

ORDINANCE NO. \_\_\_\_\_-2012

AN ORDINANCE AMENDING ARTICLE 23A-9(k) OF THE ZONING ORDINANCE TO AMEND THE REQUIREMENTS OF THE COMMUNITY CENTER (CC) ZONE TO ALLOW A BUILDING TO EXCEED 50,000 SQUARE FEET IN SIZE.

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 23A-9(k) of the Zoning Ordinance to amend the requirements of the community center (CC) zone to allow a building to exceed 50,000 square feet in size; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on August 23, 2012; and

WHEREAS, the Planning Commission did recommend APPROVAL of the staff alternative text amendment by a vote of 5-4; 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 by reference herein.

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

Section 1 – That Article 23A-9(k) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

ARTICLE 23A COMMUNITY CENTER (CC) ZONE

23A-9(k) SPECIAL PROVISIONS

1. At least 25% of the net developable acreage of any development within a CC zone shall be open space.
2. At least 40% of the aggregated floor area of buildings within a development in a CC zone shall be devoted to residential uses as permitted in EAR-3; schools, churches and their accessory structures; and public buildings.
3. No building shall exceed 15,000 square feet in floor area unless;
  - a. the building contains a mix of residential and non-residential uses; or
  - b. the building is designed and intended to be used for a school, church or public building; or
  - c. the building is designed and intended to be used principally as a store selling food, produce and other grocery items (not primarily general merchandise) and not exceeding 50,000 square feet; and
  - d. One additional building exceeding 50,000 square feet which is designed and intended to be used primarily as a store selling general merchandise, including food, produce and other grocery items, shall be permitted, but

only under the following conditions:

1. the proposed building shall be located within a CC zone containing at least 30 net contiguous acres, and that has frontage on an interstate interchange;
  2. the building shall be part of an integrated development governed for all contiguously zoned CC land (excluding right-of-way) by a single development plan; and
  3. any building exceeding 80,000 square feet in size shall also adhere to the " Design Guidelines for 'Big-Box' Establishments," excluding guideline numbers 6 and 14, which are contrary to other provisions of the CC zone. Such design guidelines shall be met unless waived by the Planning Commission through its approval of a final development plan.
4. Parking areas shall be designed so as to minimize the placement of parking between the buildings and the adjoining streets.
  5. Each development within a CC zone shall have access to a pedestrian accessway.
  6. Each development shall provide suitable facilities for the parking of bicycles.
  7. The development shall be screened from adjoining zones as for a business zone under Article 18-3(a)(1).
  8. Structures shall be sited to avoid the rear of the building facing a street (other than an alley) to the greatest extent practicable.

Section 2 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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Clerk of Urban County Council

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