ORDINANCE NO. _____- 2026

AN ORDINANCE AMENDING SECTION 16-9 OF THE LEXINGTON-FAYETTE URBAN COUNTY ZONING ORDINANCE, RELATING TO DRIVE-THROUGH FACILITIES AND DRIVE-UP WINDOWS, ADOPTING REGULATIONS REGARDING VEHICULAR STACKING REQUIREMENTS, DRIVE-UP WINDOWS, AND DRIVE-THROUGH FACILITIES, AND AUTHORIZING WAIVERS OR MODIFICATIONS BY THE PLANNING COMMISSION BASED UPON RECOMMENDATIONS IN AN OPERATIONAL PLAN AND UPON FINDINGS THAT MODIFYING STACKING REQUIREMENTS WILL NOT IMPEDE TRAFFIC CIRCULATION, NEGATIVELY IMPACT ADJOINING PROPERTIES OR LAND USES, OR CREATE A PUBLIC SAFETY HAZARD, ALL IN ORDER TO PROMOTE SAFE MANEUVERING OF VEHICLES AND ENSURE SUCH FACILITIES DO NOT NEGATIVELY IMPACT THE FLOW OF TRAFFIC ON PUBLIC STREETS. (URBAN COUNTY PLANNING COMMISSION).

WHEREAS, KRS 100.275, enacted by the Kentucky General Assembly as House Bill 443 during the 2024 regular session, requires that the ordinances, rules, and regulations adopted pursuant to KRS Chapter 100 to govern subdivision plats and development plans shall be in the form of objective standards that shall be applied ministerially; and

WHEREAS, the Lexington-Fayette Urban County Planning Commission considered multiple text amendments at its meetings on March 27 and April 10, 2025 that proposed updating the Zoning Ordinance with objective standards in compliance with House Bill 443;

WHEREAS, at these meetings the Lexington-Fayette Urban County Planning Commission considered amendments to replace Article 16-9 of the Zoning Ordinance in its entirety with a more current standard applicable to drive-through facilities and drive-up windows;

WHEREAS, the Planning Commission did recommend approval of the modified text amendment by a vote of 8-2, the recommendation of the Planning Commission is attached hereto and incorporated by reference herein; and

WHEREAS, this Council agreed in part and disagreed in part with the recommendation of the Planning Commission as to Article 16-9, referred this portion of the text amendment to the Council General Government and Planning Committee, and thereafter considered additional amendments presented at a meeting of the General Government and Planning Committee on September 8, 2026.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 16, Section 16-9 of the Lexington-Fayette Urban County Government Zoning Ordinance, be and hereby is deleted and replaced in its entirety, to read as follows:

Sec. 16-9. Drive-Through Facilities and Drive-Up Windows

(a) A vehicular stacking area shall be provided for any drive-up window or drive-through facility. Such vehicular stacking area shall not include any right-of-way, shall be provided wholly on the property, and shall not interfere with the use of any parking spaces provided. The minimum number of required stacking spaces within the vehicular stacking area shall include the space at the initial point of service, including but not limited to, a window, menu board, service area or other stopping point. Each stacking space shall be twenty (20) feet in length. The vehicular stacking area shall not include the area between the initial point of service and any subsequent window, service area or other stopping point.

The vehicular stacking area shall be subject to all yard, paving, landscaping, and other requirements of a vehicular use area, as contained in Article 18 when vehicular traffic entering the drive-thru and traffic within an adjacent drive aisle are moving in opposite directions in order to provide separation between the drive-through lane and other drive aisles on the site.

(1) For drive-up windows, a minimum of three (3) stacking spaces shall be provided.

(2) For quick-service food and beverage services, accessory to a restaurant, a minimum of six (6) stacking spaces shall be provided for the first drive-through lane. For any subsequent drive-through lane, a minimum of three (3) stacking spaces shall be provided. Stacking spaces may be distributed across all drive-through lanes.

(3) For quick-service food and beverage services without indoor service or seating, and provision of retail products, including packaged food and beverages, a minimum of six (6) stacking spaces shall be provided per drive-through lane.

(4) For banks, and pharmacies a minimum of three (3) stacking spaces shall be provided for the first drive-through lane, with no additional stacking spaces required for multiple lanes.

(5) For self service carwash facilities, a minimum of two (2) stacking spaces shall be provided per bay.

(6) For automatic carwash facilities, a minimum of six (6) stacking spaces shall be provided per entrance gate or payment location

(7) The number of required stacking spaces may only be modified or waived by the Planning Commission on a final development plan based on the recommendations of an Operational Plan if the Planning Commission makes a finding that modifying the minimum stacking requirements will not impede traffic circulation on-site, negatively impact adjoining properties or land uses, nor create a public safety hazard.

(8) An Operational Plan shall include the following:

a. A site plan with an applicable tracking path simulation (e.g. AutoTURN) for the design vehicle of the drive-through facility;

b. The required stacking area;

c. The drive-through width; and

d. The pedestrian circulation.

(b) General Standards for Drive-Up Windows - Drive-up windows, including the stacking area, shall be screened from any adjoining residential use or zone, public park, place of religious assembly, school, or childcare facility by a 6-foot tall, solid fence in addition to any VUA or property perimeter screening required by Article

18. Such screening shall be required only along the length of the drive-through lane(s).

(c) General Standards for Drive-Through Facilities shall meet the requirements established for Drive-Up Windows, in addition to the following:

(1) Drive-through lanes shall be a minimum of ten (10) feet and a maximum of twelve (12) feet in width, and shall maintain a turning radius of 10 feet.

(2) If a bail out lane for unobstructed exit capability is provided, it must be a minimum width of 10 feet and run parallel to the drive-through lane. If such bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive-through lane.

(3) Pedestrian walkways shall be clearly visible and emphasized by enhanced paving or markings where they intersect drive-through lanes.

(4) A minimum of one direct pedestrian walkway a minimum of five (5) feet in width shall be provided that allows pedestrians to access the building from the right of way without crossing drive-through lanes.

Section 2 – That if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3 -- 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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