

ORDINANCE NO. ____ - 2023

AN ORDINANCE MODIFYING CONDITIONAL ZONING RESTRICTIONS IN A NEIGHBORHOOD BUSINESS (B-1) ZONE FOR 0.485 NET (0.666 GROSS) ACRES, FOR PROPERTY LOCATED AT 509 EAST MAIN STREET. (509 E. MAIN, LLC; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on October 12, 2023, a petition for a zoning ordinance map amendment modifying the conditional zoning restrictions in a Neighborhood Business (B-1) zone limiting uses related to retail sale of only certain merchandise on the property, for 0.485 net (0.666 gross) acres, for property located at 509 East Main Street, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 6-2; 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 modification of conditional zoning restrictions in a Neighborhood Business (B-1) zone limiting uses related to retail sale of only certain merchandise on the property, for 0.485 net (0.666 gross) acres, for property located at 509 East Main Street, 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 shall apply:

- A. The permitted uses on the property, as regulated by Section 8-16 of the Zoning Ordinance for the Neighborhood Business (B-1) zone, shall be:
1. Professional services including, but not limited to, financial services, legal services, business offices, medical and dental offices.
 2. Schools for academic instruction.
 3. Libraries, museums, art galleries, and reading rooms.
 4. Studios for work or teaching of fine arts.
 5. Community centers and private clubs.
 6. Ticket and travel agencies.
 7. Kindergartens, nursery schools and childcare centers.
 8. Restaurants and brew-pubs.
 9. Establishments for the retail sale of merchandise.

10. Beauty shops and barber shops.
 11. Shoe repair, clothing alterations, and tailoring services.
 12. Dwelling units.
 13. Athletic club facilities.
 14. Banquet facilities.
 15. Adult daycare facilities.
 16. Places of religious assembly.
 17. Nursing homes, personal care facilities and assisted living facilities.
 18. Rehabilitation homes.
 19. Day shelter.
 20. Establishments of the retail sale of food products.
 21. Accessory parking areas.
- B. No merchandise for sale will be displayed on the building's porch or in the front or side yards.
- C. The Parking lot will be screened from Forest Avenue by the brick wall and landscaping shown on the submitted development plan.
- D. Business signage on the property shall be limited to one freestanding sign, with indirect illumination, not to exceed 3 1/2 feet in height, to be constructed of natural materials such as wood and be consistent with the architecture of the principal structure.

These restrictions are appropriate and necessary to allow for reasonable utilization of the property, and to protect the character of the Bell Court Historic Area and the Main Street corridor.

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

PUBLISHED:

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