

05/16/1991

Ordinance

93-91

ORDINANCE NO. 93-91

AN ORDINANCE AMENDING ORDINANCE NO. 58-91 TO CLARIFY THAT THE SALE OF USED FURNITURE AND HOUSEHOLD-RELATED ITEMS ARE PERMITTED ACCESSORY USES IN THE I-1 AND B-4 ZONES WHEN ACCESSORY TO THE STORAGE, REFINISHING, REPAIRING OR UPHOLSTERY OF THE SAME ON THE PREMISES.

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

Section 1 - That Sections 1 and 2 of Ordinance No. 58-91 be and hereby are amended to read as follows:

Section 1 - That Article 8-19(c) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended so as to add as an accessory use in the B-4 zone the following:

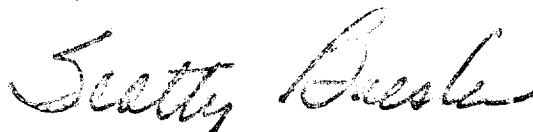
6. Retail sale of used furniture, and household-related items such as antiques, fabrics, fixtures, furnishings, glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.

Section 2 - That Article 8-20(c) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended so as to add as an accessory use in the I-1 zone the following:

10. Retail sale of used furniture, and household-related items such as antiques, fabrics, fixtures, furnishings, glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: May 16, 1991



MAYOR

ATTEST:



Clerk of Urban County Council

PUBLISHED: May 22, 1991-1t

079/J44

REQUEST FOR COUNCIL ACTION
(Administrative Review Form)

0-93-91
~~198-91~~

I. DIRECTORS AND COMMISSIONERS:

Summary of Action Requested: To amend Ordinance No. 58-91 to clarify that the sale of used furniture is a permitted accessory use in the I-1 and B-4 zones when accessory to the storage, refinishing, repairing or upholstery of the same on the premises.

Budgetary Implications: ☐ Yes ☒ No

If yes, complete the following and attach B-102 if necessary:

	Account Number	Amount of Annual Impact
<input type="checkbox"/> (a) Fully budgeted	_____	\$ _____
<input type="checkbox"/> (b) Partially budgeted	_____	\$ _____
<input type="checkbox"/> (c) Not currently budgeted	_____	\$ _____

Director's Signature

Mary L. Selamy

Commissioner's Approval

Date

4-9-91

Date

II. LOGGED IN MAYOR'S OFFICE:

Name

Date

III. ADMINISTRATIVE SERVICES REVIEW

Required on all items:

Law

Initials	Date	Approve, No Comments	Comments Attached
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mw 4-17 ☒ ☐

Budgeting

mac 4/1/91 ☒ ☐

Acct. No. N/A

Annual Impact _____

Current Budget Balance _____

Review if relevant:

Personnel

mw 4/1/91 ☐ ☐

Grants Administration

mw 4/1/91 ☐ ☐

Finance

mw 4/18/91 ☐ ☐

IV. COMMISSIONERS/DIRECTORS WILL BE NOTIFIED TO CHANGE COVER MEMORANDA AND/OR ATTACHMENTS AS REQUIRED BY ADMINISTRATIVE SERVICES REVIEW.

V. MAYOR REVIEW:

☐

Approve:

☐

Hold

Mayor's Report

Date

Date

New Business

Date

Signature

Date

VI. WORK SESSION ACTION TAKEN

☒ Place on docket (send to Law)

☐ Refer to

Committee

☐ Refer to

☐ Receive as Information

☐ Other

for additional information

Signature

Date

O-93-91
~~1910-91~~

Lexington
Fayette
Urban
County
Government

DEPARTMENT OF LAW

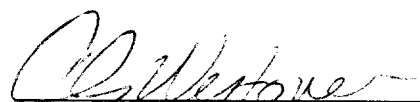
TO: Scotty Baesler, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: April 1, 1991

RE: Ordinance No. 58-91

This is to request that Ordinance No. 58-91, which pertains to a text amendment permitting the retail sale of used furniture as an accessory use in the I-1 and B-4 zones, be amended to clarify that the sale of used furniture and household-related items are permitted accessory uses in the I-1 and B-4 zones when accessory to the storage, refinishing, repairing or upholstery of the same on the premises. This amendment is not a material change and corrects the language expressly approved by the Planning Commission when it approved the original text amendment. The proposed ordinance is attached hereto for your reference.



