

ORDINANCE NO. ____ - 2023

AN ORDINANCE CHANGING THE ZONE FROM A HIGHWAY SERVICE BUSINESS (B-3) ZONE TO A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE, FOR 0.91 NET (1.16 GROSS) ACRES, FOR PROPERTY LOCATED AT 763 NEWTOWN PIKE. (763 NEWTOWN, LLC; COUNCIL DISTRICT 1).

WHEREAS, at a Public Hearing held on May 25, 2023, a petition for a zoning ordinance map amendment for property located at 763 Newtown Pike from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.91 net (1.16 gross) acres, 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 763 Newtown Pike from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.91 net (1.16 gross) acres, being 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 use restrictions are imposed via conditional zoning:

a. Prohibited Uses:

- i. Ice Plants.
- ii. Tire re-treading and re-capping.
- iii. Outdoor storage and display of equipment and inventory associated with establishments and lots for rental, repair or sale of automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats.
- iv. Truck terminals and freight yards.
- v. Automobile and service stations.
- vi. Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.
- vii. Circuses and carnivals.
- viii. Mining.
- ix. Kennels and animal hospitals.
- x. Major or minor automobile and truck repair, except for vehicles used accessory to the business.

- xi. Parking lots and structures as principal uses.
- xii. All above ground and underground storage tanks.

Landscaping and Buffering

1. A 50-foot building setback shall be established from any mobile home (at their present locations; excluding any porches, stairs or attached accessory structures) located within the mobile home park to the north of the subject property.
2. A 10-foot land use buffer shall be provided along the property line adjoining the mobile home park, consisting of a 6-foot tall privacy fence, with one tree per 20 feet, planted on center.
3. There shall be no outside loudspeakers.
4. Exterior lighting shall be designed to prevent light shining directly from the source to the adjoining mobile home park to the north.

These restrictions are appropriate and necessary for the following reasons:

1. These restrictions help protect and buffer the adjoining residential and public uses from potentially incompatible land uses and development.
2. These restrictions help preserve the integrity of the Royal Springs Aquifer Recharge Area.
3. The modification of the permitted uses maintains consistency with existing conditional use restrictions in this area, and helps promote employment that is appropriate along Lexington's designated freight corridor.

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:

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