

ORDINANCE NO. _____-2016

AN ORDINANCE CHANGING THE ZONE FROM A PROFESSIONAL OFFICE (P-1) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.95 NET (1.25 GROSS) ACRES; AND FROM PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A PROFESSIONAL OFFICE (P-1) ZONE, FOR 0.25 NET (0.29 GROSS) ACRE, FOR PROPERTY LOCATED AT 3600 PALOMAR CENTRE DRIVE AND 2101 PALOMAR TRACE DRIVE (A PORTION OF), INCLUDING A DIMENSIONAL VARIANCE (SOLAR ECLIPSE, LLC; COUNCIL DISTRICT 10).

WHEREAS, at a Public Hearing held on February 25, 2016, a petition for a zoning ordinance map amendment for property located at 3600 Palomar Centre Drive and 2101 Palomar Trace Drive from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for 0.95 net (1.25 gross) acres; and from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone, for 0.25 net (0.29 gross) acre, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change including a dimensional variance by a vote of 6-1; 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 3600 Palomar Centre Drive and 2101 Palomar Trace Drive from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for 0.95 net (1.25 gross) acres; and from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone, for 0.25 net (0.29 gross) acre, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are proposed for the subject property via conditional zoning:

Prohibited Uses

1. Automobile service stations.
2. Retail sale of plant, nursery or greenhouse products.
3. Miniature golf or putting courses.
4. Carnivals and circuses.
5. Arcades, including pinball and electronic games.
6. Rental of equipment whose retail sale is permitted in the B-1 zone.
7. Automobile and vehicle refueling stations.
8. Retail sale of convenience products (i.e., convenience stores).

Other Use Restrictions

1. Any free-standing sign shall be a maximum of ten (10) feet in height.
2. Any outdoor lighting shall be shielded and directed away from any residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.

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

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