Chris Westover
Corporate Counsel

CW/jk080/J44

Attachment

Urban County Planning Commission
200 East Main St., Lexington, KY

Office of Director
Planning Commission Meeting

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **ZOTA 91-3: AMENDMENT TO ARTICLE 8 TO ALLOW THE SALE OF FURNITURE IN THE B-4 ZONE** - a text amendment which would allow the sale of furniture as a principal permitted use, and permit the accessory retail sale of household-related items, including antiques, in the wholesale/warehouse business (B-4) zone.

Having considered the above matter on **February 28, 1991** at a Public Hearing and having voted **11-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **approval of the staff's alternative proposal, with one amendment**, for the following reasons:

1. Retail sales of antiques and used furniture, in a limited fashion as an accessory use, is appropriate since the related uses of furniture storage, refinishing, repairing, and upholstery are already permitted in the B-4 and I-1 zones.
2. The amendment will set appropriate limits to this specific use since it will be only allowed as accessory to storage and other permitted uses involving used furniture.

ATTEST: This 21st day of March, 1991.


Secretary, Dale B. Thomas

W. RUSH MATHEWS
CHAIRMAN

Enclosures: Staff Report w/Proposed Text
Applicable Excerpts of minutes of above meeting

At the Public Hearing before the Urban County Planning Commission, this Petitioner was represented by **Ms. Rena Wiseman, attorney.**

<u>OBJECTIONS</u>	<u>OBJECTORS</u>
None	None

VOTES WERE AS FOLLOWS:

AYES:	(11)	Boone, Cooper, Flynn, Howard, Logan, Lucas, Madden, Mason, May, Walton, Mathews
NAYS:	(0)	
ABSENT:	(0)	
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for APPROVAL of ZOTA 91-3: AMENDMENT TO ARTICLE 8 TO ALLOW THE SALE OF FURNITURE IN THE B-4 ZONE carried.

0-93-91

STOLL, KEENON & PARK

1000 FIRST SECURITY PLAZA
LEXINGTON, KENTUCKY 40507-1380

(606) 231-3000

CABLE ADDRESS: "STOKE"

TELEX: 213-479

FAX: (606) 253-1093

*FRANKFORT OFFICE:

326 W. MAIN STREET

FRANKFORT, KY. 40601

(502) 875-6000

FAX: (502) 875-6008

LAURANCE B. VANMETER
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MARY BETH GRIFFITH
DAN ROSE
J. GUTHRIE TRUE*
ALBERT F. GRASCH, JR.
T. RENEE MUSSETTER
GREGORY D. PAVEY
J. MEL CAMEISCH, JR.
LAURA DAY CARRUTHERS
RICHARD M. GUARNIERI*
JOHN W. WALTERS, JR.
JONATHAN R. NORRIS
JAMES L. THOMERSON
A. MICHAEL MARX
DAVID E. FLEENOR
PAMELA J. LESTER
LARRY R. BALLARD
JAMES D. ALLEN
CAROLINE M. CARR
SUSAN BEVERLY JONES
JONATHAN S. KING
ROBERT RODRIGUEZ
MELISSA ANNE STEWART

OF COUNSEL
SQUIRE N. WILLIAMS, JR. *

WALLACE MUIR-(1878-1947)
RICHARD C. STOLL-(1878-1949)
WILLIAM H. TOWNSEND-(1890-1964)
RODMAN W. KEENON-(1882-1966)
JAMES PARK-(1892-1970)
JOHN L. DAVIS-(1913-1970)
GLADNEY HARRVILLE-(1921-1978)
GAYLE A. MOHNEY-(1906-1980)
C. WILLIAM SWINFORD-(1921-1986)

