

ORDINANCE NO. _____-2019

AN ORDINANCE AMENDING ORDINANCE NO. 184-2016 TO CORRECTLY STATE CONDITIONAL ZONING RESTRICTIONS THAT WERE APPROVED AS PART OF THE ZONING MAP AMENDMENT CHANGING THE ZONE FROM A LIGHT INDUSTRIAL ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE FOR 0.35 NET (0.54 GROSS) ACRE, FOR PROPERTIES LOCATED AT 561, 563 AND 565 E. THIRD STREET; AND A DOWNTOWN FRAME BUSINESS (B-2A) ZONE, FOR 2.38 NET (3.95 GROSS) ACRES, FOR PROPERTIES LOCATED AT 556 AND 576 E. THIRD STREET; AND 225, 261 AND 265 MIDLAND AVENUE, AND 250 LEWIS STREET.

WHEREAS, the Lexington-Fayette Urban County Government approved a zoning map amendment for property located at 556, 561, 563, 565 and 576 E. Third Street, and 225, 261 and 265 Midland Avenue, and 250 Lewis Street with conditional zoning restrictions on November 3, 2016 pursuant to Ordinance No. 184-2016; and

WHEREAS, the ordinance inadvertently failed to correctly state the conditional zoning restrictions for prohibited uses in the B-2A zone, which were recommended by the Planning Commission, and included in the report from the Planning Commission; and

WHEREAS, there is no dispute that the conditional zoning restrictions were recommended to and adopted by the Urban County Council, Ordinance No. 184-2016 should be amended to accurately reflect the conditional zoning restrictions for the B-2A zone.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 2 of Ordinance No. 184-2016 be and hereby is amended to read as follows:

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:

B-2A-Prohibited Uses:

1. Establishments for the display, rental or sale of automobiles, motorcycles, trucks, farm equipment, or boats or supplies for such vehicles.
2. Minor automobile and truck repair.
3. Pawnshops.
4. Wholesale establishments.
5. Any type of adult entertainment, adult arcades, massage parlors, adult video stores and adult bookstores.
6. Passenger transportation terminals (does not include bus

- stops).
7. Drive-through facilities.

B-1 Zone-Prohibited Uses

1. Automobile service stations, automobile and vehicle refueling stations, and/or gas pumps.
2. Repair of household appliances, other than computers or electronics.
3. Outdoor miniature golf or putting courses.
4. Circuses or carnivals, even on a temporary basis.
5. Indoor theaters and arcades, including pinball and electronic games.
6. Drive-through facilities.
7. Establishments for the retail or package sale of liquor, beer or wine.

Section 2 – That the remainder of Ordinance No. 184-2016 remains unchanged and in effect.

Section 3 - That this Ordinance shall become effective upon the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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