

Farmer, Chair
Mossotti, Vice Chair
Gorton
Ellinger
Kay
Ford
Lawless
Beard
Clarke
Henson

A G E N D A

Planning & Public Works Committee

July 1, 2014

1:00 P.M.

1. **May 6, 2014 Special Committee Summary** (1-6)
2. **Land Disturbance Permit Fees – Gorton/Links** (7-15)
3. **Residential Parking Permit District Procedures – Farmer/Clarke** (16-20)
4. **P-1 Text Amendment for Mobil Food Vendors – Akers** (21-30)
5. **Off Premise Signage – Lawless** (31-39)
6. **Items Referred** (40)

“Planning & Public Works Committee, to which should be referred matters relating to the Division of Planning and including, but not limited to matters related to housing, infill and redevelopment, purchase of development rights and historic privation, and any related partner agencies and the Department of Public Works and its related divisions, including capital improvement projects and any related partner agencies”

-Council Rules & Procedures, Section 2.102(1)

2014 Meeting Schedule

January 14	June 17
February 11	July 1
March 4	August 12
April 8	September 9
May 6	October 7

Planning and Public Works Committee Meeting
May 6, 2014
Summary and Motions

Chair Bill Farmer Jr. called the meeting to order 1:04pm. All committee members except Mossotti were in attendance. Akers and Stinnett also attended but were not part of the Committee quorum.

1. April 15, 2014 Committee Summary

Motion by Clarke, second Ellinger to approve the April 15, 2014 Committee summary.
Motion passed unanimously.

2. Leaf Collection Review

Charles Martin discussed the vacuum leaf collection program. He discussed the equipment and staff that is utilized to deliver the program, including 7 retrofitted dump trucks, 5 retired packer trucks, 12 street sweeper drivers and approximately 30-35 seasonal employees. He stated that the vacuum leaf collection program is managed by Streets & Roads.

Martin stated that the vacuum collection started on November 18 this past year. However due to snow conditions 16 days were lost to weather by January 30. An additional 6 days were lost due to holidays.

Martin discussed the current communication plans using LexCall, print and TV ads, the Lexingtonky.gov website and social media. He stated in addition several Councilmember's posted leaf collection information on their respective newsletters.

Martin stated that the current system utilizes the Old Frankfort Pike property as the collection area so drive time affects the productivity of the program. Her also stated that the conventional work week restricts the productivity

Martin stated that too much emphasis is placed on start time and not enough focus on completion time.

Martin discussed how other communities manage leaf collection. He stated that several including Dayton, Ohio; Nashville, Tennessee; Ann Arbor, Michigan; Omaha, Nebraska; Kansas City, Missouri; Baltimore, Maryland; Cincinnati, Ohio; Columbus, Ohio; Louisville, Kentucky; Denver, Colorado; and Nicholasville, Kentucky no longer offer vacuum leaf collection.

He stated that other communities still offer vacuum leaf collection including: Frankfort,

Kentucky; Greensboro, North Carolina; Charleston, West Virginia; Chattanooga, Tennessee; Toledo, Ohio and Knoxville, Tennessee. Martin stated that Greensboro has tried to outsource a part of their vacuum leaf collection program. Martin stated that these communities offered the service between 2 & 4 times.

Martin stated that Lexington citizens have many alternatives to vacuum leaf collection, including: the Lenny yard waste containers; 30 gallon leaf bags; leaves can be taken to the Haley Pike composting facility; residents can make their own compost bin; or residents can use a mulching lawn mower.

Martin offered 2 options to improve the vacuum leaf collection program. Both options would shorten the collection duration so that all customers are serviced at least 7 calendar days before Christmas. Both options would also move the program from Streets & Roads so that snow events do not compromise collection schedules. Both options would also implement mandatory overtime so that the program duration is shortened to a narrower timeframe. Martin stated that the 1st option will require additional equipment and staff. The 2nd option will outsource a portion of the vacuum leaf collection so capacity can be increased. He stated that if that option is chosen, an RFP will be issued soliciting outside vendor participation.

Martin stated that both options will require an improved communication plan with improved information flow from operations to residents via LexCall and the web site that is updated daily.

In response to a question from Ellinger, Martin stated that leaf collection services are currently funded by the urban services tax and is provided to those addresses that pay that tax. Martin stated that if Council wants to open it up to all who pay the Water Quality Fee that is a taxing issue that should be discussed and decided by the Council.

Farmer stated that all property owners do pay the Water Quality Fee however. In response Martin stated that that was correct

Stinnett stated that there was a 3rd option; outsource the entire vacuum leaf collection program. In response Martin stated that he viewed option 2 as a pilot and if successful it might move into a fully outsourced service.

Stinnett stated that he hoped that the City would proceed with the RFP to see what types of capacities were available from the private sector.

Stinnett asked about performance measurements. In response Martin stated that the charge to date has been collect the leaves so there hasn't been any priority given to performance matrixes but that the program would benefit from that analysis.

Stinnett asked Martin to consider offering incentives to use other methods of leaf disposal.

Henson stated that several communities had stopped vacuum leaf collection because it was an inefficient method to collect leaves and it was not sustainable. In response Martin stated that from a water quality perspective there is a benefit to collecting leaves before they end up in the water system.

Clarke stated that there appeared to be 3 components to the program's success, including Equipment; personnel; and adhering to a schedule.

In response to a question from Clarke, Martin stated that there was an array of vacuum leaf collection and they all had their advantages and disadvantages.

