

ORDINANCE NO. \_\_\_\_\_ - 2022

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 3.88 NET AND GROSS ACRES, AND FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE, FOR 7.88 NET (9.245 GROSS) ACRES, FOR PROPERTY LOCATED AT 4085 HARRODSBURG ROAD (HARRODSBURG ROAD, LLC; COUNCIL DISTRICT 9).

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WHEREAS, at a Public Hearing held on January 27, 2022, a petition for a zoning ordinance map amendment for property located at 4085 Harrodsburg Road from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 3.88 net and gross acres, and from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone, for 7.88 net (9.245 gross) acres was presented to the Urban County Planning Commission; said Commission recommending disapproval of the zone change by a vote of 8-0; and

WHEREAS, this Council disagrees 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 4085 Harrodsburg Road from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 3.88 net and gross acres, and from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone, for 7.88 net (9.245 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 use and buffering conditional zoning restrictions:

1. The R-3 portion of the zone change shall be limited to not more than 7 single family homes and not more than 14 townhome units.
2. There shall be vehicular connectivity between the B-3 portion of the zone change and the Palomar Hills Neighborhood, the specific layout of which shall be determined by the Planning Commission on a development plan.
3. Screening and buffering provision shall be as described and depicted on the

preliminary development plan.

4. Existing trees bordering the subject property shall be preserved except for deceased or dying trees and those trees which and adjoining property owner agrees to be removed.

5. The following uses shall be prohibited:

- a. Pawnshops
- b. Adult Arcades
- c. Massage parlors
- d. Adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments and sexual entertainment centers
- e. Athletic club facilities greater than 6,000 square feet
- f. Mining of nonmetallic minerals
- g. Nightclubs
- h. Tattoo parlors
- i. Carnivals, special events, festivals and concerts
- j. Self-service laundry
- k. Billiard or pool halls; dancing halls, skating rinks; miniature golf or putting courses and bowling alleys
- l. Establishments and lots for the display and 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

These restrictions are appropriate and necessary to ensure the adjoining single family neighborhood is not adversely impacted by the most intense highway services businesses.

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:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL

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