ROBERT F. HOULIHAN
WILLIAM E. JOHNSON*
LESLIE W. MORRIS II
JACKSON W. WHITE
LINDSEY W. INGRAM, JR.
WILLIAM L. MONTAGUE
BENNETT CLARK
LAWRENCE E. FORGY, JR.
SPENCER D. NOE
WILLIAM T. BISHOP III
JOSEPH M. SCOTT, JR.
MICHAEL L. JUDY*
RICHARD C. STEPHENSON
CHARLES E. SHIVEL, JR.
ROBERT M. WATT III
J. PETER CASSIDY, JR.
MAXWELL P. BARRETT, JR.
R. DAVID LESTER
ROBERT F. HOULIHAN, JR.
WILLIAM M. LEAR, JR.
GARY L. STAGE
GARY W. BARR
DONALD P. WAGNER
DOUGLAS P. ROMAINE
FRANK L. WILFORD
HARVIE B. WILKINSON
ROBERT W. KELLERMAN*
LIZBETH ANN TULLY
J. DAVID SMITH, JR.
EILEEN O'BRIEN
DAVID SCHWETSCHENAU
ANITA M. BRITTON
RENA GARDNER WISEMAN
CALVIN R. FULKERSON
DENISE KIRK ASH
BONNIE J. HOSKINS
C. JOSEPH BEAVIN
DIANE M. CARLTON
KENDALL SINGLETARY CHEEK
LARRY A. SYKES
P. DOUGLAS BARR

January 11, 1991

Lexington-Fayette Urban County
Planning Commission
200 East Main Street
Lexington, Kentucky 40507

Re: Proposed Text Amendment to Wholesale and Warehouse
Business (B-4) Zone

Dear Members of the Planning Commission:

We represent N. Clay Hancock, who owns the property located at 1473, 1475, and 1477 Georgetown Road. As the members of the Planning Commission may recall, Ms. Hancock filed an application with the Planning Commission to rezone a portion of the property to a conditional neighborhood business (B-1) zone in order to permit the sale of antique furniture on the property. The petition was disapproved by the Planning Commission on November 29, 1990, primarily because the requested business zoning was not consistent with the light industrial use recommended by the Comprehensive Plan. Rather than pursue the business zoning through the Urban County Council, we have withdrawn that application and are seeking, by way of the early rehearing procedure, to file a zone change to the light industrial (I-1) category which will be consistent with the Comprehensive Plan.

The instant application is a request to amend the text of the Zoning Ordinance so as to permit the sale of furniture as a principal permitted use in the wholesale and warehouse business (B-4) zone. The amendment would also permit the retail sale of household-related items, such as fabrics, fixtures, furnishings,

January 11, 1991
Page 2

glassware and china, and antiques, when accessory to the sale of furniture. Inasmuch as the principal permitted uses in the B-4 zone "carry over" into the light industrial (I-1) zone, Ms. Hancock would be permitted to sell furniture on the property as a principal permitted use should the I-1 zoning be ultimately approved by the Urban County Council. The proposed language is included herein on Attachment A.

The justification for the submitted text amendment is that, even though the B-4 zone does not generally allow retail sales, the retail sale of furniture typically requires large warehouse type buildings similar to those generally found in the B-4 zone. Most furniture stores (e.g., Crossroads, Kinnaird & Franke, Burke Furniture, etc.) in the Lexington area are operated in large warehouse type facilities which would be equally appropriate in the B-4 and I-1 zones. The Zoning Ordinance specifically recognizes that certain uses, because of the size and design of their facilities, are appropriate in the B-4 zone. For example, the B-4 zone allows, as a conditional use, "indoor recreational activities which require buildings which as a result of their size and design are not compatible with residential and business zones, but would be compatible in a wholesale and warehouse business (B-4) zone, including indoor tennis courts, skating rinks, and bowling alleys." (emphasis added) (Section 8-19(d) of the Zoning Ordinance.)

