

ORDINANCE NO. _16____-2017

AN ORDINANCE CHANGING THE ZONE FROM A HIGHWAY SERVICE BUSINESS (B-3) ZONE, WITH CONDITIONS, TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE, WITH MODIFIED CONDITIONS, FOR 1.44 NET (1.85 GROSS) ACRES, FOR PROPERTY LOCATED AT 3101 WALL STREET (HAYMAKER DEVELOPMENT CO., LLC; COUNCIL DISTRICT 10).

WHEREAS, at a Public Hearing held on December 15, 2016 a petition for a zoning ordinance map amendment for property located at 3101 Wall Street from a Highway Service Business (B-3) zone, with conditions, to a Highway Service Business (B-3) zone, with modified conditions, for 1.44 net (1.85 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 7-1; 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 3101 Wall Street from a Highway Service Business (B-3) zone, with conditions, to a Highway Service Business (B-3) zone, with modified conditions, for 1.44 net (1.85 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 on the subject property via conditional zoning:

- a. Establishment and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
- b. Indoor amusement, such as billiard or pool halls, dancing halls, skating rinks, miniature golf or putting courses, theatres, or bowling alleys.

- c. Self-service laundry.
- d. Shoe repair, clothing alteration, tailoring services and tattoo parlors.
- e. Carnivals, even on a temporary basis.
- f. Taxidermy establishments.
- g. Pawnshops.
- h. Commercial parking lots and structures, pay for parking.
- i. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- j. Advertising signs (and billboards) as defined in Article 17-7(3)(b)(1) of the Zoning Ordinance.
- k. Free-standing signs taller than 10' 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: February 9, 2017

/s/ Jim Gray
MAYOR

ATTEST:
/s/ Martha Allen
CLERK OF URBAN COUNTY COUNCIL

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