Clarke stated that in the future he would not request that the program deviate from its intended schedule to satisfy certain constituency requests in his District.

Gorton stated that several communities have curtailed vacuum leaf collection services.

She asked about compliance and enforcement issues in the other communities Martin surveyed. In response Martin stated that compliance was not a high priority regarding program services generally.

Gorton asked about incentives for not utilizing the service. In response Martin stated that until Stinnett brought that up he had not considered that option but he will develop some potential options for consideration.

Gorton asked if Martin wanted a motion to proceed with the RFP. Farmer responded that he did not think that Martin needed Council authorization to proceed with the RFP.

Martin stated that the preferred option was the blended in house/outsourced option.

Farmer stated that he felt that Waste Management should be managing the program rather than Streets & Roads.

3. Initiate Text Amendment for Food Trucks in the P-1 Zone

Akers addressed the draft text amendment. She stated that she was requesting that Council initiate the text amendment to allow food trucks in the Professional Office zone similarly to the Council action to allow food trucks in the industrial zones.

Chris King was asked if he would like to comment on this item. King stated that they did not have a position on this one way or another; they just prepared the amendment at the request of Akers. There may be concerns from neighborhood associations.

In response to a question from Gorton, King stated as drafted the mobile food vendors would be an accessory use. He stated that applicants, the owner of the P-1 property or their representative, would need to submit a site plan to Planning. This would allow Planning to review parking requirements and designate where the vendors could set up so parking and circulation would not be disturbed.

In response to a question from Henson, King stated that at present the mobile food vendors are not permitted currently in the P-1 zone.

Lawless stated that she was supportive of the amendment but suggested that it be conditional

rather than accessory. In response King offered another alternative, the utilization of the Professional Office Project zone.

Kay requested a list of conditional uses in the P-1 zone.

In response to a question from Henson, King briefly described the Council action allowing food trucks on some public streets in the downtown area.

Akers stated that she was supportive of the limitations being discussed.

Kay stated that the adjacency to residential neighborhoods was key. He suggested that the text could be amended to allow the mobile food vendors as accessory use in the Professional Office Project zone but as a conditional use in other P-1 zones in close proximity to residential neighborhoods.

In response to a question from Gorton, King stated that he was only concerned about the proximity to residential areas. He stated that in some cases the P-1 zone is used as a buffered between residential zones and more intensive urban land uses.

King offered to bring several alternatives to the next meeting including as drafted with some amendments; as an accessory use in the Professional Office Projects and conditional in other P-1 Zones; and as conditional use in P-1 zones in close proximity to residential areas and accessory elsewhere.

Gorton wanted to see maps of the P-1 zones. King provided.

Kay wanted a list of conditional uses in the P-1 zone.

4. Assistance for Code Enforcement Compliance

Jonathan Hollinger presented the information. He stated that the goal of Code Enforcement is a safe, well maintained community, not the issuance of fines, penalties and liens.

Hollinger stated that several programs are available to assist low-income homeowners with violations, but gaps exist in coverage due to eligibility requirements.

Hollinger summarized the process for housing violations, nuisance violations and sidewalk violations. He stated that the City can abate nuisance violations but not housing violations. Hollinger stated that liens are filed on unpaid civil penalties and the city can initiate foreclosure action for unaddressed violations. He stated that Code Enforcement can demolish structures in extreme cases. Code Enforcement only inspects the exterior of a building. Hollinger stated that an appeal or eligibility for assistance programs stops the Code

Enforcement process.

Hollinger discussed LFUCG assistance programs including the Sidewalk Assistance Program, Emergency Repair Program and the Housing Rehab Program. He stated that the Housing Rehab Program has a waiting period of approximately 1 year. He also identified other assistance programs including Realtors Community Housing Foundation, Community Action Council Weatherization program and Assisting Better Living Everywhere (ABLE).

Hollinger recommended his office work with Social Services, Grants & Special Programs, and community groups to create a flyer with information about all existing assistance programs to be sent with every Code Enforcement notice. He also stated that they plan on holding training sessions with Social Services and Code Enforcement Officers to share information and resources. Hollinger stated that they will explore the establishment of an assistance program for housing violations that includes coordination of volunteer based programs, and a matching grant program modeled after the sidewalk assistance program.

In response to a question from Gorton, Hollinger described the Realtors Community Housing Foundation outreach.

Kay stated it appears that more resources should be allocated to the Housing Rehab Program. He stated that the revenue from Code Enforcement fines, penalties and liens could be dedicated to improving housing stock.

Clarke stated that he was in favor of more cooperation and training among and between Code Enforcement and Social Services.

Ford stated that he was an employee in the LFUCG Housing Rehab Program and the long waiting period was due to many factors not just limited resources.

5. Code Enforcement Fines

Hollinger gave an overview of the Code Enforcement fines. He stated that the goal was a standard and consistent method of enforcement for equal transparent compliance. He stated that Code Enforcement cites for three types of violations: Housing; Nuisance; and Sidewalks. Hollinger stated that the Code of Ordinances authorizes fines and civil penalties for all three violation types.

Hollinger stated that housing violation fines can be between \$ 100 to \$ 2,500 per offense, per day in District Court. He stated that civil penalties, based on the number of re inspections and violations, can be between \$ 100- \$ 10,000 per parcel.

