receiving, shipping, and storage of new fixtures, equipment and other non-perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.
3. Mobile food unit vendors to serve employees and visitors of a permitted principal or conditional use, provided that the requirements of Section 15-11 of the Code of Ordinances are met and that the mobile food unit is located no closer than five hundred (500) feet from any property zoned residential.

**As conditional uses:**

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.

In addition to the uses otherwise permitted in the Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building containing a minimum of 40,000 square feet of floor area.
  - b. It shall occupy not more than twenty-five percent (25%) of the building in which it is located.
  - c. It shall have no more than one public entrance and one service entrance directly to the outside of the building, and that this use shall be at least one hundred fifty (150) feet from any residential zone.
  - d. It shall have no drive-in or drive-through food service.
  - e. There shall be no more than two restaurants within an office building, provided that the 25% limitation is not exceeded.
  - f. Signs permitted per office building may be used to identify the restaurant and/or the office use.
2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced, when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing mixed-income housing, or twenty-five percent (25%) by using a combination of mixed-income housing and additional open space.

**STAFF REVIEW:**

The Urban County Council recently initiated a text amendment to modify Article 8-15 of the Zoning Ordinance in order to permit mobile food unit vendors (also referred to as “food trucks”) as accessory uses within a designated Professional Office Project, in the Professional Office (P-1) zone. A similar text amendment was initiated by the Council about 18 months ago to permit such accessory uses in the B-4, I-1 and ED zones.

Mobile food unit vendors fall within the overall category of “itinerant merchants,” as regulated by the Code of Ordinances, Chapter 15 “Solicitors and Peddlers”. The Council established an Itinerant Merchant Task Force in 2010, the purpose of which was to more comprehensively regulate such merchants within the community. The Task Force worked on general regulations for itinerant merchants and more specifically for mobile food unit vendors. The Council adopted an amendment to Chapter 15 of the Code of Ordinances in February 2013 that created Sections 15-11.1 through 15-11.4, which specifically define “mobile food unit vendor” and identify requirements for licensing and zoning compliance permits. These regulations, along with the Zoning Ordinance, form the basis for how and where mobile food unit vendors are permitted within Lexington-Fayette County.

Currently, mobile food unit vendors are permitted to operate within any zone in which a restaurant is a principal permitted use, such as the Neighborhood Business (B-1) zone. A Zoning Compliance Permit is typically issued to the property owner for a two-year duration, as long as requirements of the Zoning Ordinance are met. Additionally, mobile food unit vendors have been permitted in other zones, either on a temporary basis (i.e., for a special event) or as an accessory use (to an approved conditional use like a private club or for visitors and employees of a permitted use).

Within the Professional Office (P-1) zone, restaurants are only permitted within an approved Professional Office Project. Such a Project can be designated by the Planning Commission via a development plan and is required to be a minimum of 10 contiguous acres. Restaurants in a Professional Office Project are rarely developed due to other requirements of the Zoning Ordinance, which limit the size, access and signage for the use.

After requests from several local businesses, the Council Planning and Public Works Committee discussed allowing food trucks to serve employees of and visitors to a professional office site, similar to the amendment approved in 2013 for businesses in the B-4, I-1 and ED zones. The Division of Planning expressed concern to the Planning and Public Works Committee about utilizing the exact same language from 2013 primarily because P-1 zoning is often immediately adjacent to single-family residential areas. The Committee agreed that limiting negative impacts to residential areas was a priority. Since limited restaurants are already a permitted use in Professional Office Projects, it was determined that those designated areas could accommodate the food trucks and that the trucks would be required to be at least 500 feet from any residential zone.

Similar to the 2013 text amendment, this amendment may provide improved access to food options during working hours within larger Professional Office Projects. This can be a positive for office employees, and it may also reduce vehicle trips to areas outside of a Project for meals. For this reason, the staff is supportive of the proposed text amendment.

The Staff Recommends: Approval for the following reasons:

1. The text amendment to the Professional Office (P-1) zone will allow mobile food unit vendors (i.e. food trucks) as an accessory use within a Professional Office Project of 10 acres or larger, which may provide improved access to food options during working hours and may reduce vehicle trips to areas outside of a Project for meals.
2. The amendment will establish a minimum buffer distance of 500 feet from any residential zone in order to minimize any potential negative impacts of mobile food unit vendors upon adjacent neighborhoods or residences.

TLW/BJR/WLS

1/6/15

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