

ORDINANCE NO. _____ - 2021

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A LIGHT INDUSTRIAL (I-1) ZONE, FOR 45.08 NET (46.74 GROSS) ACRES, FOR PROPERTY LOCATED AT 1180 NEWTOWN PIKE. (EXETER NEWTOWN LAND, LLC; COUNCIL DISTRICT 1).

WHEREAS, at a Public Hearing held on November 19, 2020, a petition for a zoning ordinance map amendment for property located at 1180 Newtown Pike from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone, for 45.08 net (46.74 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 10-0; 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 1180 Newtown Pike from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone, for 45.08 net (46.74 gross) acres, 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 conditional zoning restrictions in the Light Industrial (I-1) Zone shall apply:

- a. Prohibited Uses:
 1. Self-storage warehousing;
 2. Outdoor storage, excluding fleet storage associated with parcel delivery stations;
 3. Billboards;
 4. All above ground and underground storage liquid fuel tanks;
 5. On-site disposal of any hazardous waste materials;
 6. Mining of non-metallic minerals and/or radium
- b. There shall be a 30-foot landscaping buffer along the northern and eastern property boundaries of the subject property where adjacent to R-1D or R-3 zoning and developed with a residential land use.
- c. All establishments and facilities that store, or transport

hazardous materials shall be designed to provide spill containment facilities and shall have emergency response plans approved by the appropriate Hazmat regulators (DEEM, Fire Department, or EPA, as necessary), as required by law.

These restrictions are appropriate and necessary for the following reasons:

1. To reduce the potential impact of allowable industrial uses on the adjacent neighborhood.
2. To reduce the potential impact of lighting and sound on the adjacent neighborhood.
3. The Planning Commission has adopted a Wellhead Protection Plan for the Royal Spring Aquifer, which sets forth a plan to ensure a continual source of potable groundwater from Royal Spring for Georgetown and Scott County, and to preserve the integrity of surface waters. This plan has been approved by the Kentucky Division of Water on 8/28/03.
4. The proposed restrictions within the Wellhead Protection Area will better protect the surface and groundwater in the area by prohibiting some uses and requiring "best management practices" for other uses that could potentially be harmful to the wellhead, thus ensuring greater compliance with the Royal Spring Wellhead Protection Plan.
5. The proposed restriction will better protect the adjacent Cane Run Creek and associated environmentally sensitive areas from uses that could potentially be harmful to the stream.

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
PUBLISHED: