

ORDINANCE NO. _____-2013

AN ORDINANCE CHANGING THE ZONE FROM A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.9798 NET AND (1.0774 GROSS) ACRES, FOR PROPERTY LOCATED AT 417 EAST MAXWELL STREET INCLUDING DIMENSIONAL VARIANCES (MICHLER FLORIST, INC.; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on April 25, 2013, a petition for a zoning ordinance map amendment for property located at 417 East Maxwell Street from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business zone, for 0.9798 net and (1.0774 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change including dimensional variances by a vote of 9-0; 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 417 East Maxwell Street from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone for 0.9798 net and (1.0774 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 and buffering restrictions are proposed for the subject property via conditional zoning:

Prohibited uses:

- a. Automobile service stations
- b. Tattoo parlors
- c. Miniatures golf courses
- d. Carnivals and Circuses, even on a temporary basis
- e. Drive-through facilities
- f. Research and development and testing laboratories or centers
- g. Indoor theaters

- h. Arcades, including pinball and electronic games
- i. Pawn shops
- j. Gasoline pumps
- k. Mining of non-metallic minerals
- l. Funeral parlors
- m. Hospitals
- n. Medical Offices and clinics
- o. Kindergartens, nursery schools and child care centers for four or more children
- p. Parking lots and structures, other than as an accessory use
- q. Rental of equipment whose retails sale would otherwise be permitted in a B-1 zone
- r. Minor Automobile repair

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