

ORDINANCE NO. 12 -2014

AN ORDINANCE CHANGING THE ZONE FROM A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, TO A NEIGHBORHOOD BUSINESS (B-1) ZONE FOR 0.8108 NET (1.0549 GROSS) ACRES; AND FROM A PROFESSIONAL OFFICE (P-1) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.7561 NET (0.8127 GROSS) ACRES, FOR PROPERTIES LOCATED AT 1009 AND 1017 WELLINGTON WAY. (RTA FAMILY TRUST, ROYCE G. PULLIAM, TRUSTEE; COUNCIL DISTRICT 10)

WHEREAS, at a Public Hearing held on December 19, 2013, a petition for a zoning ordinance map amendment for properties located at 1009 and 1017 Wellington Way from a Planned Neighborhood Residential (R-3) zone, to a Neighborhood Business (B-1) zone for 0.8108 net (1.0548 gross) acres; and form a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.7561 net (0.8127 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-1; 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 1009 and 1017 Wellington Way from a Planned Neighborhood Residential (R-3) zone, to a Neighborhood Business (B-1) zone for 0.8108 net (1.0548 gross) acres; and form a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.7561 net (0.8127 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 use of the subject property shall be restricted as follows:

PROHIBITED USES

- a. Automobile service stations.
- b. Repair of household appliances.
- c. Retail sale of plant, nursery or greenhouse products.
- d. Miniature golf or putting courses.
- e. Carnivals.
- f. Arcades, including pinball and electronic games.
- g. Banquet facilities.
- h. Rental of equipment whose retail sale is permitted in the B-1 zone.
- i. Outdoor live entertainment, cocktail lounges, brew-pubs or nightclubs.
- j. Upholstery shops.
- k. Circuses.
- l. Automobile and truck refueling stations.

OTHER USE RESTRICTIONS

a. Retail sales and other uses first permitted in the B-1 zone shall be limited to the first floor of the structure.

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.

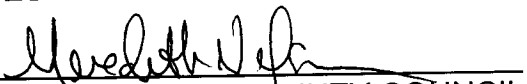
Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: February 13, 2014

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

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