

ORDINANCE NO. _____-2013

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A MIXED-USE COMMUNITY (MU-3) ZONE, FOR 49.17 NET (54.73 GROSS) ACRES; AND FROM A SINGLE FAMILY RESIDENTIAL (R-1D) ZONE TO A MIXED-USE COMMUNITY (MU-3) ZONE, FOR 0.65 NET (0.82 GROSS) ACRES; FOR PROPERTY LOCATED AT 4100 NICHOLASVILLE ROAD AND 104, 108 AND 112 EAST TIVERTON WAY, INCLUDING DIMENSIONAL VARIANCES (BAYER PROPERTIES, LLC; COUNCIL DISTRICT 9).

WHEREAS, at a Public Hearing held on June 27, 2013, a petition for a zoning ordinance map amendment for property located at 4100 Nicholasville Road from an Agricultural Urban (A-U) zone to a Mixed-Use Community (MU-3) zone for 49.17 net (54.73 gross) acres; and for property located at 104, 108 and 112 East Tiverton Way from a Single Family Residential (R1-D) zone to a Mixed-Use Community (MU-3) zone for 0.65 net and (0.83 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change including dimensional variances 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 4100 Nicholasville Road from an Agricultural Urban (A-U) zone to a Mixed-Use Community (MU-3) zone for 49.17 net (54.73 gross) acres; and for property located at 104, 108 and 112 East Tiverton Way from a Single Family Residential (R1-D) zone to a Mixed-Use Community (MU-3) zone for 0.65 net and (0.83 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:

- a. Within 75 feet of any single family residential use, no

commercial or business use shall be permitted

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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