Hollinger stated that nuisance violations for tall grass, weeds, junk vehicles, indoor furniture outdoors and trash & debris can be abated and the cost billed to the property owner. He stated that housing violation fines can be between \$ 100 to \$ 2,500 per offense, per day in District Court but would only be used in extreme cases. He stated that civil penalties can be between \$ 100- \$ 1,000 per property.

Hollinger stated that sidewalk violation can be up to \$ 25 per offense, per day in District Court but would only be used in extreme rare cases. He stated that civil penalties can be between \$ 10- per square foot up to \$ 500 for each 30 day period in which the work remains incomplete.

Hollinger provided recommendations, including: Establishing a new Standard Operation Procedure (SOP) clearly indicating where fines are to be used; where civil penalties should be assessed; and the amount of fines or civil penalties; Establish a new SOP providing guidance for cases where nuisance violations are to be abated by the city and timeline for the abatement; and Clarify existing SOP to provide specific guidance regarding notice timelines and extensions for all types of violations.

Hollinger stated that the goal was a standard and consistent enforcement effort to a safe, well maintained housing stock for the entire community.

Kay thanked Hollinger and stated it was critical that Code Enforcement enforced compliance in a standard, consistent and transparent manner. In response Hollinger stated that the Department, utilizing FY 14 funds will be purchasing tablets for all of the Code Enforcement officers. In addition staff, Council and citizens will have historical data available.

Lawless thanked Hollinger and asked if she and her colleagues could send suggestions to improve the Code Enforcement process.

Farmer stated that the issue will stay in Committee to receive updates on the SOP compliance changes.

6. Valley & Glendover 3-Way Stop

The item was deferred.

7. Items Referred

There were no changes to the referral list.

The meeting adjourned at 2:58

PAS 5/30/14

Land Disturbance Permits

DEPARTMENT OF PLANNING, PRESERVATION, AND DEVELOPMENT

Planning and Public Works Committee
July 1, 2014

Overview

- At the March 4, 2014 Planning and Public Works Committee meeting, the Committee asked for a fee proposal for land disturbance permits that accounts for the various aspects that contribute to the complexity of each permit review.

Land Disturbance Permits

- ❑ A Land Disturbance Permit is required for clearing, grading, excavating, and filling activities that result in the disturbance of the existing land.
- ❑ The current fee is \$25 regardless of size of the disturbance. There is no fee for disturbances under 5,000 square feet.

Permits Issued in 2013

Type	Number of Permits
Residential Lot	455
Residential Subdivision	8
Commercial	86
Demolition	8

Fee Structure

- Engineers in new development were consulted regarding the time required to review different types of projects.
- Project type and acreage were identified as effective means of determining the complexity of the review.

Residential Fee Structure

Permit Type	Current Fee	New Fee	Increase
Single Family Lot (Under 1 Acre)	\$25	\$25	\$0
Single Family Lot (Greater than 1 Acre)	\$25	\$50	\$25
Residential Development (Under 1 Acre)	\$25	\$250	\$225
Residential Development (1 - 5 Acres)	\$25	\$500	\$475
Residential Development (5 - 10 Acres)	\$25	\$1,000	\$975
Residential Development (10 + Acres)	\$25	\$1,500	\$1,475

Commercial Fee Structure

Permit Type	Current Fee	New Fee	Increase
Commercial Development (Under 1 Acre)	\$25	\$500	\$475
Commercial Development (1 - 2 Acres)	\$25	\$1,000	\$975
Commercial Development (2 - 5 Acres)	\$25	\$1,500	\$1,475
Commercial Development (5 - 10 Acres)	\$25	\$2,000	\$1,975
Commercial Development (10+ Acres)	\$25	\$3,000	\$2,975
Demolition (Less than 1 Acre Disturbance)	\$25	\$100	\$75
Demolition (1 -5 Acre Disturbance)	\$25	\$500	\$475
Demolition (5 - 10 Acre Disturbance)	\$25	\$750	\$725
Demolition (10+ Acre Disturbance)	\$25	\$1,000	\$975

Recommendations

- ❑ Consent Decree programs such as the Capacity Assurance Program (CAP) are significant challenges for development.
- ❑ The Department of Planning, Preservation, and Development does not recommend a change to the fee structure at this time.

Questions?

RESOLUTION NO. _____ 2014

A RESOLUTION AMENDING SECTION III DESIGNATION OF PARKING OF RESIDENTIAL PARKING PERMIT AREA OF RESOLUTION 168-90.....

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Lexington and Fayette County Parking Authority (“Parking Authority”) now operates the Residential Parking Permit Program (“RPPP”).

Section 2 – That because the Parking Authority now operates the RPPP and procedures have changed for designation of Residential Parking Permit Areas since Resolution 168-90 was passed, Section III Designation of Residential Parking Permit Area is hereby amended to read as follows:

