

ORDINANCE NO. _____-2016

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1A) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.92 NET (1.15 GROSS) ACRES, FOR PROPERTY LOCATED AT 2400 VERSAILLES ROAD (FLYING DUTCHMAN PROPERTIES, LLC; COUNCIL DISTRICT 11).

WHEREAS, at a Public Hearing held on April 28, 2016 a petition for a zoning ordinance map amendment for property located at 2400 Versailles Road from a Single Family Residential (R-1A) zone to a Neighborhood Business (B-1) zone for 0.92 net (1.15 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, 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 2400 Versailles Road from a Single Family Residential (R-1A) zone to a Neighborhood Business (B-1) zone for 0.92 net (1.15 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 use and buffering restrictions are proposed for the subject property via conditional zoning:

Prohibited Uses

- a. Drive-through facilities.
- b. The sale or provision of wine, beer or alcoholic beverages, other than by the drink.
- c. Live entertainment and /or dancing.
- d. Cocktail lounges, brew-pubs and nightclubs.
- e. Automobile service stations.
- f. Arcades, including pinball and electronic games.
- g. Sale of firearms other than by federally licensed manufacturers, importers or dealers.
- h. Car washing establishments.
- i. Pool tables, within an establishment, even as an

accessory use.

- j. Automobile and vehicle refueling stations.

Other Use Restrictions

- a. A landscape buffer of at least twenty-five (25) feet in width shall be provided along the southern property boundary, with plantings as specified by Article 18-3(a)(1)2 if the zoning ordinance including the retention of any tree that is at least 4" in diameter at breast height (DBH) in size and the evergreen hedgerow (taxus). Any tree 4" DBH or larger and the evergreen hedgerow may only be removed if diseased or dying, and only with the written permission of the Urban Forester.
- b. Outdoor lighting shall be shielded and directed away from any adjacent residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.
- c. Any free-standing sign erected shall be a maximum of ten (10) feet in height.

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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