

ORDINANCE NO. _____-2017

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1D) ZONE TO A PROFESSIONAL OFFICE (P-1) ZONE, FOR 0.46 NET (0.558 GROSS) ACRE, AND FROM A SINGLE FAMILY RESIDENTIAL (R-1D) ZONE TO A HIGH DENSITY APARTMENT (R-4) ZONE FOR 4.76 NET (4.98 GROSS) ACRES, FOR PROPERTY LOCATED AT 3743 RED RIVER ROAD. (AFTON COMMUNITY DEVELOPMENT, LLC (AMD.); COUNCIL DISTRICT 8).

WHEREAS, at a Public Hearing held on June 22, 2017 and August 24, 2017 a petition for a zoning ordinance map amendment for property located at 3743 Red River Road from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone for 0.46 net (0.558 gross) acre, and from a Single Family Residential (R1-D) zone to a High Density Apartment (R-4) zone for 4.76 net (4.98 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 10-0; 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 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 3743 Red River Road from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone for 0.46 net (0.558 gross) acre, and from a Single Family Residential (R1-D) zone to a High Density Apartment (R-4) zone for 4.76 net (4.98 gross) acres, 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 restrictions shall apply for the subject property:

- a. **Principal permitted uses Within P-1 zoned area shall be limited to only the following:**
 1. Offices for business, professional, governmental, civic, religious and charitable organizations.
 2. Schools for academic instruction.
 3. Medical and dental offices and clinics.
 4. Studios for work or teaching of fine arts.

5. Places of religious assembly and Sunday schools.
 6. Nursing homes, personal care homes, and assisted living facilities.
 7. Kindergartens, nursery schools or child care centers for four (4) or more children. A fenced screened play area shall be provided, which shall contain twenty-five (25) square feet per child.
 8. Beauty shops and barber shops, not exceeding 2,000 square feet in floor area, which employ no more than five licensed cosmetologists.
 9. Adult day care centers.
- b. **Accessory Uses within the P-1 zone shall be limited to only the following:**
1. Parking areas or structures.
 2. Non-commercial recreational uses listed in the P-1 zone.
- c. **Conditional Uses within the P-1 zone shall be limited to only the following:**
1. Offices of veterinarians, and animal hospitals (without overnight boarding).
 2. Parking lots and structures.
- d. **Conditional Uses within the R-4 zone shall be limited to only the following:**
1. Permitted conditional uses in the R-1A zone.
 2. Nursing homes, personal care homes, and orphanages.
 3. Assisted living facilities, boarding and lodging houses, and hospitality houses for more than eight (8) persons, provided that no use under this section may be less than 500 feet from another use permitted under this section.
 4. Community centers (without overnight accommodations).
 5. Kindergartens, nursery schools or child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain twenty-five (25) square feet per child.
 6. Parking lots, as permitted in Article 16-3 of the Zoning Ordinance.
- e. **Other Use Restrictions**
1. The P-1 zoned land shall be limited to a maximum 3,000 square-foot, one-story building. Signage for such building shall be limited to one wall-mounted, non-illuminated sign, and shall be a maximum of ten (10) square feet in size.
 2. The R-4 zoned land shall be limited to a maximum of 60,000 square feet of total floor area.
 3. A landscape buffer of at least fifteen (15) feet in width shall be provided along the southern and eastern property boundaries, with plantings as specified by Article 18-3(a)(1)2 of the Zoning Ordinance, including a 6-foot privacy fence.
 4. Outdoor lighting shall be shielded and directed away from any adjacent residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.
 5. No drive-through facilities shall be permitted on the subject property.

These use and buffering restrictions are appropriate and necessary to ensure greater compliance with the 2013 Comprehensive Plan, and to protect the adjoining residential land uses from development that is out of character with the existing neighborhood.

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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