III. Designation of Residential Parking Permit Areas.

- (a) ~~In order for the Council to determine whether a residential district shall be designated as a residential parking permit area, the Services Committee shall conduct, upon the Council's own initiative or upon a petition signed by a majority of the residents in the district, a public meeting prior to such designation. Such public meeting shall be held only after a newspaper notice has been published through the Council Clerk two (2) times not less than seven (7) nor more than twenty-one (21) days prior to the date of the public meeting. The notice shall clearly state the purpose, time and location of the public meeting, the exact location and boundaries of the proposed residential parking permit area and the proposed parking permit fees to be charged. In addition to the published notice, a similar notification shall be prominently posted with the proposed residential parking permit area and shall be mailed to the facility or facilities comprising the traffic generator affecting the subject properties. During such public meeting any interested person shall be entitled to appear, to be heard and to submit a written statement for the record. The committee, at its discretion, may impose a reasonable limitation upon the length of time that any interested person may be heard. A record of all oral and written statements by all interested persons shall be maintained by the Council Office for review by any interested Councilmember or other person.~~
- (b) ~~To enable the committee to determine whether a residential district shall be designated as a residential parking permit area, the committee shall request with fifteen (15) days following completion of the public meeting, at a time and on a day consistent with the restrictions under consideration, that a block-by-block survey of the proposed residential parking permit area be conducted. No residential district shall be designated as a residential parking permit area unless the survey of it reveals the following:~~
 - (1) ~~The total number of curbside parking spaces occupied by vehicles equals or exceeds seventy-five percent (75%) of the number of curbside parking spaces on the public streets, roads~~

- ~~and highways of the proposed residential parking permit area;
and~~
- ~~(2) The total number of curbside parking spaces occupied by vehicles whose operators do not reside within the proposed residential parking permit area equals or exceeds twenty-five percent (25%) of the total number of curbside parking spaces occupied by vehicles.~~
- ~~(c) Within thirty (30) days following the close of the public meeting, the committee shall recommend by written report to the Council in Work Session based on the record of the public meeting and the results of the survey, whether to designate the residential district under consideration as a residential parking permit area. The report may also demonstrate that the committee, in making the recommendation, has taken into account the following:~~
- ~~(1) The effect on the safety of the residents of the proposed, or existing, residential parking permit area from intensive vehicle parking by non-residents;~~
 - ~~(2) The difficulty or inability of residents of the proposed, or existing, residential parking permit area to obtain adequate curbside parking adjacent to or near their residences because of widespread use of available curbside parking spaces by non-resident motorists;~~
 - ~~(3) The likelihood of alleviating, by use of the residential parking permit system established by this regulation, any problem of nonavailability of residential parking spaces;~~
 - ~~(4) The desire of the residents in the proposed residential parking permit area for the institution of a residential parking permit system and the willingness of those residents to bear the costs incidental to the issuance of parking permits authorized by this regulations; and~~
 - ~~(5) The need for some parking spaces to be available in the proposed residential parking permit area for use by the general public.~~
- ~~(d) Within forty-five (45) days following its receipt of the report, the Council shall vote whether to designate the residential district under consideration as a residential parking permit area and, if so, what restrictions shall apply.~~

III. Designation of Residential Parking Permit Areas.

- ~~(a) The Parking Authority upon receipt of a citizens petition signed by sixty-five per-cent (65%) of the addresses on a street(s) for a proposed RPPP will conduct a block by block survey of the proposed RPPP Area. The petitioners will name any reasonably identifiable traffic generator(s). No residential district shall be designated as a Residential Parking Permit Area unless the survey of it reveals the following:~~
- ~~(1) The total number of curbside parking spaces occupied by vehicles equals or exceeds seventy-five (75%) of the number of curbside parking spaces on the public streets, roads and highways of the purposed residential parking permit area; and~~
 - ~~(2) the total number of curbside parking spaces occupied by vehicles whose operators do not reside within the proposed residential parking permit area equals or exceeds twenty-five per-cent (25%) of the total number of curbside parking spaces occupied by vehicles.~~
- ~~(b) Upon completion of traffic survey study and finding that the purposed RPPP Area meets the qualifications of section (a) the~~

Parking Authority shall write a letter of recommendation to the Councilmember in whose district the proposed RPPP is located. The letter may also demonstrate that the Parking Authority, in making the recommendation, has taken into account the following:

- (1) The effect on the safety of the residents of the proposed, or existing, residential parking permit area from intensive vehicle parking by non-residents;
 - (2) The difficulty or inability of residents of the proposed, or existing, residential parking permit area to obtain adequate curbside parking adjacent to or near their residences because of widespread use of available curbside parking spaces by nonresident motorists;
 - (3) The likelihood of alleviating, by use of the residential parking permit system established by this regulation, any problem of nonavailability of residential parking spaces;
 - (4) The desire of the residents in the proposed residential parking permit area for the institution of a residential parking permit system and the willingness of those residents to bear the costs incidental to the issuance of parking permits authorized by this regulation, and
 - (5) The need for some parking spaces to be available in the proposed residential parking permit area for use by the general public.
- (c) The Councilmember in whose district the proposed RPPP is located shall select a council work session on which the RPPP will be placed on the docket. This work session shall be at least 21 days after receiving the recommendation from the Parking Authority. Public comment will be scheduled to coincide with the first reading of the resolution creating the RPPP.
- (d) The Parking Authority upon receiving notice of when the proposed RPPP will be on the docket shall mail a notice of that council work session to all addresses in the proposed RPPP area and to any reasonably identifiable traffic generator(s) as identified by the residents of the proposed street(s) or area in III. (a), at least 14 days before the scheduled meeting.
- (e) The Parking Authority will place notices, in the right of way, of the meeting on the street(s) proposed for a RPPP at least 14 days prior to the council work session.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

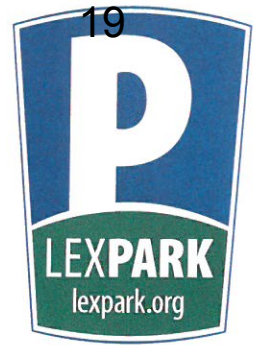
MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

