

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1D) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.53 NET (0.62 GROSS) ACRE, FOR PROPERTY LOCATED AT 355 AMERICAN AVENUE. (BLUEGRASS CUSTARD, LLC; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on August 26, 2021, a petition for a zoning ordinance map amendment for property located at 355 American Avenue from a Single Family Residential (R-1D) zone to a Neighborhood Business (B-1) zone for 0.53 net (0.62 gross) acre, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change 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 355 American Avenue from a Single Family Residential (R-1D) zone to a Neighborhood Business (B-1) zone for 0.53 net (0.62 gross) acre, more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That under the provisions of Article 6-7 of the Zoning Ordinance, the following buffering and use restrictions shall apply via conditional zoning:

- a. There shall be no exterior lighting greater than 12 feet in height and all lighting be shielded and directed downward.
- b. Prohibited Uses:
 1. Automobile Service Stations.
 2. Car Washes

These restrictions are appropriate and necessary to reduce the potential impact of the allowable uses on neighboring lower intensity uses, while also restricting the highest nuisance producing uses in the zone.

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: October 14, 2021

Linda Gorton

MAYOR

ATTEST:

[Signature]

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: October 21, 2021- 1t

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