

ORDINANCE NO. 039 - 2023

AN ORDINANCE CHANGING THE ZONE FROM AN INTERCHANGE SERVICE BUSINESS (B-5P) ZONE TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE FOR 30.24 NET (37.36 GROSS) ACRES, FOR PROPERTY LOCATED AT 5380 ATHENS BOONESBORO ROAD AND 5354 ATHENS BOONESBORO ROAD (A PORTION OF), (IVCP ATHENS SOUTH LLC; COUNCIL DISTRICT 12).

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WHEREAS, at a Public Hearing held on January 26, 2023, a petition for a zoning ordinance map amendment for property located at 5380 Athens Boonesboro Road and 5354 Athens Boonesboro Road (a portion of) from an Interchange Service Business (B-5P) zone to a Highway Service Business (B-3) zone for 30.24 net (37.36 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-0; and

WHEREAS, the Urban County 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 5380 Athens Boonesboro Road and 5354 Athens Boonesboro Road (a portion of) from an Interchange Service Business (B-5P) Zone to a Highway Service Business (B-3) zone for 30.24 net (37.36 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 following use restrictions are imposed via conditional zoning:

a. Prohibited Uses:

- i. Establishments and lots for the display, rental, sale service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks boats, travel trailers, mobile homes, or supplies for such items.
- ii. Minor or major automobile and truck repair.
- iii. Pawnshops.
- iv. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- v. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership.

These restrictions are appropriate and necessary to restrict those land uses that could have a negative impact on the surrounding agricultural zones and Athens Boonesboro Road, a major gateway into the Lexington Fayette Urban County. These restrictions will protect the aesthetic character of the Athens Boonesboro Road gateway, as recommended by the 2017 Rural Land Management Plan (RLMP).

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: April 25, 2023



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MAYOR

ATTEST:



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CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: May 2, 2023-1t

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