Lexington & Fayette County Parking Authority

101 E. Vine St., 1st Floor • Lexington, KY 40507 📞 859.233.PARK (7275) 📠 859.425.2292



May 28, 2014

Mike Sanner
LFUCG Law Department
200 East Main Street
Lexington, KY 40508

Re: Residential Parking Permit Program (RPPP) request from LFUCG Council

Dear Mr. Sanner,

During the recent LPA Board meeting our Board considered the following request from CM Clarke:

Once a proposed zone qualifies for an RPPP, which is determined by LPA after a petition and study, LFUCG Council is asking LPA to do or agree to the following:

1. LPA would be responsible for posting notices on a particular street or area indicating details of a public meeting to discuss findings of the study.
2. LPA would host the public meeting, at a site yet to be determined.
3. Remove the advertising requirements for the public meeting (in the local paper etc.)
4. LPA would be required to notify the "Traffic Generator" of the upcoming public meeting.

Our board agreed that LPA can collaborate with LFUCG Council to send out letters notifying the residents of a particular zone of the place and time for a public meeting with LFUCG Council. However, LPA does not wish to administrate these public meetings. Further, because the Traffic Generator is not always a known entity, LPA does not wish to take on the responsibility of notifying the Traffic Generator.

Thank you,

Gary A. Means, CAPP
Executive Director



Special Planning and Public Works Committee Meeting
April 15, 2014
Summary and Motions

Chair Bill Farmer Jr. called the meeting to order 1:02pm. All committee members except Lawless were in attendance. Lane, Akers, Stinnett and Scutchfield also attended but were not part of the Committee quorum.

4. Residential Parking Permit District Procedures

Farmer noted a memo from Clarke on the subject. Clarke's memo noted several potential changes to the Residential Parking Permit District procedures, including having the Lexington Parking Authority (LPA) responsible for public notification about a potential parking permit district, LPA would host the public meeting and also notify traffic generators.

Means discussed the proposed changes. He stated that the Authority would like to add to the list of changes as they have examined best practices. He also stated that the public notification may become very labor intensive.

Clarke stated that he found that the Council has considered only 2-3 district permits annually so it shouldn't over burden the LPA.

A motion by Clarke, second Kay to direct Law to draft an amendment to the procedures taking Clarke's revisions and any other revisions from the Parking Authority. Motion passed unanimously.

The meeting adjourned at 2:40



LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT
Department of Planning, Preservation & Development
Division of Planning

Jim Gray
Mayor

Derek J. Paulsen, Ph.D.
Commissioner

MEMORANDUM

TO: Bill Farmer, Jr., Chair & Members
 Council Planning and Public Works Committee
 FROM: Chris King, Director
 DATE: June 23, 2014
 RE: Mobile Food Unit Vendors in P-1 zones

As requested at the May 6, 2014 Planning and Public Works Committee meeting, please find attached a series of potential Zoning Ordinance text amendment alternatives for permitting mobile food unit vendors in the Professional Office (P-1) zone. The alternatives can be summarized as follows:

- Alternate 1: Mobile Food Unit Vendors as accessory uses; no major zoning restrictions (this is the alternative previously presented at the May 6 meeting)
- Alternate 2: Mobile Food Unit Vendors as accessory uses if located 500' or greater from a property zoned residential (conditional use if less than 500')
- Alternate 3: Mobile Food Unit Vendors as conditional uses
- Alternate 4: Mobile Food Unit Vendors as accessory uses within a designated Professional Office Project

I will be present at the July 1 Planning and Public Works Committee meeting to answer any questions regarding these alternatives.

Attachment

C: Derek Paulsen, Phd., Commissioner

H:\CDKWORK\Director\Council\Mobile Food Units in P-1 - Alts Cover Memo.doc

H O R S E C A P I T A L O F T H E W O R L D

8-15(a) Intent - This zone is primarily for offices and related uses. Retail sales are prohibited, except where directly related to office functions. This zone should be located as recommended in the Comprehensive Plan.

8-15(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations, including, but not limited to, real estate sales offices.
3. Research development and testing laboratories or centers.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Funeral parlors.
7. Medical and dental offices, clinics, and laboratories.
8. Telephone exchanges, radio and television studios.
9. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
10. Community centers and private clubs, churches, and Sunday schools.
11. Hospitals, nursing homes, rest homes and assisted living facilities.
12. Computer and data processing centers.
13. Ticket and travel agencies.
14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
15. Cable television system signal distribution centers and studios.
16. Dwelling units, provided the units are not located on the first floor of a structure and provided that at least the first floor is occupied by another permitted use or uses in the P-1 zone, with no-mixing of other permitted uses and dwelling units on any floor.
17. Business colleges, technical or trade schools or institutions.
18. Athletic club facilities, when located at least one hundred fifty (150) feet from a residential zone.
19. Beauty shops and barber shops not exceeding 2,000 square feet in floor area, which employ not more than five licensed cosmetologists, with all service provided only by licensed cosmetologists and/or barbers.
20. Rehabilitation homes, but only when more than five hundred (500) feet from a residential zone.
21. Adult day care centers.

