

ORDINANCE NO. _____-2017

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL RURAL (A-R) ZONE TO AN ECONOMIC DEVELOPMENT (ED) ZONE, FOR 7.70 NET (9.53 GROSS) ACRES, FOR PROPERTY LOCATED 2050 NEWTOWN PIKE. (ANDERSON ACQUISITIONS, LLC; COUNCIL DISTRICT 12).

WHEREAS, at a Public Hearing held on October 26, 2017 a petition for a zoning ordinance map amendment for property located at 2050 Newtown Pike from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone for 7.70 net (9.53 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 2050 Newtown Pike from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone for 7.70 net (9.53 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 following use restrictions within the Royal Springs Aquifer and Wellhead Protection Area shall apply via conditional zoning:

- a. All above ground and underground storage tanks shall be designed to have spill containment facilities.
- b. 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 regulator (DEEM, Fire Department, or EPA, as necessary.).
- c. On-site disposal of any hazardous waste materials shall be prohibited.
- d. Mining of non-metallic minerals and/or radium extraction

shall be prohibited.

These restrictions are both appropriate and necessary for the subject property for the following reasons:

1. 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 the Royal Spring for Georgetown and Scott County, and to preserve the integrity of surface waters. This plan has been adopted by both the Planning Commissions of Fayette and Scott Counties, and has been approved by the Kentucky Division of Water.
2. 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.

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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