

AN ORDINANCE AMENDING ARTICLES 1, 4 and 16 OF THE ZONING ORDINANCE TO MODIFY THE DEFINITION OF "DRIVEWAY FOR SINGLE-FAMILY AND TWO FAMILY DWELLINGS;" TO CREATE NEW DEFINITIONS FOR "PAVED AREA" AND "PRIVATE WALKWAY;" AND TO LIMIT THE SIZE, MATERIAL, AND CONFIGURATION OF PRIVATE WALKWAYS AND DRIVEWAYS, IN THE FRONT YARD OF SINGLE-FAMILY AND TWO FAMILY DWELLINGS. (PLANNING COMMISSION).

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Articles 1, 4 and 16 of the Zoning Ordinance to modify the definition of "driveway for single-family and two family dwellings;" to create new definitions for "paved area" and "private walkway;" and to limit the size, material, and configuration of private walkways and driveways in the front yard of single-family and two family dwellings; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on January 31, 2013; and

WHEREAS, the Planning Commission did recommend APPROVAL of the staff alternative text amendment by a vote of 8-0; 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: GENERAL PROVISIONS AND DEFINITIONS**

Article 1-11 of the Zoning Ordinance defines the following:

**DRIVEWAY, FOR SINGLE FAMILY AND TWO-FAMILY DWELLINGS** - A private paved vehicular access, a maximum of twenty-four (24) feet in width, or ten (10) feet in width when inside the Infill and Redevelopment Area, extending on the shortest reasonable path through the front yard or side street side yard to the required off-street parking area. All other areas paved for vehicular use within any front or side street side yard shall be considered additional parking and shall be subject to the area limitations and landscaping requirements of this Zoning Ordinance.

**PARKING LOT, AREA, OR STRUCTURE** - An area not within a building for temporary (less than 24-hour) off-street parking, loading or unloading of vehicles, whether required or permitted by this Zoning Ordinance, including driveways, access ways, aisles, and maneuvering areas; but not including a loading dock or any public or private street right-of-way.

**PAVED AREA** – An area of concrete, asphalt, brick, permeable pavers, or other suitable hard surface materials, excluding loose aggregate or other type of gravel.

**PRIVATE WALKWAY** – A paved area used for pedestrian activity outside of the public right-of-way.

**YARD, FRONT** - An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as herein specified. The depth of a front yard is the shortest distance, measured horizontally, between any part of a building, exclusive of such parts herein excepted, and the front lot line.

Section 2 – That Article 4 of the Zoning Ordinance of the Lexington-Fayette

Urban County Government is hereby amended to read as follows:

**ARTICLE 4: NON-CONFORMING USES, STRUCTURES AND LOTS**

**4-8 PARKING NON-CONFORMITIES**

(a) Properties within the R-1E or R-1T zone may park within the required front or side street side yards, provided the final record plat was approved by the Planning Commission between December 15, 1983 and December 5, 2002.

(b) No off-street parking space shall be required for a single family detached residence on any lot redeveloped as defined in Article 15-2(a)(1), when the lot already has no off-street parking space (a non-conforming situation).

(c) No off-street parking space shall be required within the defined Infill and Redevelopment Area where the Urban County Council has established a designated on-street parking area on a block-by-block basis.

Section 3 – That Article 16 of the Zoning Ordinance of the Lexington-Fayette

Urban County Government is hereby amended to read as follows:

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

**16-1 GENERAL REGULATIONS FOR PARKING, LOADING AND PEDESTRIAN AREAS**

**16-1(f) PERMIT REQUIREMENT** - Permits are required for private walkways, parking, loading, or unloading areas. Such permits shall not be issued until the applicant has met the design standards jointly promulgated by the Division of Traffic Engineering and the Division of Building Inspection, the storm drainage requirements of the Division of Engineering, and all other requirements of this Zoning Ordinance.

**16-4 PARKING, LOADING AND UNLOADING AREAS IN RESIDENTIAL ZONES**

**16-4(a) MINIMUM REQUIRED PARKING** - In every R-1A, R-1B, R-1C, R-1D, R-1E, R-1T and R-2 zone, there shall be provided at least one (1) off-street parking space for each dwelling unit; no such space shall be located within any required front yard or side street side yard area. The parking area and driveway shall be paved with concrete, asphalt, brick or other suitable hard surface materials, as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate. Where decorative rock, or a similar product, is being driven on or being used for parking, it shall be considered loose aggregate and prohibited.

Any private walkway shall be designed in such a way that a vehicle cannot

drive on it so as to permit the area to be used as a parking space or vehicular use area. No private walkways shall be built in the street right-of-way without approval of an encroachment permit.

Within the defined Infill & Redevelopment Area, the maximum width in the front yard of any driveway serving the required space(s) per dwelling unit shall be limited to ten (10) feet.

**16-4(b) ADDITIONAL PARKING** - Provided the above parking has been met, additional parking shall be permitted in any R-1A, R-1B, R-1C, R-1D, R-1E, R-1T or R-2 zone, provided the following requirements are met:

(1) The parking area and driveway shall be paved with concrete, asphalt, brick, grass pavers, or other suitable hard surface materials as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate. Where decorative rock, or a similar product, is being driven on or being used for parking, it shall be considered loose aggregate and prohibited.

Any private walkway shall be designed in such a way that a vehicle cannot drive on it so as to permit the area to be used as a parking space or vehicular use area. No private walkways shall be built in the street right-of-way without approval of an encroachment permit.

(2) The paved areas for (parking areas and driveways) shall be set back from the property lines as follows:

Zone	Setback from Front Lot Line and/or Side Street Lot Line	Setback from Side & Rear Lot Line
R-1A	15'	8'
R-1B	10'	4'
R-1C	6'	2'
R-1D	6'	2'
R-1E	6'	2'
R-1T	6'	2'
R-2	6'	2'
R-3 & R-4*	6'	2'

\* For single family homes or duplexes, per Article 16-4(c)(6)

(3) a. If located within the required front yard or required side street side yard, outside the defined Infill & Redevelopment Area the percentage of coverage of parking areas and driveways shall not exceed fifty percent (50%) of the total required front or side street side yard. The maximum amount of paved area, including private walkways, shall not exceed sixty percent (60%) of the total required front or side street side yard.

b. If located within the required front or side street side yard, inside the defined Infill & Redevelopment Area, parking is prohibited, and driveway width shall be limited to ten (10) feet. The maximum amount of private walkways shall not exceed ten percent (10%) of the total required front or side street side yard.

(4) The design of the parking areas and driveways shall be developed so as to discourage the backing of vehicles onto a public right-of-way.

(5) The parking area shall be landscaped and screened as required by Article 18 of this Zoning Ordinance.

(6) A permit shall be required for the construction of all parking areas and driveways that fall under the above regulations. The owner must provide the Division of Building Inspection with a plot plan showing the entire lot, the location of the residence, the layout of the parking areas and driveways (both the required spaces and proposed extra spaces) and all proposed landscaping and screening required, as well as any other information necessary to clearly define the proposed construction as required by the Division of Building Inspection.

(7) Within the defined Infill and Redevelopment Area, the maximum number of parking spaces on the lot will be no more than fifty percent (50%) additional spaces over the required parking. The following table gives examples of the required and maximum number of parking spaces:

Required Parking	Maximum Parking
1	2
2	3
3	5
4	6

(8) Properties that have one or more street frontage with restricted parking shall be allowed one (1) additional parking space per restricted street frontage over the maximum allowed parking.

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

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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Clerk of Urban County Council

Published:

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