8-15(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies.
2. Parking areas or structures.
3. Incidental retail sales or personal services, including facilities for serving food, only for employees, residents or visitors to any permitted use, and having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of 5,000 square feet. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.
4. Sales offices for the display of merchandise and the acceptance of orders.
5. Swimming pools, tennis courts, putting greens, and other similar non-commercial recreational uses.
6. Satellite dish antennas, as further regulated by Article 15-8.
7. One dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be part of the building and located above, to the side, or to the rear of such permitted use.
8. Retail sales and storage areas accessory to internet-based businesses, for which Certificates of Occupancy are issued after November 15, 2001; provided that the retail sales and storage area occupies no more than twenty-five percent (25%) of the business area, nor more than 2,500 square feet, whichever is less; and having no display space, storage space or signs visible from the exterior of the building.
9. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-15(a) Intent - This zone is primarily for offices and related uses. Retail sales are prohibited, except where directly related to office functions. This zone should be located as recommended in the Comprehensive Plan.

8-15(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations, including, but not limited to, real estate sales offices.
3. Research development and testing laboratories or centers.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Funeral parlors.
7. Medical and dental offices, clinics, and laboratories.
8. Telephone exchanges, radio and television studios.
9. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
10. Community centers and private clubs, churches, and Sunday schools.
11. Hospitals, nursing homes, rest homes and assisted living facilities.
12. Computer and data processing centers.
13. Ticket and travel agencies.
14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
15. Cable television system signal distribution centers and studios.
16. Dwelling units, provided the units are not located on the first floor of a structure and provided that at least the first floor is occupied by another permitted use or uses in the P-1 zone, with no mixing of other permitted uses and dwelling units on any floor.
17. Business colleges, technical or trade schools or institutions.
18. Athletic club facilities, when located at least one hundred fifty (150) feet from a residential zone.
19. Beauty shops and barber shops not exceeding 2,000 square feet in floor area, which employ not more than five licensed cosmetologists, with all service provided only by licensed cosmetologists and/or barbers.
20. Rehabilitation homes, but only when more than five hundred (500) feet from a residential zone.
21. Adult day care centers.

8-15(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies.
2. Parking areas or structures.
3. Incidental retail sales or personal services, including facilities for serving food, only for employees, residents or visitors to any permitted use, and having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of 5,000 square feet. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, 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 500' from any property zoned residential.
4. Sales offices for the display of merchandise and the acceptance of orders.
5. Swimming pools, tennis courts, putting greens, and other similar non-commercial recreational uses.
6. Satellite dish antennas, as further regulated by Article 15-8.
7. One dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be part of the building and located above, to the side, or to the rear of such permitted use.
9. Retail sales and storage areas accessory to internet-based businesses, for which Certificates of Occupancy are issued after November 15, 2001; provided that the retail sales and storage area occupies no more than twenty-five percent (25%) of the business area, nor more than 2,500 square feet, whichever is less; and having no display space, storage space or signs visible from the exterior of the building.
9. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-15(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Offices of veterinarians, animal hospitals.
2. Drive-through facilities for sale of goods or products or the provision of services otherwise permitted herein.
3. Parking lots and structures.
4. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
5. Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.
6. Extended-stay hotels, except as permitted in a Professional Office Project.
7. Day shelters.
8. Mail service facilities, except as permitted in a Professional Office Project.
9. Mobile food unit vendors when located on a property with a principal or conditional use provided that the requirements of Section 15-11 of the Code of Ordinances are met.

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.

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.

Sec. 15-11. Mobile food unit vendors—Definition.

Sec. 15-11.1. Same—Definition.

Mobile food unit vendor. An itinerant merchant who conducts business from a food establishment which is on wheels or is otherwise mobile.

(Ord. No. 17-2013, § 1, 2-28-13)

Sec. 15-11.2. Same—Subject to applicable ordinances and regulations.

A mobile food unit vendor shall be subject to all applicable ordinances and regulations unless expressly provided otherwise herein. These include, but are not necessarily limited to, those matters pertaining to zoning, public safety, pedestrian and state traffic laws, restricted sales or vending areas, parking and licensing.

(Ord. No. 17-2013, § 1, 2-28-13)

Sec. 15-11.3. Same—Exceptions licensing and regulatory requirements.

A mobile food unit vendor shall be subject to the licensing and regulatory requirements pertaining to an itinerant merchant except as follows:

(a)

The licensing of the vendor shall be on a per unit basis, with each different mobile food unit vendor requiring a separate license. A separate license is not required for each location.

(1)

Unless otherwise exempted, all applications for permits/licenses shall be accompanied with the required fee(s) as specified in the schedule of fees established by ordinance or the director of the division of revenue.

(2)

Any person operating more than one (1) mobile food unit shall pay an additional fifty dollar (\$50.00) fee for each additional unit. This fee will not be prorated and will be in effect for the same period of time as the license for the primary mobile food unit.

(b)

As an alternative to the requirements imposed by subsections 15-8(1) and (3) of the Code of Ordinances, the owner of the real property to be used for mobile food unit vending operations or his designee, may, in advance of such a business operating on that property, apply to the division of planning to have the property used on a regular basis by one (1) or more mobile food unit vendors, in compliance with the following:

(1)

The location of mobile food unit vendors shall be subject to a general zoning compliance permit issued by the division of planning. The permit shall be valid for a period of two (2) years from the date of its issuance. The application for the general zoning compliance permit shall contain information as reasonably required by the

division of planning and shall, at a minimum, include a site plan clearly depicting the proposed location for the mobile food unit vendor(s).

(2)

The division of planning shall review the application for the permit and shall be authorized to approve it upon finding that:

a.