The proposed text amendment would be comparable to the 1985 text amendment which permitted the retail sale of building materials and lumber as a principal use in the B-4 zone. That amendment also permitted the retail sale of hardware-related items when accessory to the sale of building materials and/or lumber. The retail sale of furniture is similar to the retail sale of building materials and lumber in that both uses generally take place in facilities compatible with buildings found in the B-4 zone.

We will be prepared to make a complete presentation of the proposed text amendment at the February public hearing. We request your favorable consideration of this application.

Very truly yours,

STOLL, KEENON & PARK

BY: Rena Wiseman
Rena G. Wiseman

RGW/lcj
361\hancock\pc.1tr

ATTACHMENT A

Section 8-19(b). Principal uses would be amended to ADD the following use:

8-19(b)(19): Retail sale of furniture.

Section 8-19(c). Accessory uses would be amended to ADD the following use:

8-19(c)(6): Retail sale of household-related items, such as fabrics, fixtures, furnishings, glassware and china, and antiques when accessory to the sale of furniture.

REVISED STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 91-3: AMENDMENT TO ARTICLE 8-19
SALE OF FURNITURE IN THE B-4 ZONE

REQUESTED BY: N. Clay Hancock

PROPOSED TEXT: (Text underlined indicates an addition; text ~~dashed through~~ indicates a deletion.)

8-19(b) Principal Uses (B-4)

19. Retail sale of furniture.

8-19(c) Accessory Uses (B-4)

6. Retail sale of household-related items, such as fabrics, fixtures, furnishings, glassware and china, and antiques when accessory to the sale of furniture.

STAFF REVIEW:

The petitioner has requested this text amendment in order to allow the retail sale of antiques, furniture and related items in the wholesale and warehouse business (B-4) zone. This text amendment also affects the light industrial (I-1) zone since principal permitted B-4 uses are also principal permitted uses in I-1. The petitioner has attempted to gain approval for such a use on property she owns at 1475 Georgetown Road for several months.

Retail sales are carefully restricted in the B-4 and I-1 zones. Only the sale of items such as cars and trucks, mobile homes, contractor equipment, bikes, boats, building materials, and agricultural supplies are currently permitted. Furniture sales and antiques shops are allowed in the B-1, B-2, B-2A, B-2B, and B-3 zones at present.

The Zoning Ordinance has twice been amended regarding retail sales in the B-4 and I-1 zones. In 1979, sales of finished products were allowed with restrictions in the I-1 zone when accessory to the manufacture of that product on the same premises. A 1985 text amendment to the B-4 (and I-1) zone permitted floor sales of building materials, lumber, and accessory hardware items. The 1983 zoning ordinance update did not materially change this aspect of either zone.

The staff has researched the zoning ordinances of other communities in an attempt to compare their treatment of furniture and antique sales in light industrial and warehouse zones. The results are mixed. Of the 32 communities reviewed, ten (10) allow furniture sales in industrial/warehouse zones, five (5) allow it as an accessory use, three (3) permit it conditionally, twelve (12) prohibit furniture

retailing, and two (2) communities allow the sale of antiques but prohibit the sale of new furniture.

Some aspects of an antiques shop are allowed by the current language in the B-4 category. Furniture storage, refinishing, repairing, and upholstery would be permitted as a B-4 use. These uses, along with furniture manufacturing and assembly are possible in the I-1 zone.

Generally, retailing uses do not coincide with the intent of either the B-4 or I-1 zone. Furniture sales though, are usually found in large, warehouse-type facilities in the Lexington area. It is conceivable that the sale of antiques might be appropriate in an older warehouse, a setting allowed in other communities.

