

ORDINANCE NO. 078 - 2024

AN ORDINANCE GRANTING A WAIVER TO THE KENTUCKY TRANSPORTATION CABINET OF CERTAIN REQUIREMENTS OF ORDINANCE NO. 85-2008, OTHERWISE KNOWN AS THE NEWTOWN PIKE LANDSCAPE ORDINANCE, AS RECOMMENDED BY THE CORRIDORS COMMISSION PURSUANT TO SECTION 2-472 OF THE CODE OF ORDINANCES, ON PROPERTIES LOCATED AT 1445, 1433, 1425 AND 1419 NEWTOWN CENTER WAY AND 789 NEWTOWN SPRINGS DRIVE, AS FOLLOWS: GRANTING AN EXEMPTION FROM THE TWENTY FOOT BUFFER AREA; ALLOWING WALKWAY/BIKE PATH CONNECTIONS TO THE LEGACY TRAIL; ALLOWING THE MAINTENANCE OF EXISTING THREE PLANK FENCE ON DEVELOPED PROPERTIES AND CONSTRUCTION AND MAINTENANCE OF THREE PLANK FENCE ON UNDEVELOPED PROPERTIES; AND ALLOWING REPLACEMENT OF TREES AND OTHER PLANTINGS CURRENTLY LOCATED IN THE SEVENTY-FIVE-FOOT LANDSCAPING BUFFER WITH AN IN-KIND REPLACEMENT ON THE PROPERTIES.

WHEREAS, Ordinance No. 85-2008, otherwise known as the Newtown Pike Landscape Ordinance, imposes certain requirements regarding landscaping, buffering, and fencing along the segment of Newtown Pike corridor between West Main Street and the Urban Service Area boundary; and

WHEREAS, Section 2-472 of the Code of Ordinances of the Lexington-Fayette Urban County Government allows the Corridors Commission to recommend granting a waiver to the certain requirements of Ordinance No. 85-2008, subject to Council approval.

WHEREAS, the Kentucky Transportation Cabinet (KYTC) is widening Newtown Pike and constructing a tunnel under Newtown Pike for connection to the Legacy Trail; and

WHEREAS, the Kentucky Transportation Cabinet has requested a waiver of certain requirements in Ordinance No. 85-2008 for the properties designated as 1445, 1433, 1425 and 1419 Newtown Center Way, and 789 Newtown Springs Drive, Lexington, Kentucky (hereinafter "the Properties"); and

WHEREAS, the Corridors Commission having reviewed the waiver request, has recommended to the Urban County Council that the waiver requested by the Kentucky Transportation Cabinet be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That, notwithstanding Ordinance No. 85-2008, the Kentucky Transportation Cabinet be and hereby is granted a waiver from the twenty-foot buffer area for the Properties that would otherwise be required.

Section 2 – That, notwithstanding Ordinance No. 85-2008, the Kentucky

Transportation Cabinet be and hereby is granted a waiver to allow connection of walkway/bike paths to the Legacy Trail.

Section 3 – That, notwithstanding Ordinance No. 85-2008, the Kentucky Transportation Cabinet be and hereby is granted a waiver to maintain the existing three-plank fence on the Properties which are already developed, and to construct and maintain the extension of three-plank fence on the Properties which are currently undeveloped as they develop.

Section 4 – That, notwithstanding Ordinance No. 85-2008, the Kentucky Transportation Cabinet be and hereby is granted a waiver to replace trees and other plantings currently located in the seventy-five-foot landscaping buffer with an in-kind replacement on the Properties.

Section 5 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 9, 2024



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: July 16, 2024-1t
0700-24:MRS: 4893-0318-4333, v. 1