Minimum off-street parking spaces as required for the site shall be maintained; however, no new parking spaces shall be required for a mobile food unit vendor;

b.

The location specified for mobile food unit vendors allows for proper vehicular and pedestrian access and circulation on the site, including required fire access; and

c.

That the site is zoned in a category that permits restaurants as a principal permitted use, or that site restrictions are in place that make the mobile vending use compliant with applicable zoning restrictions related to the serving of food within the zone.

(3)

Upon approval of the general zoning compliance permit, no additional specific occupancy permit shall be required from the urban county government for the location of any individual mobile food unit vendor(s) on the site. Notwithstanding the above, a mobile food unit vendor(s) must make available to the government a duly executed statement of permission from the property owner or his or her agent for use of the property upon request.

(4)

Nothing contained in this section shall relieve a mobile food unit vendor from obtaining its itinerant merchant license(s) and any other permits required by state agencies or the local health department.

(Ord. No. 17-2013, § 1, 2-28-13)

Sec. 15-11.4. Same—Issuance of permit or license.

(a)

It shall be unlawful for any person to intentionally provide false information or to intentionally omit requested information on an application for any license or permit pertaining to mobile food unit vendors.

(b)

As a condition of issuance of any license or permit, the mobile food unit vendor agrees to indemnify, hold harmless, and defend the urban county government and its officials, officers, employees, representatives, and agents against liability and/or loss arising from activities connected with and/or undertaken pursuant to the permit or licensee. The urban county government is not liable for any business loss, property loss,

or other damage that may result from use of the permit or license, or suspension or revocation of the permit or license, and no such vendor shall maintain any claim or action against the urban county government and/or its officials, officers, employees, or agents on account of any suspension or revocation.

(c)

Any permit or license issued to a mobile food unit vendor shall be valid for the time period specified thereon. Re-application shall be required upon expiration of said permit or license if the person wishes to continue such activity.

(d)

Every mobile food unit vendor to whom a license or permit is issued shall, at all times while engaged in that business, have the applicable license or permit in his or her possession and shall produce the same at the request of any urban county government official or at the request of any individual to whom the vendor is exhibiting his or her food or attempting to sell same.

(e)

Permits for vending activities which occur solely on or within urban county government park lands or on avenues, streets, roads, drives or sidewalks adjacent to the boundaries of a public park must be obtained from the division of parks and recreation prior to performing such activities. The division of parks and recreation may impose conditions on any issued permit as it deems necessary for health and safety, and/or to mitigate the impact of vending on an area and may restrict or prohibit vending in certain locations. The division of parks may limit the number of vendors at any one (1) location or within an area, or limit the number of operators, sales persons, or others engaged in the act of vending at the requested or approved location.

(f)

Each mobile food unit vendor must obtain all necessary licenses and permissions and comply with all requirements imposed by the health department or other regulatory agencies.

(Ord. No. 17-2013, § 1, 2-28-13)

Sec. 15-11.5. Regulation of mobile food unit vendors.

All mobile food unit vendors must comply with the following:

(1)

The requirements of all applicable ordinances and regulations, including but not limited to the following:

a.

Sections 18-119 through 18-129 of the code;

b.

Sections 17-129 of the code and the Americans with Disabilities Act; and

c.

Sections 14-70 through 14-80 of the code.

(2)

- Shall at all times operate in a manner that ensures the safety of patrons, pedestrians and the public.
- (3) Shall not park or operate in a manner which prohibits others from parking in otherwise available spaces or areas.
- (4) Shall obtain any necessary permits and comply with the requirements of any applicable rules and regulations of the Fayette County Health Department.
- (5) Shall provide and use a tarp, roofing paper, or similar impermeable material or protective barrier under and around the mobile food unit in order to prevent spilling, staining or contamination onto or into any public property.
- (6) Shall not locate or operate within fifteen (15) feet of any driveway or other main entrance to a building without the express written permission of the affected property owner or her or his authorized agent.
- (7) Shall provide, in a prominent location, trash and recycling container(s) sufficient in size to collect all waste and recyclables generated by customers and staff of the vendor. All trash and debris related to the operation shall be collected by the vendor throughout the duration of their vending and deposited in their own trash or recycling container(s) and removed from the site by the vendor. Such waste shall not be placed in urban county government trash receptacles. The vendor shall be responsible for any litter or debris located within a five (5) feet radius of their unit, including sidewalks in the immediate vicinity.
- (8) Shall not, during any LFUCG-recognized Special Event, locate, operate or vend inside the event footprint without the express written permission of the special event coordinator.
- (9) Shall only use lighting which is permanently or semi-permanently affixed to its unit and which does not cause any glare that could be considered a public hazard, nuisance or distraction to vehicular movement, neighboring business operations or residential uses. No flashing or strobe lighting shall be permitted.
- (10) Shall not use any electrical outlet located within the public right-way or on public property, unless specifically authorized by the urban county government or, if required, the utility company. A vendor shall not create any tripping or other hazard related to its use of electricity.
- (11) Shall not block access to or use of, any public bench or any public utility pole or set up any chairs or tables on the public right-of-way.
- (12)

Shall not in any manner damage public property or the public right-of-way. Examples, include, but are not necessarily limited to, using stakes, rods or any method of support that is required to be drilled, driven or otherwise fixed in asphalt pavement, curbs, sidewalks or buildings. The vendor shall be solely responsible for any such damage.