At the same time, the staff does not wish to encourage new retail uses in the wholesale business and light industrial zones. If allowed, this use should be further limited so as not to be precedent-setting. The approach of Toledo, Ohio and Lubbock, Texas in allowing antiques but not new furniture sales in wholesale/industrial zones appeals to the staff. Furthermore, regulating this use either as accessory to the storage of furniture or other permitted uses, or as a conditional use subject to the scrutiny of the Board of Adjustment on a case-by-case basis, is another favorable limitation.

STAFF PROPOSED TEXT: (Text underlined indicates an addition)

A. 8-19(c) Accessory Uses (B-4)

6. Retail sale of used furniture, and household-related items such as antiques, reproductions, fabrics, fixtures, furnishings, glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.

8-20(c) Accessory Uses (I-1)

10. Retail sale of used furniture, and household-related items such as antiques, reproductions, fabrics, fixtures, furnishings, glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.

The Staff Recommended: Approval of the staff proposed text, for the following reasons:

1. Retail sales of antiques and used furniture, in a limited fashion as an accessory use, is appropriate since the related uses of furniture storage, refinishing, repairing, and upholstery are already permitted in the B-4 and I-1 zones.
2. The amendment will set appropriate limits to this specific use since it will be only allowed as accessory to storage and other permitted uses involving used furniture.

WLS/FT/rc
Rev. 2/13/91
ZOTA91-3

Discussion - Mr. Walton wondered about situations where people sell firewood from their back yards and had done so for many years, and whether this text amendment would affect them. Mr. Sallee replied that the Building Inspector enforces the Ordinance on a complaint basis, and that business uses were not encouraged in residential zones. He added that there could be situations of non-conforming uses where such activities had existed for years, in which case they would be allowed to continue, but not expand in any manner. Ms. Brooks further pointed out that this proposal applied to the A-R zone and not residential zones, and these conditions would not be imposed on existing non-conforming uses.

Mr. Murphy agreed with the staff's alternative proposal which would require Board of Adjustment approval and the restrictions noted. He then presented background information on the applicant's wood related businesses, stating that most of the sawing and cutting would be performed on the site where trees are removed and then taken to the wood lot. At the wood lot, the wood may be split and stacked. He stated that the cutting of wood would take place only on rare occasions, as Mr. Stinnett had estimated that would occur only about 5 percent of the time. Therefore, they did not believe this would be a problem. He also reported that the tree service did not use stationary saws or large saws.

Mr. Murphy then addressed the reasons for approval of this amendment. First, he pointed out that the Zoning Ordinance did not provide for wood lot uses at present; and, secondly, he submitted that the A-R zone was the most appropriate zone for them. In elaborating on the second reason, Mr. Murphy pointed out that (a) industrial lots are often small, and a lot of space is needed to store the wood and season it outdoors; (b) industrial lots are expensive and the cost would make it unfeasible in the industrial zone; and (c) there is not enough space in industrial zones. Mr. Murphy further stated that this is a traditional rural activity and is as appropriate, or more appropriate, than commercial greenhouses or composting operations. In addition, he said it was a recycling effort that would contribute to conserving landfill space and to providing heat energy to the advantage of everyone. In conclusion, Mr. Murphy stated that the proposed amendment was appropriate, he agreed to the staff proposal and requested approval.

Upon request by Dr. Cooper, Mr. Stinnett explained the difference between a stationary saw versus a sawmill. He noted that a stationary saw was a hand tool, whereas a sawmill was stable, and that they were two completely different types of equipment. Mr. Stinnett believed that prohibiting sawmills would protect any nearby residential areas.

Objections - There were no objections.

Action - A motion was made by Dr. Cooper, seconded by Mr. Mason and carried 11-0, to approve ZDP 91-2: Amendment to Article 8 & Article 1, Wood Lots in the A-R Zone, of the staff proposed text, for the reasons listed by the staff.

2. ZOTA 91-3: AMENDMENT TO ARTICLE 8 TO ALLOW THE SALE OF FURNITURE IN THE B-4 ZONE - a text amendment which would allow the sale of furniture as a principal permitted use, and permit the accessory retail sale of household-related items, including antiques, in the wholesale/warehouse business (B-4) zone.

