

ORDINANCE NO. _____-2017

AN ORDINANCE CHANGING THE ZONE FROM A TWO FAMILY RESIDENTIAL (R-2) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.37 NET (0.52 GROSS) ACRE, FOR PROPERTY LOCATED AT 834 & 838 W. MAXWELL STREET AND 412 CROSS STREET; AND FROM A HIGH DENSITY APARTMENT (R-4) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 1.53 NET (1.90 GROSS) ACRES, FOR PROPERTY LOCATED AT 701-731 PINE STREET (ODD ADDRESSES ONLY) AND A PORTION OF 420 CROSS STREET. (ABD HOLDINGS, LLC & EARTHMAN, LLC; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on May 25, 2017 a petition for a zoning ordinance map amendment for property located at 834 & 838 W. Maxwell Street and 412 Cross Street Drive from a Two Family Residential (R-2) zone to a Neighborhood Business (B-1) zone for 0.37 net (0.52 gross) acre; and for property located at 701 -731 Pine Street (odd addresses only) and a portion of 420 Cross Street from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone, for 1.53 net (1.90 gross) acres was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 7-0; 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 834 & 838 W. Maxwell Street and 412 Cross Street Drive from a Two Family Residential (R-2) zone to a Neighborhood Business (B-1) zone for 0.37 net (0.52 gross) acre; and for property located at 701-731 Pine Street (odd addresses only) and a portion of 420 Cross Street from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone for 1.53 net (1.90 gross) acres, 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 uses shall be prohibited for the subject property

via conditional zoning:

- a. Drive-through windows.
- b. Automobile service stations; automobile and vehicle refueling stations; and gasoline pumps.
- c. Carnivals, festivals and concerts.
- d. Funeral homes.

These restrictions are appropriate because they will limit inappropriate uses within or nearby a local historic district located near downtown Lexington.

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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