(13)

Must not locate or operate within an area zoned as a Residential District under the Lexington-Fayette County Zoning Ordinance. A limited exception is provided if permission is obtained from the legally recognized Homeowner's Association for the affected property, or if the property at issue is used by the neighborhood as a community property, such as a swimming pool, and permission is obtained from the entity responsible for managing that property.

(14)

Shall not locate or operate within an area closed for an emergency.

(Ord. No. 65-2013, § 1, 6-6-13)

Sec. 15-11.6. Penalty.

Any person convicted of violating any provision of sections 15-11.1 through 15-11.5 of the Code shall be subject to a fine of not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00). Each day a violation occurs shall constitute a separate offense.

(Ord. No. 65-2013, § 2, 6-6-13)

Real Estate Signage

DEPARTMENT OF PLANNING, PRESERVATION, AND DEVELOPMENT

Planning and Public Works Committee

July 1, 2014

Overview

- Article 17 of the Zoning Ordinance regulates signage.
- The Division of Building Inspection is the permitting agency for signage and enforces structural issues.
- The Division of Planning enforces most other aspects of the signage ordinance.
- The Division of Code Enforcement enforces regulations related to signs attached to utility poles, streetlights, and trees, as well as signs in the Right-of-Way.

Signs Exempt from Permitting

- ❑ Political Signs
- ❑ Nameplates
- ❑ Government Signs
- ❑ Real Estate Signs
- ❑ Incidental Signs
- ❑ Window Signs
- ❑ The changing of copy on a billboard, attraction board, marquee, informational sign, or electronic, message display system

Real Estate Signs

□ Real Estate Sign

- A temporary sign indicating only sale, lease or rental of property or buildings on which the sign is erected

□ Removal of Real Estate Signs

- All real estate and tract signs shall be removed within ten (10) days after completion of the sales, rental or lease activities in connection with the property or tract to which they pertain.

Real Estate Signs

❑ Other Restrictions

- ❑ Real estate signs are limited to one (1) sign per street frontage.
- ❑ Size and illumination restrictions apply in certain situations.

Notes

- ❑ By definition, a real estate sign must be located on the property which is being leased or sold.
- ❑ There is currently no regulation regarding how far in advance of real estate activity (sale or lease) a sign can be put up.

Enforcement Challenges

- It is difficult to determine if a vacancy exists, when a vacancy occurred, and when it was filled.
- Real estate signs are exempt from permitting; it is difficult to determine when a sign was placed on a property.
- There are more than 56,000 rental units in Lexington, and there have been over 4,000 property transfers in 2014 to date.

Possible Solutions

- Meet with the landlord and apartment associations to inform them of the ordinance restrictions on real estate signs.
- Explore alternative enforcement options for properties with more than one (1) sign per street frontage.

Questions?

Planning and Public Works Committee Referrals

<u>Item</u>	<u>Referred By</u>	<u>Date</u>	<u>Status</u>
Review Street Tree & Tree Protection Ordinances	9.27.11	11.20.12	Spring/Summer 2014
Possible Revision of Sign Ordinance	Farmer	6.12.12	Spring/Summer 2014
Private Streets: Enforcement, Maintenance & Specifications	Mossotti	1.129.13	Spring/Summer 2014
H-1 Notification Process	Myers	1.19.13	
Maintenance of Major Roadways	Stinnett	4.16.13	Spring/Summer 2014
Greenway Manual & Plan	Mossotti	10.8.13	Feb 2014
Fees to Offset Historic Preservation Services	Gorton	12.5.13	Mar 2014
Explore Providing Assistance to Low Income Homeowners with Code Compliance	Gorton	12.5.13	May 2014
Examine Fee Structure for Planning, Preservation & Development Services	Gorton	12.5.13	Mar 2014
Homeowner Associations Rights & Responsibilities	Akers	12.3.13	Mar 2014
Leaf Collection Review	Stinnett	1.14.14	May 2014
Multi-Way Stop Glendover Rd @ Valley Rd	Beard	1.30.14	Feb 2014
Code Enforcement Fines	Lawless	2.11.14	May 2014
Building Inspection Civil Offenses	Lawless	2.11.14	Spring/Summer 2014
Off Premise Signage	Lawless	2.11.14	Spring/Summer 2014
Streetlight Installation Plan	Stinnett	2.11.14	Spring/Summer 2014
Snow Removal Plan	Stinnett	2.11.14	May/Later 2014
Residential Parking Permit District Procedures	Farmer	2.13.14	After PA Reviews
Initiate Zoning Text Amendments for Food Trucks in the P-1 and AU Zones	Akers	2.18.14	May 2014
Design Excellence Ordinance	Kay	4.22.14	After May
Affordable Housing Issue	Gorton	2.25.18	June-July After Break
Fiber Optic Technology	Farmer	5.6.14	After Summer Break
University of Kentucky Master Plan	Gorton	5.27.14	July 2014
MAP Fund Usage Policies	Stinnett	6.10.14	After Summer Break
Electrical Inspection Fees	Gorton	6.17.14	After Summer Break

<u>Item</u>	<u>Referred By</u>	<u>Date</u>	<u>Status</u>
Oliver Lewis Way Update	Blues	4.9.09	Mar 2014
Todd's Road Widening Phase II	Stinnett	4.15.09	Feb 2014
Downtown Traffic Study	Farmer	4.13.12	Feb 2014
Design Excellence Update	Kay	4.8.14	After May