PROPOSED TEXT: (Text underlined indicates an addition; text ~~dashed through~~ indicates a deletion.)

8-19(b) Principal Uses (B-4)

19. Retail sale of furniture.

8-19(c) Accessory Uses (B-4)

* - Denotes date by which Commission must either approve or disapprove plan.

** - Denotes at least a portion of the property contains an environmentally sensitive area.

6. Retail sale of household-related items, such as fabrics, fixtures, furnishings, glassware and china, and antiques when accessory to the sale of furniture.

STAFF PROPOSED TEXT: (Text underlined indicates an addition)

A. 8-19(c) Accessory Uses (B-4)

6. Retail sale of used furniture, and household-related items such as antiques, fabrics, fixtures, furnishings, glassware and china, when accessory to its storage on the same premises.

8-20(c) Accessory Uses (I-1)

10. Retail sale of used furniture, and household-related items such as antiques, fabrics, fixtures, furnishings, glassware and china, when accessory to its storage on the same premises.

The Zoning Committee and Staff Recommended: Approval of the staff proposed text, for the following reasons:

1. Retail sales of antiques and used furniture, in a limited fashion as an accessory use, is appropriate since the related uses of furniture storage, refinishing, repairing, and upholstery are already permitted in the B-4 and I-1 zones.
2. The amendment will set appropriate limits to this specific use since it will be only accessory to storage of used furniture.

Representation - Ms. Rena Wiseman, attorney for the applicant (Mrs. N. Clay Hancock), was present.

Staff/Committee Reports

Mr. Sallee stated that the purpose of this text amendment would allow the sale of furniture as a principal use in the B-4 zone, and the sale of antiques as an accessory use. It would also affect the I-1 zone since permitted B-4 uses are permitted uses in I-1. Currently, retail sales are controlled in these two zones, limited generally to large items and those which require outdoor storage. Many other business zones permit the retail sale of furniture and antiques.

Mr. Sallee then presented a brief history of recent amendments regarding retail sales in these zones as indicated in the attached staff report. He further pointed out that retail uses generally do not coincide with the intent of the B-4 or I-1 zones. However, when considering that furniture sales are usually found in large, warehouse-type facilities and when researching the regulation of the use in other cities, the staff found that many cities allowed the retail sale of furniture or antiques in the wholesale and industrial zones while a nearly equal number did not. The staff did not believe it should be a principal permitted use, but envisioned that some aspects of an antique business were currently permissible in B-4 and I-1, such as, storage of furniture, refinishing, upholstering, etc. Therefore, the staff did not believe it would be unreasonable to include as an accessory use and to incorporate as a part of those types of businesses, the ability to sell such items on-site. After committee review, the staff proposed the following revision and recommendation to its earlier proposal: (New additions are indicated in bold print.)

STAFF PROPOSED TEXT: (Text underlined indicates an addition)

A. 8-19(c) Accessory Uses (B-4)

* - Denotes date by which Commission must either approve or disapprove plan.

** - Denotes at least a portion of the property contains an environmentally sensitive area.

6. Retail sale of used furniture, and household-related items such as antiques, ~~reproductions~~, fabrics, fixtures, furnishings, glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.

8-20(c) Accessory Uses (I-1)

10. Retail sale of used furniture, and household-related items such as antiques, ~~reproductions~~, fabrics, fixtures, furnishings, glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.

The Staff Recommended: Approval of the (revised) staff proposed text, for the following reasons:

1. Retail sales of antiques and used furniture, in a limited fashion as an accessory use, is appropriate since the related uses of furniture storage, refinishing, repairing, and upholstery are already permitted in the B-4 and I-1 zones.
2. The amendment will set appropriate limits to this specific use since it will be only allowed as accessory to storage and other permitted uses involving used furniture.

