

ORDINANCE NO. _____-2017

AN ORDINANCE CHANGING THE ZONE FROM A HIGHWAY SERVICE BUSINESS (B-3) ZONE TO A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE, FOR 0.44 NET (0.60 GROSS) ACRE, FOR PROPERTY LOCATED AT 757 NEWTOWN PIKE. (SCW NEWTOWN, LLC; COUNCIL DISTRICT 1).

WHEREAS, at a Public Hearing held on September 28, 2017 a petition for a zoning ordinance map amendment for property located at 757 Newtown Pike from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone for 0.44 net (0.60 gross) acre, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change 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 757 Newtown Pike from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone for 0.44 net (0.60 gross) acre, 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 restrictions shall apply for the subject property:

PROHIBITED USES:

- a. Major automobile and truck repair.
- b. Laundries and dyeing shops, and laundry pick-up stations.
- c. Ice plant.
- d. Tire re-treading and re-capping.
- e. Machine shop.
- f. Establishments and lots for display rental, repair or sale of farm equipment, automobiles, truck, mobile homes, recreational vehicles, motorcycles or boats, and supplies for such.
- g. Truck terminals and freight yards.
- h. Automobile service stations.

- i. Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.
- j. Circuses and carnivals.
- k. Retail sale of building materials, hardware-related items and lumber.
- l. Pawnshops.
- m. Parking lots and structures as principal uses.
- n. Outdoor speakers and public address systems.
- o. Mining of non-metallic minerals.

These land use restrictions are appropriate and necessary at this location to ensure that the proposed commercial development of the subject property will not negatively impact the nearby elementary school and residential neighborhoods in this area, and to be consistent with the restrictions in place for other B-4 sites along the Newtown Pike 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

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