

ORDINANCE NO. _____-2018

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE, FOR 12.23 NET (15.52 GROSS) ACRES, AND FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE, FOR 4.17 NET (5.16 GROSS) ACRES, FOR PROPERTY LOCATED AT 3801, 3901 AND 3995 HARRODSBURG ROAD. (THE FOUNTAINS AT PALOMAR, LLC; COUNCIL DISTRICT 10).

WHEREAS, at a Public Hearing held on March 22, 2018 a petition for a zoning ordinance map amendment for property located at 3801, 3901 and 3995 Harrodsburg Road from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 12.23 net (15.52 gross) acres, and from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 4.17 net (5.16 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 5-4; 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 herein by reference.

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

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 3801, 3901 and 3995 Harrodsburg Road from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 12.23 net (15.52 gross) acres, and from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 4.17 net (5.16 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That under the provisions of Article 6-7 of the Zoning Ordinance, the granting of this zone change is made subject to the following conditional zoning restrictions proposed by the applicant:

1. The following uses are prohibited:
 - a. Pawn Shops.
 - b. Athletic club facilities.
 - c. Mining of nonmetallic minerals.
 - d. Gasoline pumps available to the public with or without an attendant on site.

- e. Adult arcades, massage parlors, adult bookstores and adult video stores.
 - f. Nightclubs.
 - g. Establishments and lots for the display, rental, sale, service, repair, minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes or supplies for such items, except that there may be permitted an electric car dealership.
 - h. Billiard or pool halls; dancing halls, skating rinks; miniature golf or putting courses and bowling alleys.
 - i. Tattoo parlors.
 - j. Carnivals, special events, festivals and concerts.
 - k. Commercial farm markets and market gardens.
 - l. Self-service laundry.
2. The existing 10-foot tall fence behind the Harrods Village shops shall remain and the screening and buffering provisions for the rest of this subject property shall be as described and depicted on the preliminary development plan.
 3. Free-standing signage shall be in accordance with Article 17 of the Zoning Ordinance and shall be limited to the signage shown on and approved by the Planning Commission on the final development plan.
 4. Existing trees bordering the subject property shall be preserved except for deceased or dying trees and those trees which an adjoining owner agrees to be removed.
 5. Building height on the site shall be restricted to one story, except for the hotel.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - 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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