

ORDINANCE NO. \_\_\_\_\_ - 2023

AN ORDINANCE MODIFYING A CONDITIONAL ZONING RESTRICTION IN THE NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.92 NET (1.15 GROSS) ACRES, FOR PROPERTY LOCATED AT 2400 VERSAILLES ROAD (CALLER PROPERTIES, LLC; COUNCIL DISTRICT 10).

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WHEREAS, at a Public Hearing held on January 26, 2023, a petition for a zoning ordinance map amendment for property located at 2400 Versailles Road to modify the conditional zoning restriction in the Neighborhood Business (B-1) zone, for 0.92 net (1.15 gross) acres, was presented to the Urban County Planning Commission, said Commission recommending disapproval of the zone change by a vote of 5-3; and

WHEREAS, this Council disagrees 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 modification in the conditional zoning restrictions for property located at 2400 Versailles Road in a Neighborhood Business (B-1) zone, for 0.92 net (1.15 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 to modify the conditional zoning restrictions is made subject to the following:

1. The conditional zoning restriction on the subject property which prohibits “drive-through facilities” shall be removed in order to permit a drive-through coffee shop as a principal use on the subject property, and all other conditional zoning restrictions shall remain on the property.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:
  - a. Prohibited Uses:
    - i. The sale or provision of wine, beer or alcoholic beverages, other than by the drink.
    - ii. Live entertainment and/or dancing.
    - iii. Cocktail lounges, brew-pubs and nightclubs.
    - iv. Automobile service stations.
    - v. Arcades, including pinball and electronic games.
    - vi. Car washing establishments.
    - vii. Pool tables within an establishment, even as an accessory use.
    - viii. Automobile and vehicle refueling stations.

- b. A landscape buffer of at least twenty-five (25) feet in width shall be provided along the southern property boundary, with plantings as specific by Article 18-3(a)(1)(2) of the Zoning Ordinance including the retention of any tree that is at least 4" in diameter at breast height (DBH) in size. Any tree 4" DBH or larger may only be removed if diseased or dying, and only with the written permission of the Urban Forester.
- c. Outdoor lighting shall be shielded and directed away from any adjacent residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.
- d. Any free-standing sign erected shall be a maximum of ten (10) feet in height.

These use and buffering restrictions are appropriate and necessary to ensure greater compliance with the 2013 Comprehensive Plan, and to provide protection to the adjacent residential land uses.

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:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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