Discussion - A discussion was held regarding the addition of "reproductions" in the latest staff proposal. Mrs. Madden pointed out that reproductions include new furniture and would allow for more than the sale of used furniture or antiques. Other Commission Members concurred with Mrs. Madden, believing that "reproductions" was a broad term and that it should be eliminated from the text. Mr. Sallee said it was definitely not the intent of the staff to provide for the sale of new furniture, but they had intended to limit the sale to the reproduction of antiques. Mr. Thompson stated that the staff would have no objection to deleting the wording, since the staff made the addition only after consideration by the Zoning Committee.

Ms. Wiseman supported the latest staff proposal and had no objection to deleting "reproductions" from the text. She added that the proposal would accommodate the business the applicant desires on her property should the pending I-1 zone change be granted.

Objections - There were no objections.

Action - A motion was made by Mrs. Madden, seconded by Mrs. Howard and carried 11-0, to approve the revised staff proposal of ZOTA 91-3: Amendment to Article 8-19, Sale of Furniture in the B-4 Zone, deleting the wording "reproductions" from the text, for the reasons listed by the staff.

(The Chairman declared a recess a 2:10 p.m. All members returned at 2:19 p.m., except Mrs. Lucas.)

3. ZOTA 91-4: AMENDMENT TO ARTICLE 1 AND ARTICLE 8, PAWNSHOPS - a text amendment which would (a) define the term "pawnshop"; (b) include pawnshops in operation prior to August 31, 1990, in compliance with State Statute and Code of Ordinances, as principal permitted uses in the B-1, B-2B and B-3 zones; (c) include pawnshops as accessory uses to establishments primarily engaged in the retail sale of jewelry in the B-3 zone; (d) include pawnshops not meeting the criteria of (b) or (c) as conditional uses in the B-3 zone; and (e) prohibit pawnshops not meeting the criteria of (b) in the B-1 and B-2B zones.

PROPOSED TEXT: (Text underlined indicates an addition; text ~~dashed-through~~ indicates a deletion.)

1-11 DEFINITIONS

Pawnshop - Any establishment which loans money on deposit of personal property, or which deals in the purchase of personal property on condition of selling the property back again at a

* - Denotes date by which Commission must either approve or disapprove plan.

** - Denotes at least a portion of the property contains an environmentally sensitive area.

ORDINANCE NO. 58-91

AN ORDINANCE AMENDING ARTICLE 8-19(c) OF THE ZONING ORDINANCE SO AS TO PERMIT THE RETAIL SALE OF USED FURNITURE AND HOUSEHOLD-RELATED ITEMS AS AN ACCESSORY USE IN THE B-4 ZONE; AMENDING ARTICLE 8-20(c) OF THE ZONING ORDINANCE SO AS TO PERMIT THE RETAIL SALE OF USED FURNITURE AND HOUSEHOLD-RELATED ITEMS AS AN ACCESSORY USE IN THE I-1 ZONE.

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment proposed to it so as to permit the retail sale of used furniture and household-related items as an accessory use in the B-4 and I-1 zones; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on February 28, 1991; and

WHEREAS, the Planning Commission did recommend approval of this proposed text amendment by a vote of 11-0; 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 8-19(c) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended so as to add as an accessory use in the B-4 zone the following:

6. Retail sale of used furniture, and household-related items such as antiques, fabrics, fixtures, furnishings, glassware and china, when accessory to its storage on the same premises. ^

Section 2 - That Article 8-20(c) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended so as to add as an accessory use in the I-1 zone the following:

10. Retail sale of used furniture, and household-related items such as antiques, fabrics, fixtures, furnishings, glassware and china, when accessory to its storage on the same premises. ^

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

0-93-91

PASSED URBAN COUNTY COUNCIL: April 4, 1991

/s/ Scotty Baesler
MAYOR

ATTEST:

/s/ Ann Sallee
Clerk of Urban County Council

PUBLISHED: April 10, 1991-1t

061/TCM