

ORDINANCE NO. _____-2016

AN ORDINANCE CHANGING THE ZONE FROM A LIGHT INDUSTRIAL (I-1) 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. (COMMUNITY VENTURES PROPERTIES, LLC; COUNCIL DISTRICT 1).

WHEREAS, at a Public Hearing held on September 22, 2016 a petition for a zoning ordinance map amendment for property located at 561, 563 and 565 E. Third Street from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone for 0.35 net (0.54 gross) acre; 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, 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 561, 563 and 565 E. Third Street from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone for 0.35 net (0.54 gross) acre; 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, 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 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. Machine shop.
6. Passenger transportation terminals (does not include bus stops).
7. Establishments for the retail or package sale of liquor, beer or wine.

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 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

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